



# Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT  
FIRST SESSION  
2018

LEGISLATIVE ASSEMBLY

Thursday, 22 February 2018



# Legislative Assembly

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**THE DEPUTY SPEAKER (Ms L.L. Baker)** took the chair at 9.00 am, acknowledged country and read prayers.

## SCHOOLS OF THE AIR — CLOSURE

### *Petition*

**MR I.C. BLAYNEY (Geraldton)** [9.01 am]: I have a petition that has been certified as conforming with the standing orders of the Assembly. It has 327 signatures and the petition states —

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

We, the undersigned, say

*That we are opposed to the Government's decision to close the Schools of the Air throughout Western Australia. We believe that the closure of these schools will have an adverse effect on the learning, social interaction and wellbeing of geographically isolated children.*

Now we ask the Legislative Assembly

*To call on Premier Mark McGowan to rescind this decision and keeps Schools of the Air open.*

I would like to acknowledge the work of Caroline Ward of Lake Violet Station via Wiluna for managing to get 327 signatures in Wiluna.

[See petition 64.]

## COMMUNITY RESOURCE CENTRES

### *Petition*

**MR P.J. RUNDLE (Roe)** [9.02 am]: I have a petition that has been certified as conforming with the standing orders of the Legislative Assembly. It contains 83 signatures and is couched in the following terms —

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

We, the undersigned, say that Community Resource Centres provide a vital service to regional communities, including access to government services, technology, professional services. They provide opportunity for employment and training and partner with community organisations to attract further funding to enhance the communities they are part of. These centres have evolved beyond simply providing access to technology and are considered by communities to be an essential service in regional WA.

**Now we ask the Legislative Assembly of Western Australia to call on Premier Mark McGowan to ensure adequate funding to support the ongoing operation of all CRCs, without reducing their capacity to deliver services.**

[See petition 65.]

## CITY OF SWAN — JOHN BRUCE MARTIN

### *Petition*

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [9.03 am]: I have a petition that has been certified by the clerks, contains one signature and is in the following terms —

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

We the undersigned, say Local Government should not be Heavy Handed when dealing with individual ratepayers.

Now we ask the Legislative Assembly to investigate Heavy Handed actions by the City of Swan, over a long period, against John Bruce Martin.

[See petition 66.]

## PAPERS TABLED

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

**FLY IN, FLY OUT WORKERS — MENTAL HEALTH — CODE OF PRACTICE***Statement by Minister for Commerce and Industrial Relations*

**MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations)** [9.04 am]: I rise to inform the house of the McGowan government's action to protect fly in, fly out workers' mental health. Tragically, on average, one Western Australian dies by suicide every day. The McGowan government is committed to driving change in mental health and improving workplace health and safety. As members will recall, in 2014 the Education and Health Standing Committee held an inquiry into the impact of FIFO work arrangements on mental health. In 2015, this inquiry recommended that government implement a code of practice to promote better mental and emotional health amongst FIFO workers. The former government did not respond to this report and did nothing to implement this important recommendation.

One of my first acts as minister was to ask the Department of Mines, Industry Regulation and Safety for information on the progress of the inquiry's important recommendation. On 27 July 2017, I asked the Department of Mines, Industry Regulation and Safety to develop a code of practice to give effect to the inquiry's recommendation. The department worked with the Mining Industry Advisory Committee, a tripartite body tasked with providing advice to government on occupational health and safety issues relevant to the mining sector, to prepare a draft code. I am pleased to inform the house that the draft code was recently completed and the department has commenced a two-month public consultation process. More information is available on the department's website.

The McGowan government is committed to assisting FIFO workers and improving mental health outcomes. We appreciate that it is important we get the code of practice right to achieve this aim. I would welcome comment and feedback on the draft code's content and any suggested amendments to ensure the code best assists our local workers and their families.

**“SOUTHERN PORTS POST-AMALGAMATION REVIEW”***Statement by Minister for Transport*

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [9.06 am]: I present for tabling the “Southern Ports Post-Amalgamation Review” on the outcomes of the 2014 amalgamation of the Albany, Bunbury and Esperance port authorities, and the establishment of the Southern Ports Authority.

[See paper 1157.]

**Ms R. SAFFIOTI:** The review panel was chaired by Agricultural Region MLC Hon Laurie Graham, and included senior officers of the Department of Transport and the Department of Jobs, Tourism, Science and Innovation. I gave the review panel the job of engaging with management, employees, port users and local councils in Albany, Bunbury, Esperance and Perth to gain a representative cross-section of views on the amalgamation and to undertake an independent analysis of the facts. I had been aware of concerns voiced by some in the community about the amalgamation and was looking forward to the review panel's advice as to the extent to which those concerns were justified and whether further changes are required for the future operation of the ports.

The report concludes that the expected benefits of amalgamation have been partially realised and that there is no case to de-amalgamate or separate Southern Ports, either in whole or in part. It found evidence of increased availability and utilisation of port infrastructure; improved decision-making processes; the ports operating more professionally and to a higher standard of governance than pre-amalgamation; efficiency gains and reduced duplication of effort, to the benefit of port users; improved commercial practices across the three ports; enhanced ability to attract and retain appropriately skilled commercial staff and reduced reliance on consultants; and economies of scale that have, in part, been extended to the provision of port services. The report goes on to find that Southern Ports is actively working to achieve further benefits.

The report also found that a number of the identified risks of amalgamation have materialised but that the problems experienced have been the result of deficiencies in implementation rather than of amalgamation in and of itself. For example, the review panel found that there was a deficiency in change management processes, both pre-amalgamation and post-amalgamation; issues exist in the organisational culture of Southern Ports, but they are isolated rather than systemic, and that the authority should continue to implement its cultural change action plan; and there is a strong perception in Albany and Esperance that the amalgamation has weakened links with the local community. The report recommends that further work is required to mitigate these risks.

I will be working through the board to ensure that the necessary work is undertaken. I also acknowledge that Southern Ports Authority will be facing major challenges, particularly in Esperance port, in responding to potential trade changes over the coming year that are outside its control. I look forward to the port moving forward in close engagement and consultation with its employees, its port users and the local community to meet those challenges. I commend the report to the house.

**WEST PILBARA PLAN***Statement by Minister for Child Protection*

**MS S.F. McGURK (Fremantle — Minister for Child Protection)** [9.09 am]: I rise to speak about the West Pilbara plan, which outlines the McGowan government's response to the multigenerational trauma revealed by the extraordinary prevalence of child sexual abuse in West Pilbara, particularly in the town of Roebourne. The plan will enable the state government to have a strong, coordinated response to West Pilbara issues, with a focus on supporting affected children and their families. It is about government and the community walking side by side to make sure that children are safe, healthy, getting to school, and have a connection to their culture. This response, developed across multiple portfolios, will be delivered through a redesign and reprioritisation of existing services. The state government is working closely with Aboriginal elders and community members to finalise this plan. The West Pilbara plan builds on 18 months of community-led work, including a local initiative called the Roebourne Advantage Plan (6718), to better support children and families in Roebourne.

I am pleased to report that some of the projects and initiatives identified by the community have already been endorsed by the government for action, including: the establishment of a residential facility to support family and cultural healing; the establishment of 10 supported safe houses in and around Roebourne; specialised alcohol and drug services for children and youth; upskilling local service providers and community members on abuse and trauma identification, referral processes, protective behaviours and effective interventions; establishing a Roebourne men's shelter to allow women and children experiencing domestic violence to stay in their home and encourage men to access support; and industry training and job pathways for local people. We know significant change in the community is likely to be seen in only the medium to long term, but the McGowan Labor government is committed to dealing with these deeply entrenched community issues.

**TRANSPORT — SPEED LIMITS AND SIGNAGE — COOKERNUP***Grievance*

**MRS R.M.J. CLARKE (Murray–Wellington)** [9.11 am]: My grievance is to the Minister for Transport. I rise to discuss the speed limit and town signage issue in the small town of Cookernup, which is located just off South Western Highway between Yarloop and Harvey. Almost every town along South Western Highway has signage from both directions on approach to the town site. Cookernup is the exception. Currently, it has only a small street sign at Riverdale Road, which is the town's main entrance. This street sign is extremely difficult to read whilst travelling at 110 kilometres per hour, and it causes many people to miss the turn-off.

I have been regularly attending the town's weekly community get-togethers, and the lack of signage is an issue that has been constantly raised with me. The absence of adequate town signage is a safety issue because, once people realise that they have missed the exit, they often try to turn around to go back to it. People who are not familiar with the area may do a U-turn on South Western Highway rather than try to find the next exit to turn around. This is not easy or safe because drivers cannot see very far into the distance and there is a high volume of trucks and farm vehicles on the road.

The people of Cookernup have also made it clear that the lack of a town sign impacts on the town's sense of identity. Many community members feel that their town is not as well recognised as others in the area. Installing town signs north and south of the Riverdale Road exit would put the town in line with every other town in the area and give this community the recognition that it deserves and has not previously had.

The other concern the town of Cookernup has raised is the speed limit on Riverdale Road, which is mostly 80 kilometres an hour. The speed limit reduces to 60 kilometres an hour near Brockman Road as drivers get closer to the town centre, but the local community is seeking a lower speed limit to cover more of the town's residential area. The push for this has come from town residents' concerns about safety. There has been a lot of hooning and people driving through the town at high speeds, a situation that is not helped by the lack of clear signage. This community was devastated in the 2016 Yarloop and Waroona bushfires and it does not need more heartbreak. The issue of signage in the town has been going on for years, yet nothing has happened to address the community's concerns. There is no doubt that installing speed limit signs through the town and town signs along South Western Highway will greatly increase safety through the area and reduce the risk of a horrific accident taking place. It will also give the people of Cookernup a renewed sense of community identity, which is extremely important in small towns. The people of Cookernup want to know that their voices are being heard and that they are being recognised. Will the minister please explain how the McGowan government is addressing the concerns raised by this community?

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [9.14 am]: I thank the member for Murray–Wellington for her grievance on this issue. The member for Murray–Wellington is a new member of this house, but she is a very strong member who advocates very strongly for her community. I monitor the member for Murray–Wellington's Facebook site and I am always impressed by the number of community events she attends and the strong representation she makes for community. It is a refreshing change to have in this place a member as positive and outgoing as the member for Murray–Wellington. It is very refreshing. The member for Murray–Wellington is very

keen to tackle issues and represent her constituents. It is a great pleasure working with the member and it gives me a lot of pride that she is on this side of the house representing her community. Thank you very much.

The member for Murray–Wellington has raised this issue with me a number of times. I will talk initially about the sign issue—the absence of a town sign for her community. As the member outlined, the community has been discussing this issue for many years and she is very keen to see what we can do. I asked my agency to have a meeting down there and, as I recall, it was held last year.

**Mrs R.M.J. Clarke:** It was January this year.

**Ms R. SAFFIOTI:** It was in January this year. I asked my agency to talk to the shire and local members to see what we could do. As I said, the local member has been talking to residents in the town and pushing the case that Cookernup needs a proper town sign. I am very happy to advise that two new signs will be installed with the name Cookernup. The member for Murray–Wellington will have a couple of new town signs for her area. I think we will be doing that in the next few weeks; that is underway.

The other key issue is speed limit signs. Again, this issue is constantly raised with me. We want to make sure that people understand that there are safety and other issues when they approach and enter smaller towns in particular at a high speed. This is a vexed issue. There are always discussions between councils and Main Roads about who is responsible for signs and where they should be placed. There are always ongoing issues.

I turn to the speed limit on Riverdale Road. A 60-kilometre-an-hour speed zone runs through the town site starting just before the Salisbury Road interjection and ending just after Brockman Road. We are planning to extend the 60-kilometre-an-hour speed zone 220 metres to the west of Brockman Road to cover a farm entrance on the southern side of Riverdale Road. Hopefully, that will improve safety in the area.

I refer to speed zoning signage in the residential area. The structure of the roads does not meet the minimum requirements, but that being said, Main Roads will approach the Shire of Harvey about installing black and yellow 50-kilometre-an-hour reminder signs on these roads to remind people about the need to slow down in this regional town. Hopefully, we have gone part way to providing what the member for Murray–Wellington requested.

I look forward to visiting Cookernup very soon to look at the town and bring the signs. I thank the member for Murray–Wellington again for her promotion of regional Western Australia, her strong voice for regional Western Australia and for working in a constructive way with me and my agency to see what we could do.

#### **GARVEY PARK WETLAND — LOT 603 FAUNTLEROY AVENUE, ASCOT — REZONING**

##### *Grievance*

**MS C.M. ROWE (Belmont)** [9.19 am]: My grievance is to the Minister for Transport; Planning; Lands, Hon Rita Saffioti, MLA. I thank the minister for taking the grievance. My grievance is about a parcel of land in my electorate located at lot 603 Fauntleroy Avenue in Ascot. This piece of land is considered by locals to be part of the iconic Garvey Park precinct. Many constituents have contacted me to express their serious concerns about the zoning of this lot and any potential development, as this wetland presently provides a critical habitat for long-necked turtles and migratory birds. Importantly, this wetland is home to one of the most ecologically significant species of tree in the metropolitan region, *Eucalyptus rudis*, which provides a habitat for various species of fauna. Last week in Parliament, I presented a petition of 3 426 signatures. This petition requested that the minister refrain from developing this lot and instead recognise the environmental importance of this unique tract of wetland as being part of Garvey Park. When I met with members of the Save Garvey Park group on 10 February and I was presented with the petition, over 80 locals were in attendance lending their voices and highlighting the deep community unrest this issue was generating. It is important to note that in the past this wetland has served as a drain from the airport and has been key to stopping any harmful agents from reaching the Swan River in instances of emergency and accidents. Residents are deeply concerned about the prospect of this wetland being developed and want to see lot 603 rezoned to protect and preserve it as the natural parkland that it is today. This tract of wetland is unique and important. We will never look back and regret a decision to protect such parcels of land in our communities. I fully support the locals and request that the minister considers protecting this special parcel of land. Can the minister please outline the government's plans to review the development of lot 603 Fauntleroy Avenue in Ascot.

**MS R. SAFFIOTI (West Swan — Minister for Planning)** [9.21 am]: I thank the member for Belmont for her grievance and for her advocacy on behalf of the residents of the entire electorate of Belmont. This has been an interesting issue that came onto my horizon as minister as an inheritance. As I said, ministers have the opportunity to create new projects and new planning outcomes, but we also deal with a lot of inheritance. This is an issue that we inherited. I will go through some background to let the member for Belmont know where we are at this point.

The City of Belmont is actively pursuing infill and urban regeneration opportunities. One of the more interesting aspects that this government is bringing to the table in the debate about infill and regeneration is trying to make sure that we have sensible infill that is associated with transport developments and public transport in particular. On Sunday, I was with the member for Forrestfield at the entrance of the tunnel for the Forrestfield–Airport Link rail

line. That is an area that I think can be developed as a very exciting precinct, which I know the Shire of Kalamunda supports. In the suburb of Redcliffe and around Redcliffe station, in the member for Belmont's electorate, the opportunity to get very sensible infill is enormous. This government is bringing to the table a plan and a strategy of how to get infill and making sure that we link it very well to new transport infrastructure. As I said, this plan has been underway for many years.

The Ascot subject site was identified as a development area in 2006. It was specifically considered due to the large individual landholding on the site and demand from surrounding landowners wanting to redevelop their properties. The Western Australian Planning Commission has advised that lot 603 was ideally suited for residential development, given the proximity of the site to existing residential areas. In this context, LandCorp acquired the site from the WAPC. In October last year, LandCorp initiated a consultation process that was designed to run for eight months and lead into a structural planning process that was to commence in June this year. To date there have been meetings with individual landowners, walk-throughs with residents and community members, and a formal community workshop at which attendees were invited to share their views about the proposed development. Although lot 603 has been zoned for residential use since the 1970s, it is clear that many people in the community see it as an important park and a sensitive ecological area, as the member for Belmont outlined in her grievance today. The views of the community and those expressed by the member for Belmont have been taken on board.

Further geotechnical and hydrological surveys have been undertaken to assess the site's suitability for development. It has been found that due to the conditions of the site and the surrounding area, the cost of the earthworks, for example, would make this project very difficult to, in a sense, stack up and be viable at this time. I have asked LandCorp to reconsider the development of lot 603 Fauntleroy Avenue in Ascot and I have asked my planning agencies to consider reserving the site for the community and for the future. As with all these decisions, it is not simple because it is underpinned by significant financial transactions. This project was anticipated in the previous government's financial planning, so a financial flow is on the books. We are working across our agencies to see how we can make sure that the financial impact is not negative.

We are working through all the issues; the geotechnical advice about this site is not that positive and there are strong community concerns. As the member outlined, the community is using it and it is a strong community asset, which we all acknowledge. I thank the member for Belmont for the work she has undertaken in representing the interests of the community. Of course, the adjacent property owners have been looking forward to further development, so that is something we will need to address as well. We are working through the issues to see how we can deliver a solution that represents the strong community views but does not hinder our finances in a significant way. I thank the member for her grievance. We will keep working on this and, hopefully, we will be able to announce a solution very soon.

## TRAIN STATION — SOUTH PERTH

### *Grievance*

**MR J.E. McGRATH (South Perth)** [9.27 am]: My grievance this morning is to the Minister for Transport; Planning about the state government's position on the construction of a train station in South Perth. It is no secret that, as member for South Perth and a long-time resident of Como, I have been a strong supporter of the plan to revitalise the area around the South Perth peninsula, with a train station linking to a redeveloped precinct for a commercial and residential area between Richardson Park and Judd Street, which is near the overpass from Mill Point Road, over to the freeway and onto the Narrows Bridge, and also a revitalised Mends Street precinct, which we are already seeing happening.

The minister would be aware that the concept of a South Perth train station was flagged by the Gallop government as part of the planning for the Perth–Mandurah rail project in 2002. A South Perth station concept design report that was commissioned by the Perth urban rail development project stated that at the time the low user number estimated for a South Perth train station did not provide sufficient justification for the project. However, the report stated —

If the picture of substantial growth/change can be presented as an inevitable and real phenomenon for the precinct—then there is a justification for setting up the infrastructure that is proposed in order to meet this need in the long term.

I have to say that the then Minister for Planning and Infrastructure, Hon Alannah MacTiernan, agreed to realign the freeway to provide a footprint for the station when it happens and that realignment has taken place.

On 15 August 2017, *The West Australian* printed quite a positive article about the future of South Perth. It stated that over the next decade or so South Perth is estimated to have around 55 000 residents, 680 apartments and 190 short-stay apartments. It is evident that there has been strong development interest and activity within the South Perth station precinct, which demonstrates a high level of confidence in the market for medium to high-density residential development. If we look at the level of development and construction activity being undertaken so far, the City of South Perth has estimated that a South Perth train station could achieve boarding

numbers of 4 500 to 5 500 passengers per day by 2026; that is only eight years away. I do not expect development in the South Perth station precinct to end here. There are likely to be further residential and commercial developments in the coming years that would further increase the vibrancy of the area.

The article in *The West Australian* follows a comprehensive document titled, “South Perth Station Precinct Plan”, which was released in 2011 and commissioned by the Western Australian Planning Commission and the City of South Perth. Nine years after the release of the South Perth station concept design report that I mentioned earlier, things have substantially changed in South Perth, and the 2011 “South Perth Station Precinct Plan” presents a brighter picture. This study was conducted with an extensive stakeholder engagement program involving government agencies, key stakeholders and members of the public. Among other things, the study stated that its purpose was —

... to develop a framework to guide development in the Precinct surrounding the planned South Perth railway station on the Perth/Mandurah line.

The study included a Public Transport Authority station design of an unmanned station with an island platform, a pedestrian overpass above the Kwinana Freeway, and a station entry building at the north-western corner of Richardson Park. It also included an alternative design by a consultant team involving the development of a building complex on the corner of Richardson Park to include major office, community and civic facilities. This was eventually agreed to by the South Perth Cricket Club, which uses Richardson Park. It was happy for that corner of the park to be used. The study recommended the following implementation actions and categorised them, among others, as “immediate”, which is defined in the document as one year: the development of the train station business case; a review of the utility upgrade requirements for the precinct; and a review of the public transport strategy for the precinct. This study was published in 2011 and, as we know, the City of South Perth has since done a lot of work in trying to achieve this goal. It has been slow progress but that has been its goal. In May this year, the City of South Perth further engaged a number of planning and design consultants and produced the document titled, “South Perth Peninsula Place + Design Report”. The recommendations of this report also reflect the strategic direction of the City of South Perth and the state government. It recognises that the station precinct will continue to play a major role in accommodating a fair share of South Perth’s anticipated population growth as the wider city of Perth moves towards a population of 3.5 million people by 2050, whilst also ensuring that its special qualities are respected and enhanced.

I would be happy to invite the minister to come to my electorate one day and look at what is happening in the peninsula, and there is a lot happening. If the minister drives through there, she can see the new buildings and the plans for the Mends Street precinct. I think the minister would be quite excited by what we are doing down there. Admittedly, there has been some issues with development at Mill Point Road north of Mends Street, because some locals are concerned about high-rise buildings encroaching into where they live. But in government, the Minister for Planning of the day, Hon Donna Faragher, made some amendments to the town planning scheme in order to placate some of the issues raised by residents.

The reason for this grievance today is to ask the minister, as the Minister for Planning, and, more importantly, the Minister for Transport, where she sees this development going and what the government’s position is on the future of a train station in South Perth. With 650 000 to 700 000 people visiting Perth Zoo every year, it is inevitable that the station will be built. However, I would like to hear from the minister about the future for this precinct and the train station in particular.

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [9.34 am]: I thank the member for South Perth for the grievance. We know why he has made this grievance today. A number of public buildings throughout South Perth have now been renamed. Is it the John McGrath Pavilion? The secret plan is to have the new station called the “John McGrath train station”, as I understand it. The real reason for this grievance today is the success of having public buildings named after the local member. Normally a person has to die first, but I am glad the member for South Perth is still alive and gets to see his name on those public buildings throughout South Perth. How did that happen? I am still not sure about it.

**Mr I.C. Blayney:** You want one named after you!

**Ms R. SAFFIOTI:** I might name it the “Saffioti South Perth train station”. I was going to name all our new train stations “Saffioti 1”, “Saffioti 2” et cetera, but I thought that was a little bit —

**Mr I.C. Blayney:** What about calling the Ellenbrook line the “Rita Saffioti line”?

**Ms R. SAFFIOTI:** Potentially, I could.

This is a good issue and it has been discussed for many years since the reservation was made as part of the planning and delivery of the Perth–Mandurah rail line through that area.

**Mr J.E. McGrath:** Which I supported.



**Ms R. SAFFIOTI:** Yes, and it was good futureproofing, to use a utopian word, when the Perth–Mandurah line created that space in South Perth. Last year, as I recall—I do not remember the exact date—the Mayor of South Perth came to discuss these issues, in particular the work that is underway. What I have seen so far is very proactive in trying to get the numbers and a business case proposal developed. As I understand it, there was a business case proposal and they are doing further work on the business case development. I am very keen to engage on this, and the Public Transport Authority is currently providing some level of support and technical expertise for the development of the business case in particular. Our Metronet team is pretty stretched at the moment with a lot of planning and delivery for the other rail lines, but I see better engagement with South Perth over the next year or so. I believe that South Perth provides an incredible opportunity to have sensible infill and an opportunity to have that linked to public transport infrastructure. I believe that its future is inevitable. It is going to happen sometime and the question is how we can make it financially affordable.

The proposal for Richardson Park is ambitious. Whenever I see councils trying to give a bit of their park away, it has never worked. It is ambitious, but if the council thinks it can get the community on board, that is a positive thing. There is also the concept of the developer contribution process. As part of Metronet more generally, we are looking at revising developer contribution processes and also linking that into the train station development. That may be a model that South Perth can use to not only supplement the proceeds it believes it can get from the sale of the park, but also get further developer contributions through the development of further density throughout South Perth.

As I said, I am not closed to the idea. It is something that I think would be well utilised. It provides a link of course to Perth Zoo, a major tourism attraction, and it would also take a lot of pressure off the line further down and at Canning Bridge as well.

**Mr P.A. Katsambanis:** There are all the punters who want to go to the John McGrath footy oval.

**Ms R. SAFFIOTI:** We might get a Johnny McGrath shuttle service to link the Johnny McGrath station to the Johnny McGrath pavilion! We might do that.

**Mrs R.M.J. Clarke:** Why don't you change South Perth to "John McGrath"?

**Ms R. SAFFIOTI:** The member is right. South Perth is an outdated name. It should be called the "John McGrath council".

**Mr D.C. Nalder:** Minister, would you consider the development over the freeway railway line like at the Subiaco development?

**Ms R. SAFFIOTI:** Of course. To be honest, everyone is very excited about all these ideas. We are just trying to work out the framework for implementing them and, in particular, the development over and adjacent to the area. The member probably also found that sometimes a development adjacent to something with a really strong connectivity will deliver the same benefits without the cost or the impact on the existing infrastructure. So we have all those ideas. Like I said, the case is strong and it is really just about getting the financials from our perspective.

We are keen to participate. As I said, we are stretched with resources in trying to plan all the other election commitment projects. The density debate has raged in South Perth for many years and will continue, but the idea of significant density without improved public transport is an issue, in particular with the existing infrastructure constraints heading onto the freeway in South Perth. It is an extremely fantastic location that needs better connectivity. That is pretty much what we are looking at. With all that extra density, we want improved public transport. It is something we are very keen on and, as I said, I was very open to the Mayor of South Perth. The City of South Perth is doing the right thing in getting the work done. We are developing business cases, of course, making sure they are as rigorous as possible. That is also very important. Member for South Perth, the John McGrath train station is a possibility.

**Mr J.E. McGrath:** Just call it South Perth!

**Ms R. SAFFIOTI:** Okay, then.

I thank the member for the grievance. I could be political and say that the previous government did not do it. I will do that: the previous government did not do it!

Several members interjected.

**Ms R. SAFFIOTI:** I was just working into it.

**Mr D.C. Nalder:** You got the planning side; that is the benefit.

**Ms R. SAFFIOTI:** As the member for Bateman said, having the planning side and the concept of value capture I note is something that the opposition sometimes supports and sometimes not. However, the concept of developer contributions linked to new public transport infrastructure is very important.

## KIDSPORT

### *Grievance*

**MR I.C. BLAYNEY (Geraldton)** [9.41 am]: My grievance is to the Minister for Sport and Recreation and I thank him for taking the grievance. It concerns two aspects of the KidSport program. As of 1 January 2018, the total available funding for a child in a calendar year has decreased to \$150, clubs will have to meet the definition of “sport” as their primary activity and there is a 90-day expiry on KidSport vouchers. I understand there has been a change from a state to a federal definition of what constitutes a sport. I ask about that. I would also like to acknowledge the father, if you like, of the program, Hon Terry Waldron, for the work that he did in bringing in this program.

I want to talk about KidSport in Geraldton. The most recent figures I could find were for March 2016. We have given out 1 894 vouchers for 1 176 kids, for a total of \$255 000, almost equal numbers between boys and girls. A majority—only a narrow majority—are existing people who are playing with the club and using it to fund their sport. One of the top ten clubs is the Geraldton Police and Community Youth Centre, which has been very active in this area, but it is good to see that the 1<sup>st</sup> Geraldton Scout Group is number ten on the list. It is also good to see a high level of activity in the program by Aboriginal children. I acknowledge that on 21 March 2016 the program passed a milestone of 10 000 Aboriginal kids active in KidSport. One in five children involved in KidSport is Aboriginal. That is one of the real strengths of the program. I am sure the minister would agree with me in that. Former Minister for Sport and Recreation Hon Mia Davies said that in terms of numbers, we could say that the program created the equivalent of 384 new football teams, 640 basketball teams and 437 netball teams made up of Aboriginal KidSport kids since the program began in 2011. In September 2015, the program celebrated 50 000 unique kids who were new to the program. At that point, 54 449 individual children had accessed 90 903 vouchers.

Coming back specifically to the issue with scouts, which is what I am really focusing on today, the scouts have to meet the definition of “sport” on the Department of Local Government, Sport and Cultural Industries website. There has been a switch towards national definitions rather than state definitions. I would like a bit of an explanation about that. Studies have shown that involvement in scouts leads to adults who are much more involved in the community and who are much less likely to suffer mental and physical health issues than people who have not. This decision to remove the access of scouts to KidSport funding will save approximately \$150 000. Scouts WA is not a wealthy organisation. It feels it can make up the difference between \$200 and \$150; however, it does not have the financial means to pick up what will be about 750 youth who lose access to KidSport funding.

Geraldton had two scout units. About 60 young people are in that particular scout group and about a third of them are on KidSport. In many cases it is fair to say that, with the removal of access to KidSport funding, those young people will leave the scout system. I acknowledge the volunteers who run scouts. For people who involve themselves with scouts, it tends to almost take over their lives. They give an enormous amount, but it has an impact on their family life and work life. That is the scout issue covered.

The other issue with KidSport is that I have become aware of a couple of schools in Geraldton that are in low socioeconomic areas. Other members have been talking about the index of community socio-educational advantage level funding and whether it was plus or minus a thousand. The schools I am talking about have an ICSEA level around the 700s. Parents have to pay for entry to the swimming pool for their kids to have in-school swimming lessons. Parents cannot pay it, so the kid goes to school and is left to sit in a classroom or something while everyone else goes to swimming lessons. That upsets the kids, so they do not come to school and they generally go and get themselves into trouble. I approached the council and asked it to waive fees for all kids, but it said that that would cost it \$80 000 or \$90 000. The council accepted that if the schools put two weeks of lessons into one week, that would halve the cost to parents. It costs the council money, but the council is prepared to accept that. However, the parents should be able to access KidSport funding for those lessons. It is only \$30. That way, those kids would be able to participate in swimming lessons like all the other kids. The current system means that the poorest kids miss out on doing school swimming lessons and that is unfair. I thank the minister.

**MR M.P. MURRAY (Collie–Preston — Minister for Sport and Recreation)** [9.48 am]: I thank the member for Geraldton very much for that grievance. I certainly understand his reasons for it, but at the same time I have a duty to administer very tight funds. In the first instance, I must explain why the changes have come about. It is not a change of rules; it is enforcing existing rules that are clearly set out in the applications. One of the rules is that activities and programs that are part of the school curriculum—such as swimming—do not qualify.

The issue that brought this about was that when I came into office, I was looking through the different programs. I was having a look at one of those programs and wondering where that money is going. I found out that in one of the towns where KidSport was allegedly receiving a reasonable amount of money, allegedly a dog was registered to get some money. That put up the red flag and we looked further and found that in another town more kids were allegedly registered to receive funding than there were kids in the town. Although I thought criminal charges should have proceeded from some of these issues, I found that the rules were very broad. In fact, no rules had applied since it had been first announced; it was just put on the website. No hard and fast rules were indicated. We looked at it and tightened the rules to the existing criteria. That is where scouts got caught up; it was outside the criteria because it does not come under the Australian Sports Commission criteria of a sport. I certainly understand

the arguments, but with limited money we had to do what we did. We then reduced the funding for KidSport from \$200 to \$150 per child. That allows us to get to more kids, such as those in the member for Geraldton's community. When I hear him say that \$250 000 goes into his community, I consider it to be a very large slice of the total pie. It also means that by reducing the funding, we can go further out. There was an increase of between 10 and 20 per cent over the preceding years, so we have to have that money without it being a drag on the budget.

The member for Geraldton said that the scouts did not have the financial capacity to absorb the KidSport reduction. I find that a bit rich, to be quite honest, when last year scouts made a profit of \$300 000. That shows its finances are very well managed and I applaud the scouts for that. In addition, last year, the scouts received a government subsidy, through various means, of \$700 000. I think that is very generous given some of the other organisations the member mentioned got very little. It is about balance. We have offered to work with the scouts to put in its own program for parents with Health Care Cards so that money can come out of the existing funding. We put that offer on the table, but I do not think it has been taken up. That is right at this moment, so I will not cast any aspersions on scouts for that. I am not sure whether scouts has accepted that offer, but we will work with it to develop a very similar program to ours, whether it comes out of scouts' funding or government funding. The amount of \$700 000 is substantial funding. Along with that, I might as well mention that the Girl Guides is subsidised by \$558 per person per annum. Again, it is a substantial amount of money. If we do not make some cuts somewhere or tidy up the rules, it means other areas will miss out.

That brings me to the swimming issue the member talked about. I agree it is a very big financial impost on some parents to send a child to swimming lessons at a cost of \$4. If there are three in the family, it is \$12 and that is very, very hard for some families to find. We must remember that swimming pools are council facilities and they could certainly fund a program from their council coffers through a community grant, if you like, and reduce the cost to probably \$2 per child for swimming lessons. Swimming lessons nowhere near fit within the KidSport program criteria. However, kids who learn to swim by joining a swimming club, the next phase after swimming lessons, will get \$150. Let us look at which end we want that money. The swimming clubs provide income to the councils. It is a bit disappointing to hear the shire president say that the council cannot afford to do that, because the income through the gate is about \$90 000. By my very rough rule-of-thumb estimate, it would not cost a great deal to drop the fee to \$2 for kids whose parents have a Health Care Card. I am not talking about the rest of them; I am talking about kids from financially tight families.

In saying that, I understand where the member is coming from. Unfortunately, I cannot assist due to the government's financial state. With the moneys we have available, I am stretching the lucky band as far as I can. The first part of the member's grievance was about scouts, which are well resourced, well run and well supported by the government, in my view. There are 94 sports that have access to the program, some of which get less than \$5 000 a year and are grateful. I think at this stage scouts is being run very well and should continue to do so.

## **WORKERS' COMPENSATION AND INJURY MANAGEMENT AMENDMENT BILL 2017**

### *Second Reading*

Resumed from 21 February.

**MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations)** [9.54 am] — in reply: I think I had four minutes between the start of the matter of public interest and the start of private members' business yesterday afternoon. I wanted to go to the question raised by my friend the shadow minister about the manner of payments for lump sum compensation. I pointed out the clause but said that I would have a look at it to see how it works. I will go through this because I think it is worthwhile. This is what we would have done if we were to go into consideration in detail, which I understand we are not doing. I refer to proposed section 72I, "Manner of payment of lump sum compensation", which commences at line 30 on page 8 of the bill, which states —

- (1) If an order (the *compensation order*) is made under section 72H(7) for the payment of compensation to which a dependant of a deceased worker (the *dependant*) is entitled under clause 7 or 11, the compensation order must specify whether compensation for the dependant is to be —
  - (a) paid to WorkCover WA and applied in the manner specified in the order ...

That is when a lump sum is paid on trust to WorkCover WA. Proposed subsection (2) states —

Subsection (3) applies after the making of the compensation order if the compensation order includes provisions of the kind mentioned in subsection (1)(a).

That being a compensation payment when the lump sum is paid to WorkCover rather than to the dependant. Proposed subsection (3) states —

- On application being made to the Registrar, an arbitrator may make an order specifying that the compensation is to be —
  - (a) applied otherwise than in the manner specified in the compensation order; or
  - (b) paid to the dependant.

The member for Hillarys can see that it gives a specific power on application to the registrar for an arbitrator to provide an alternative to the original decision. That is how that system works. It is a reasonable question and I wanted to go directly to the issue.

**Mr P.A. Katsambanis:** It's a convoluted way of doing it.

**Mr W.J. JOHNSTON:** Yes, it is but it is relatively common. Proposed subsections (2) and (3) apply only if an order is made under proposed subsection (1)(a). If an order is made under proposed subsection (1)(b), it is not subject to further variation. But (1)(a), which is when it is paid to WorkCover rather than directly to the dependant, effectively on trust if you like, can be subsequently varied. We can vary (1)(a), and not (1)(b) because (1)(a) is effectively on trust, whereas (1)(b) is a disbursement direct to somebody else. That is the system in place to allow a dependent child—if there is a good reason and they become an orphan or whatever and need access to that lump sum payment—or somebody on their behalf to apply to the registrar, and an arbitrator can make a fresh decision on the disbursement of that lump sum payment. That is why that is protected. I was very happy to come back and make that clear. The member can see that I was explaining yesterday that this legislation does not operate by itself; it is part of a suite of comprehensive and complete changes that the government is making that are designed to provide law reform at each step of people's employment relationships.

In reflecting on some of my colleagues' comments in closing the second reading debate, we are trying to be comprehensive. Through this legislation, we are dealing quickly with the question of a lump sum for the tragic circumstances of the death of a worker, but at the same time we are commissioning the orderly rewrite of the entire act to simplify it and make it more accessible and usable. However, workers' compensation is not the end of this government's law reform agenda, as my colleagues pointed out on Tuesday night. The members for Forrestfield, Belmont, Mount Lawley, Mirrabooka, Bassendean, Armadale and Joondalup spoke about the fact that workers' compensation is not the only thing —

**Mr A. Krsticevic:** You'd make a good Speaker—you know everyone!

**Mr W.J. JOHNSTON:** I think one presiding officer in the house is enough.

Those members made it clear that we need not just workers' compensation, but safe workplaces. That is why we are also acting on law reform in the health and safety space. We want to have what I would describe as a quick win in this space, because we are seeking to increase the penalties under the existing health and safety legislation. That is complementary to the fact that workers' compensation is paid on a without-fault basis; therefore, fault is dealt with through the health and safety legislation rather than through the workers' compensation system, and that is why we are increasing the penalties. However, at the same time, we are engaging in law reform to bring the health and safety legislation up to date.

Yesterday, I said that every state has adopted the work health and safety legislation. It was pointed out to me that Victoria has not adopted the WHS model. Nonetheless, it is true that that model legislation is now the template for action around the country. Queensland, New South Wales, Tasmania, South Australia, the Australian Capital Territory and the Northern Territory, and the commonwealth, have all implemented the WHS model. Victoria has chosen to do its own thing. However, Western Australia is moving in the direction of the WHS model.

I want to particularly make comment about a case study that was given by the member for Forrestfield. It was in the alumina industry. An experienced worker, who was well regarded by everybody, fell into a tank because there was no scaffolding underneath the entrance that he used to get to the tank. That is a good example of why we need to establish inherently safe systems of work. In that case, the system of work clearly failed. I understand that the employer was prosecuted and penalised for not putting in place a safe system of work. We need to put in place processes and procedures that will prevent injury and death, rather than just say that it was a tragic accident and someone made an error. The issue is that even if someone makes an error, that should not result in injury or death to a worker. That is the whole basis of putting in place an inherently safe system of work.

There was some discussion in the second reading debate about the fact that a worker in the agricultural sector is 10 times more likely to be killed than a worker in the mining sector. The member for Armadale talked about the three most dangerous industries. He said that the agricultural industry is number one; I forget which industry is number two; and the fishing industry is number three. There needs to be a mindset change in the agricultural sector. The mining sector used to take a very cavalier attitude to the value of human life. If we go back 100 years, there was a complete absence of safe systems of work in the mining industry and an incredible number of injuries and deaths. I remember in the 1990s, when I was a union official in Western Australia, the deaths of three workers at a mine site operated by the former Western Mining Corporation. The member for Forrestfield would probably remember this. There were two open pits next to each other. A storm had come through the area, and one of the pits was full of water and not in operation. The pit next to it had been in operation, but it had been closed because it was deemed a dangerous situation. The three workers had been sent to the bottom of the pit to recover equipment that had been left behind when the pit was abandoned, and while they were there, mud from the pit next door flowed over the top of them and they drowned. That is an example of how, not that long ago, safety in the mining industry was not what we want it to be.

I am very pleased that every time I meet with Australian mining companies, they talk to me about health and safety. They are now starting to put health and safety at the top of the list, and that is fabulous. It needs to be borne in mind that the use of autonomous machinery is actually increasing safety outcomes in the mining industry. A truck driver who is sitting in an office at Perth Airport is less likely to be injured than a truck driver who is driving in the desert. It is resulting in a health and safety improvement.

The same mindset change is needed in the agricultural industry so that people do not just say that it was an accident and something went wrong. Things will always go wrong. There will always be human error. The airline industry is now putting in place systems to ensure that if there is pilot error, the plane can be recovered. The mining industry is trying to eliminate the danger when a person makes an error. The agricultural industry needs to have the same mindset change. We absolutely need to improve safety in the agricultural industry. I will be meeting with WorkSafe very soon on this issue. One of the tasks I will be giving to WorkSafe is to work with the agricultural industry to improve safety. Without saying that this is my concluded view, I have in mind a 10-year program to start eliminating hazards in the agricultural sector and deal with the underlying causes of injury and death in that sector. It is time the agricultural sector took the same approach as other industries and established safe systems of work that would overcome the sorts of statistics the member for Armadale in particular talked about. It is ridiculous that a worker in the agricultural sector is 10 times more likely to be killed than a worker in the mining sector. There is no excuse for that. There is no reason for that to occur. We need to create a safe work environment in all industry sectors.

I put this simple challenge to the agricultural sector. No-one would allow a child to play on a piece of mining equipment that was parked on a mine site. It would be unthinkable to say to a seven-year-old boy, "Go climb on that Haulpak truck over there." We just would not do it. It would never be allowed. Yet that is happening in the agricultural sector. Children are being allowed to play on dangerous farm equipment, and that is leading to tragic outcomes. This is a real challenge for the agricultural sector. As I said, my brother is a farmer. He does not have children. I grew up in the city but my family has a rural background. I remember visiting my uncle's farm, which was my grandparents' farm originally. I used to stand on the power take-off at the back of a tractor and do all those things that kids did that they should not have been allowed to do. When I was a kid, I remember people in the earthmoving area bringing their kids to work and allowing them on a grader. That would never happen anymore. There has been an attitude change in many industries. It is time that the agricultural sector started to examine the risks and how to eliminate them. Sometimes people see the process of eliminating risk as not masculine. We see cartoons attacking the idea of health and safety, saying, "It wasn't like that in my day." In my day, people used to be killed much more often than they are now. That is the whole point.

We can look at industry in other countries. I have said before that I worked briefly, until I found out that I was absolutely unsuited to it, as an apprentice fitter and turner in an engine reconditioning shop. I used to use lathes and all these things. I remember going to a small job workshop in Indonesia where they were lathing the end of a piece of pipe. Firstly, there was no coolant on the lathe, but also the pipe was sticking back into the workshop and whipping around. Imagine the speed at which it was whipping around at the end of the pipe! In Australia that would never happen. The reason it does not happen in Australia is that we have a safety approach. Health and safety is not about being weak; it is about being smart and sensible. Eliminating hazards is the best way to reduce workers' compensation claims.

Mr Chris White, the acting CEO of WorkCover WA, pointed out to me that one of the reasons that workers' compensation premiums have declined in relative terms over the last 30 years is the effectiveness of the health and safety regime that was introduced in the early 1980s. There are fewer injuries for each hour worked now than there were 30 or 40 years ago. That is because health and safety is now embedded into people's thinking in industry. I challenge the rural industry to adopt the same contemporary thinking on health and safety. People in the rural industry say, "We should have access to the most contemporary technologies for the growing of crops." When I ask what we are doing about contemporary attitudes to preventing farm death, what is the answer?

**Mr P.J. Rundle:** I am glad you didn't attempt to jump on the PTO too often. I agree with your comments in relation to children; they should be nowhere near farming instruments. Do you recognise that the ag industry has, over the last five or 10 years—I believe, being a farmer—advanced quite substantially or are you saying they haven't done anything over the last five to 10 years?

**Mr W.J. JOHNSTON:** I am looking forward to meeting with representatives of Agsafe, which is partly funded by the government of Western Australia. I would have met them before but I had holidays in January and then I was off with Mining Indaba, so this is the first occasion that I have been able to get together with them. I am looking forward to meeting them. I know that they go to farm days in the wheatbelt and make their case. I am sure that there have been many improvements. Unfortunately, it is still the deadliest industry in the state. I congratulate the agricultural sector for improving its health and safety outcomes. Now I challenge it to get up to the standard of other industries and start thinking about eliminating dangers.

My family are sheep and wheat farmers from New South Wales. Who did not play in the shearing shed as a kid? I did. Even when the shearers were at work, we would still be playing in the shed. But that is not appropriate. It is a dangerous workplace. Some people think that assessing the risk is somehow not a manly thing to do and it is not

what blokes do. Actually, that is what blokes do. That is all part of coming to work and working well. In the early 1980s, when I started work in the Australian Public Service, repetitive strain injury became a common workers' compensation claim in Australia. There was all this talk about whether it was something in people's minds or an actual injury. I worked in a federal government agency that had the highest rates of claims for RSI. It was the only agency using a particular brand of word processor that required the typist to reset every page every time there was a change. They could not have a multipage document. That meant the people in that agency were making two or three times more keystrokes than people in other agencies. We can examine things in health and safety and see an underlying issue. When we eliminate the underlying issue, we eliminate the injuries and therefore reduce workers' compensation claims.

I volunteered to be the Minister for Commerce and Industrial Relations in this government. It was up to the Premier to decide but when he rang me and asked me what I would like to do, I said that I would be very happy to have commerce and industrial relations because I think it would be a great job. That is why I am so pleased to implement these reforms. It is not like I do not understand. I am not a farmer; I have never been a farmer, but I have, like so many people who work in the metropolitan area, connections to the bush. My brother is still an active farmer and my mum and dad were farmers until the banks took the farm from them. My grandparents had a farm. My mum grew up on that farm outside Wagga Wagga. My uncle ran it for many years—up to my teenage years. I am familiar with these things. I am not an expert but I have a background, I understand and I can discuss these things in a practical and sensible way. It is time that we, as an industry and a government in partnership, started to confront the fact that this is the most dangerous industry in Western Australia and deal with it.

I will mention another issue, member for Roe—quad bikes. More people are killed from riding quad bikes recreationally in Western Australia than those riding quad bikes on farms, whereas in Queensland, New South Wales, Victoria and Tasmania, they are a major hazard. Most of the farming in Western Australia is generally done on flat country, whereas in New South Wales and Victoria, it is generally done on hills. It is an important issue but it is not on the same scale as on the east coast. I understand that side-by-side vehicles are much safer than quad bikes. I encourage farmers, even in Western Australia, to use side-by-side vehicles rather than quad bikes, but the point is that not everybody will be the same. The way that inherent safety works is that we examine what happened, work out where the risks were, where the breakdown in the systems were and work to eliminate those. We can eliminate those. We can simply remove it, but sometimes a piece of equipment may not be able to be removed, so we identify the risk points and deal with those risk points. That is what I would love to do in the agricultural sector, in partnership with the government. Clearly, I am not going to be the minister in 10 years, but I would like to start a process in which government—not just the McGowan government, but also any future McGowan government, any future Labor government or any future government of any persuasion—worked on a project over a decade to come up with a solution to the challenge of the rural industry. In 10 years, would it not be great if whoever was the minister for industrial relations—perhaps yourself, Mr Acting Speaker (Mr R.S. Love)—were able to stand here and say that the agricultural sector is no longer the deadliest industry in Western Australia? Would that not be a great joy to everybody involved? That is the challenge.

I thank the many members who have made important contributions to this debate and I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

### *Third Reading*

**MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations)** [10.20 am]: I move —

That the bill be now read a third time.

**MR P.A. KATSAMBANIS (Hillarys)** [10.20 am]: I rise very briefly to endorse the passage of the Workers' Compensation and Injury Management Amendment Bill 2017 and to thank the Minister for Commerce and Industrial Relations for answering the queries I put to him on behalf of the opposition. The answers provided by the minister were comprehensive so I do not think there is any need to go into consideration in detail of this bill, which we all support.

I point out that the ability to access trust funds for children under the age of 18 is really, really important. The minister said it happens more often than we think, and one can see many reasons why. I used the example in my contribution to the second reading debate of a child who has lost a parent through a workplace accident and then loses their other parent. They might be close to finishing school and need to pay school fees, or they might need a life-saving medical procedure, or many other possible reasons. It is important. It is probably a convoluted way of doing this in our legislation but we have a habit sometimes of amending and re-amending legislation and turning what should be simple concepts into very difficult ones, but I am satisfied in this case with the minister's explanation. I went back and looked at those clauses and they seem to do what the minister says. I also think there is good intent here, so if there are any issues in the future we can come back and fix them.

A lot of members spoke about workplace incidents and accidents. I said in my contribution that I think we should all work towards eliminating workplace accidents; the best outcome would be zero. We know that. It is the same with the road toll and the same with all these areas, and everyone needs to work together to do that. It is employers and employees. Trade unions have done a good job over many years in assisting both employees and employers understand not only obligations—because obligations are a big stick—but also that it is just good business practice to run a safe workplace.

I understand the point that the minister and some other members made about the agricultural industry. I think the agricultural industry has come a long way. I remember in the 1990s in Victoria there was a major debate about roll cages in the agricultural industry, and it was quite divisive, but when one looked at the statistics it was quite clear that it was really a no-brainer. There are so many other issues like that. I think the remoteness of some of our agricultural and pastoral regions often exacerbates the potential risks and the consequences of incidents; it takes longer to get treatment and the like. Yes, the agricultural sector has to be wary, the construction sector has to continue to be wary, the manufacturing sector has to continue to be wary. However, as the minister pointed out, one could be sitting in an office and the wrong type of keyboard or the lack of an ergonomic desk or chair might contribute to injuries; they might not necessarily contribute to death, and hopefully would not, but they could contribute to injuries that render people less physically capable than they ought to be.

Of course, that also adds costs to the WorkCover WA fund and increases premiums. That is, I guess, the carrot and the stick at the end of the day for employers. Over the last 30 or 40 years employers have really grasped this concept and taken it on. If we look back to the 1970s or 1980s, we can see that we have a completely different workplace culture today. That has not been driven only by employers, employees or unions; it has also been driven by families. A family should be entitled to expect that any of their members who go off to work in the morning will come back home at the end of the working day, be it in the afternoon, evening or the middle of the night, depending on their shifts.

There are other issues that this bill does not cover, including the threat posed to some of our workers by people who are perhaps not well, mentally unfit or on drugs. We see that happen far too regularly today, especially for our emergency workers—people in ambulances, paramedics, people in our hospital system—who are being attacked. I think that is the next big challenge. We need to continue the focus on workplace accidents and incidents, but we also need to start looking at ways of mitigating the risks to people who sometimes put themselves in harm's way to assist other people. Rather than being supported, too often they are threatened and physically or verbally attacked. Probably the next stage of our community understanding is that these people require safety as well. It is not really part of this bill, although as we know, horrific incidents can often lead to workplace deaths, leaving behind partners and children.

This bill will make it better for the partners and children of those people who unfortunately are killed at their workplace. Again, I reiterate that it is my personal view and the view of the opposition that in years to come these provisions should be rendered unnecessary, but while we still have somewhere between a dozen and 20 workplace deaths every year, we need this and we need to modernise our system. We need to increase payments to keep in line with inflation and purchasing power.

This bill originated from the review that was started by the previous government. I am glad that the new government has picked up on that work and legislated for it. I think it has the universal support of everyone in our community. There is an issue about premiums, but of course, it is a low figure in relation to the entire pool of premiums collected by WorkCover WA. If we can continue to drive workplace safety outcomes and reduce the number of incidents, that will continue to drive premiums down rather than up. The opposition welcomes the bill and supports it.

**MR W.J. JOHNSTON (Cannington — Minister for Commerce and Industrial Relations)** [10.28 am] — in reply: I have no intention of delaying the house any longer and I thank the opposition for its support. I take on board the comments made by the shadow minister and thank everybody for their contributions.

Question put and passed.

Bill read a third time and transmitted to the Council.

## **HISTORICAL HOMOSEXUAL CONVICTIONS EXPUNGEMENT BILL 2017**

### *Second Reading*

Resumed from 29 November 2017.

**MS C.M. ROWE (Belmont)** [10.29 am]: I rise today to continue my remarks, which were interrupted last year, on the Historical Homosexual Convictions Expungement Bill 2017. As I previously mentioned, I am immensely proud of the Premier and the Attorney General for bringing this very important bill to state Parliament, and I wish to congratulate both of them on this most important and deeply symbolic legislation. I would also like to reiterate that this signifies Labor's commitment to righting a historical wrong that saw horrendous state-sanctioned discrimination and persecution towards gay men that should simply never have occurred. Such laws acted to shame

gay men simply for being gay. They were designed to humiliate and denigrate. Not only did they cause immense emotional grief and pain for the victims, these laws also affected those who were unjustly convicted from gaining certain employment and travelling due to their criminal records. They were robbed of their human rights and this is indeed a dark chapter in WA's history. This bill establishes a framework in which an eligible person—or if a person has died, the person's relatives, partner or guardian—can apply for expungement of historical homosexual convictions relating to consensual acts. This bill may indeed affect only a relatively small number of Western Australians; however, these convictions have had ruinous consequences and detrimental and lasting effects on the lives of those convicted unjustly. In fact, it is almost unbelievable to think that such laws existed and it was only in 1990 that homosexuality was decriminalised. For decades these unjust laws allowed for open discrimination of gay men, perpetuating prejudice and bigotry, publicly shaming them for their sexuality and stripping them of their dignity, thus allowing for hatred to be tolerated and accepted. This sent a clear message to the gay community: "You are not considered equal in the eyes of the law." This is clearly wrong.

This bill is long overdue. I wish to state for the record that I am deeply saddened by these past wrongs and I am sorry. They should never ever have happened. What is particularly heartbreaking is that many of those who were the victims of such unjust laws are no longer alive to experience and witness these reforms. I think the recent "no" campaign against same-sex marriage is a reminder to our community that many still harbour prejudices towards the lesbian, gay, bisexual, transgender, intersex, queer community. I was relieved and overjoyed to see the resounding "yes" result in the plebiscite, and now same-sex marriage is legal in this country, which is fantastic. The overwhelming "yes" vote showed how far we have come as a society. Australians chose tolerance over fear. They chose equality over discrimination. They chose love over hate. If we glance back in time, the history of law reforms in this country that affect our often persecuted LGBTIQ community have been hard-fought. South Australia, under Labor Premier Don Dunstan, was the first state to decriminalise homosexuality in 1975, followed closely by the Australian Capital Territory in 1976. Victoria decriminalised male homosexuality under the Hamer Liberal government in 1980. A loosely worded "soliciting for immoral purposes" clause inserted by descendant Liberals saw police harassment of gays continue well into the 1980s despite the decriminalisation. In 1983, Northern Territory Chief Minister Paul Everingham's Country Liberal Party government reformed the law and, remarkably, according to gay and lesbian archives, it was the only jurisdiction to do so without a grassroots campaign for change. Decriminalisation did not occur in New South Wales until 1984. Here in WA there were four failed attempts by Labor to reform the law in the 1970s and 1980s, but it took until the 1990s, under Carmen Lawrence, to remove consensual homosexual activity from the Criminal Code. In Queensland it was only after the election of Labor's Wayne Goss that the law changed, and homosexuality was decriminalised in 1990. In Tasmania reform was persistently blocked by the upper house. It was not until gay activists pursued the matter in the High Court that Tasmania's upper house finally passed gay law reform, by one vote mind you, in 1997. Just reflect on that. Up until only 21 years ago, Tasmania was still criminalising gay men. Their sexuality was considered a crime. It took 22 years for every state and territory to arrive at the same place and decriminalise homosexuality—22 years.

I wish to acknowledge that we have come a long way in paving the way towards equality for the gay and lesbian community. But we only need look at what has been reported in the media over the last four months to see how much more needs to be done to dismantle the homophobic attitudes that still persist in parts of our community. On 17 November 2017, so only a few short months ago, *The West Australian* reported on a young man who was accused of a series of despicable and violent bashings of homosexual men. He deliberately targeted homosexual men via a gay dating app, luring them to meet in public places. They were then set upon, ambushed and beaten. One victim was left with bleeding on the brain, another was hit over the head with a modified baseball bat that was embedded with metal rings, another victim was kicked and beaten to the ground by four men, another was repeatedly punched and another had a bottle smashed over his head. The victims were called "faggots" and "paedophiles". These crimes were motivated by hatred. These crimes speak to the persistence of vile bigotry that still exists even in 2018 in some parts of our community. These crimes demonstrate that those in our LGBTIQ community are still targeted, persecuted, vilified and marginalised. These crimes point to the fact that there is still not yet equality.

Late last year it was reported in the media that a teacher, Mr Craig Campbell, was removed from South Coast Baptist College's work roster after it came to light that he was in a same-sex relationship. Mr Campbell had reportedly worked at the school for three years and had himself been a student there from kindergarten all the way through. In an article in *WAtoday* it was reported that the school let Mr Campbell go because "of an inconsistency with his beliefs on sexuality and the college's beliefs". Simply put, he was dismissed on the grounds of his sexuality. In the same week, *The West* reported that Christian Schools Australia said in reference to this issue that gay teachers are "better off working for institutions that accept their world view". In 2002, there was an act of Parliament that removed criminalisation of gay people from all laws in WA; however, there remains a loophole in the WA Equal Opportunity Act 1984 that has not been addressed and allows for the situation I have just mentioned, whereby Mr Campbell was legally dismissed based on his sexuality. This loophole ensures that there is still active and open discrimination towards the LGBTIQ community. In 2015, Foundation Christian College in Mandurah caused community outrage when it removed a seven-year-old girl from the school after becoming aware that she had two gay dads. Marriage equality has now occurred in Australia, yet we are faced with a situation in which those in the LGBTIQ community are legally eligible to marry under federal law, but in the private school system



they can be sacked the very next day under state law. Tasmania abolished its religious exemptions 20 years ago. No private or faith-based school in Tasmania can sack LGBTIQ teachers or staff, nor can they expel LGBTIQ students. Since this change in law, no religious group has called for the return of these discriminatory laws. I hope to see our schools across WA become fairer and more inclusive, following in the footsteps of the Tasmanian example. I cannot see any sound argument why a private school, in receipt of public funds for that matter, should be allowed to engage in discriminatory behaviour. Think about this for a moment: if faith-based schools, or any private schools, wanted to discriminate against teachers, staff, parents or students who were Aboriginal or of a particular nationality or race or, indeed, on the grounds of gender, what would our reaction be? I trust that there would be unanimous community outrage at such bigoted views and that legislative measures would be employed to immediately right this wrong that existed by way of a legal loophole. This is very clearly blatant discrimination and should not be tolerated. If we genuinely want to move towards true equality for the LGBTIQ community, we need to ensure that our state laws reflect our political will and not merely pay lip-service to it. Let us send a clear message to members of the LGBTIQ community, and the broader community as well, that we want them to know that they are equal, especially in the eyes of the law.

Homophobia has been built on these current laws and those of the past. These laws say that it is okay to discriminate. Today I am pleased to speak on this bill and I am immensely proud of the Attorney General for bringing this bill to the Parliament. The expungement of these unjust convictions is the right thing to do, and they should never have been allowed to occur in the first instance. It is a reminder that the work we do in this place has far-reaching effects and therefore we must all be vigilant in ensuring that we undertake our role with the utmost rigour and awareness of consequences and always employ a strong moral compass. I wish to again say sorry for these unjust laws and the ruin that they brought to so many lives. I commend this bill to the house.

**MR P.A. KATSAMBANIS (Hillarys)** [10.41 am]: It is a pleasure to rise to speak on the Historical Homosexual Convictions Expungement Bill 2017. Once again I put on record my thanks to the Attorney General and the government for their forbearance late last year when I was ill and unable to speak on this bill as the lead speaker for the opposition. I am very happy to support the bill. It really should have happened a long time ago. It has not happened for all these years, but it is good that we are now doing this. I put on record that in the last term when I was in the other place, I often used to hassle the former Attorney General. I had discussions with many groups in our community, including the Law Society of Western Australia, about finding a way to bring a bill to this place to expunge these historical homosexual convictions from people's records.

As we know and as others speakers have said, homosexual activity was outlawed in Western Australia from the time the colony was first set up through to 1989. The genesis of those laws goes back to British law in the mid-sixteenth century. They are ancient laws that simply do not equate with the reality of our society, in which consenting adults have the right to do whatever they want, as long as they do not harm others. It is pretty fundamental. The Law Reform (Decriminalization of Sodomy) Act was passed in 1989, but back then the age of consent was not 18 years; it was 21 years. It was not until 2002 that the age of consent was reduced to 18 years.

The history of the decriminalisation of homosexuality is a very interesting and, some would say, sad commentary on Australian society a few generations ago. It was quite clear that the vast majority of the public simply accepted that consenting adults should go about their business and do whatever they want, and as long as they do not cause any harm to anyone else, they should be allowed to do whatever they want—that is, if they so wish to do so by consent, engage in any type of sexual activity, including homosexual activity. It took so long in every state; every state had its own potted history. In South Australia, it was the Dunstan Labor government. In Victoria, it was the reformist Hamer Liberal government. I was a young child and I tangentially remember some of the debates and discussions with friends of our family, including Sir Rupert “Dick” Hamer, around dinner tables and in lounge rooms about how the Victorian bill could be passed back then despite opposition from many quarters, including the state's upper house. But it did eventually pass. In Western Australia it took many more years—until 1989, as I said.

This bill corrects a series of terrible injustices. The first injustice is the very fact that people were convicted for engaging in consensual activity in the first place. They ought not to have, and we know that. As a society, we have matured and we accept that today. The next injustice is that when the activity was decriminalised, no action was taken to expunge those historical crimes from someone's criminal record. Over the years, it has caused significant harm to some people who have had to declare these convictions as they go about their daily business, whether it is when they apply for a working with children check, when they appear before a court to give evidence or when they travel to some other nation. In hindsight, this should have been done back in 1989. We should have got rid of the old laws and created a framework to allow people to have what I consider to be their unjust convictions expunged from their record so that they were put back in the place they would have been had they not been convicted so unjustly in the first place.

Finally with this bill, we will get a framework for people who have a conviction to apply to the director general of the Attorney General's department to have their conviction expunged. I think the Attorney General's department is now called the Department of Justice, but the legislation leaves it open as to whatever the department might be called at any given time in the future. It is an administrative process; they do not have to go to court to do this.

I think that is only fair and reasonable. There is absolutely no point in clogging up our courts with unnecessary actions. This can be done by administrative decision, and I see absolutely no reason why it needs to go to court. The government's Historical Homosexual Convictions Expungement Bill 2017 will create an administrative process.

I am heartened to see that the bill allows for the review of any administrative decision. If someone is aggrieved by the decision of the director general, they can take it to the State Administrative Tribunal and have that decision reviewed. For a long time it has been an absolutely fundamental principle of our justice system that people are entitled to have an administrative decision reviewed by an independent body, usually a tribunal. I have had quite lengthy experience of that, having sat on two tribunals that conduct administrative review. I highly recommend that sort of work to anyone; it was very, very good and very, very rewarding work.

The bill ensures, in what is a complex and in many ways a very historic area—almost an ancient area—that any applicant meet a series of criteria, and rightly so. The first criterion is that the conduct the subject of the historical conviction would not be considered an offence today. It narrows it down to those convictions under the old and discredited sodomy laws. In the sixteenth century in England the original act was called the Buggery Act, which shows the pejorative nature of the language used then. We do not want any part of that today. That is the first step.

The second step is that the director general has to look at the evidence he or she can find, because sometimes with these things we are talking about many, many years ago and there might not be full records. The director general has to satisfy himself or herself that there was consent in those actions. Clearly, we are again talking about consensual activity. We are not talking about forced acts or what we would today consider offences of a sexual nature. We are talking about two people who engaged in what was, and still is, consensual activity. Very importantly, the other aspect the director general needs to look at is the respective ages of the people involved because nobody tolerates abuse of children in any type of environment, be it physical, emotional or sexual abuse. If the laws of consent do not give young people the opportunity to consent, there is no consent. The director general will work all that out, after having a look at it, and make a determination. If the applicant is aggrieved, they can then go to the SAT and have the matter looked at again. I imagine that in the vast majority of cases a determination will be made by the director general, and people will be able to get on with their lives knowing that their conviction has been expunged and that their criminal record clearly states that conviction, or that series of convictions in some cases, has been expunged from their criminal record. That is fair, proper, appropriate and a recognition that as well intentioned as people may have been in the sixteenth century and in Western Australia all the way through to 1989, it was not appropriate to have convicted these people in the first place. Effectively, they will be put back in the legal position they would have been in had these laws not existed and had they not been convicted.

Several members in their contributions, both last year and in the contribution of the member for Belmont today, pointed out that this will be of very little use to people who suffered over many years and now have passed away. That is true. But I note that there are some relatively complex provisions in the bill around family members being able, in certain circumstances, to make application for someone without the capacity to do so anymore, or perhaps in the case of a deceased person. So that can be fixed up. The evidence will need to exist, though, to prove those three points that I mentioned before: that the conduct would not be an offence today; that consent was clearly evident; and that the ages of the people involved were appropriate. Sometimes it will be a difficult process to gather up all that information; that is why the bill gives the director general some strong powers to call up information from courts and from the Western Australia Police Force and various other bodies that may assist in making a determination.

I do not know how many people the government expects will take advantage of this legislation when it comes into force. If the Attorney General could provide an estimate as to how many people he believes are still alive who —

**Mr J.R. Quigley:** Would you take it by way of interjection?

**Mr P.A. KATSAMBANIS:** Yes, I would take it by way of interjection.

**Mr J.R. Quigley:** Survivors on the front door of Parliament put it between 200 and 300. The state does not have a record of them as discrete offences arising from homosexuality, but the survivors' groups informed there are 200 or 300 of reasonably advanced years.

**Mr P.A. KATSAMBANIS:** That makes sense obviously. We are talking about convictions that happened more than 30 years ago, probably some of them going back 60 years with the age of some of the people who have had to carry this around with them during their lives. But with a figure of 200 or 300 people, I dare say maybe not all of them will bother availing themselves of the opportunity to have their convictions expunged, but a large, large number will because —

**Mr J.R. Quigley:** And on top of that number, member, there is a provision in the bill that allows a close family member to apply for the expungement of a deceased relative's conviction, so that figure might climb a little.

**Mr P.A. KATSAMBANIS:** I did mention that.

**Mr J.R. Quigley:** Yes, of course you did.

**Mr P.A. KATSAMBANIS:** I think that is fair and reasonable. I have spoken to some of the many people out there—I am sure other members have—who are waiting for this legislation and the opportunity to make the application.

I think in some ways it is hard to ascribe motivation to people, but from my experience of speaking to a lot of these people it is not so much that they want their criminal record expunged—they want that too, definitely—but it is validation for them that they are equal members of our society. It is validation that even though it may well have been outlawed in the past, what they did was not wrong; it was consensual, and they should never have been convicted in the first place. We should never dismiss the power of validating a person, by looking them in the eye and saying, “You are an equal member of society. In your particular case, you ought not to have been convicted in the first place and now, by the expungement of your record, it is not only your criminal history that changes, but also any issues that you may have had about this conviction in the past, any referred guilt, or just simply any feeling of having been treated by your state and society as less than equal, can go away.” I think that knowing that we will pass this legislation will be a major benefit even for people of advanced age. It will vindicate and validate them. It will allow them to live out the rest of their years knowing that at least today and into the future society does not look down on them, and that society is saying that two consenting adults going about their own business, not harming anyone else, can effectively get on with their lives without the moral police knocking on their doors, looking at what they are doing within the walls of their own home.

As I said, I have supported this type of legislation since it was first brought to my attention when I entered the other place in 2013. It has been a long time coming. I have no understanding whatsoever why this was not done in 1989, or in 2002 when the age of consent was changed. It absolutely ought to have been done.

**Mr M. Hughes:** Why wasn’t it done in 2016?

**Mr P.A. KATSAMBANIS:** As I said, this was in the pipeline. It could have been done in 1989, 2002, 2007, 2008 or 2016; I am just glad it is being done now. I welcome it.

I thank the people who alerted me to this injustice in 2013. I thank the government for proceeding with this and advancing it. I wish the bill a speedy passage. I say to those people to whom this bill applies: in our eyes you are equal; in our eyes you were wronged for being convicted in the first place. Hopefully, the passage of this legislation and those unfair convictions being expunged gives them a little bit of solace that at least the Parliament of Western Australia is now apologising to them and is clearly saying to everyone in our society that those convictions were unjust and inappropriate.

As I said, the opposition supports the passage of this bill.

**MR T.J. HEALY (Southern River)** [11.04 am]: I rise to speak to the Historical Homosexual Convictions Expungement Bill. I congratulate the McGowan government and Attorney General Quigley for bringing forward this bill to fulfil a very important election commitment.

I am going to speak today about the very long journey in this important matter. I will discuss the bill and the Premier’s apology. I will discuss the history of the decriminalisation of homosexual activity and expungement legislation in other states and territories. I will discuss marriage equality and historical statements made in this very Parliament. I will discuss other discrimination still enshrined in law and the human stories of people affected by these offences. All through this I will discuss love, respect, dignity, equality and healing.

I acknowledge the apology given by the Premier and thank him for it on behalf of all Western Australians. I want to quote briefly from his address. The Premier stated —

On behalf of the government of Western Australia, I am sorry for the hurt, for the prejudice, and for the active discrimination that ruined lives. For decades in Western Australia, unjust laws against homosexual acts were used to shame homosexual men, to deny their human rights, and to deny their humanity. We are doing all we can to now right this wrong. ...

To all in our LGBTI community today, I want you to know that you are good people; you are valued, and we are proud of you.

As the member for Southern River, and on behalf of all the former members for Southern River and Gosnells in this place, I also say sorry for what happened over time as a result of these laws.

I also commend the other side of the chamber for supporting this bill. I congratulate the Leader of the Opposition for his statement. The member for Riverton stated —

... I can indicate that the Liberal Party supports this initiative to correct past injustices ...

... on behalf of the opposition, to those who today have criminal records simply for being in a loving and consensual relationship, we say sorry.

Well done to the opposition. I congratulate the National Party for its comment, which states —

The National Party supports the Premier’s apology today and hopes the minds of those affected by these convictions and their families are put at ease by the words of the Premier and the support of the Legislative Assembly.

We have come so far that this chamber—all parties—has reached a consensus. I am so very, very impressed. I will read a brief part of the statement Hon Sue Ellery, the Leader of the Government in the Legislative Council, made on the same day, Wednesday, 1 November —

It is unfortunate that these laws were also the basis upon which much of current homophobia was built ... words matter. It is the right thing to acknowledge a past wrong; it is the right thing to expunge past unjust convictions; and it is the right thing to say sorry so that those affected can continue the healing process they need.

I commend the Greens in the upper house for also saying sorry. It is sad that upper house Liberals are not there yet, but again I talk about generational change in our political parties. Some time ago, albeit only a few years ago, this unanimous support in the lower house would not have taken place.

I would like to share a story from 1 November, the day the Premier made his apology. People may not realise it, but this is part of the journey that many in the Liberal Party and many conservatives have taken. Andrew Hastie, the federal member for Canning, was here in the building on the day we apologised to all those homosexual men who had been convicted of these offences. I went up to Mr Hastie and said, “Mr Hastie, can I say on behalf of all our community, how proud I am that you are here in this building on the day that we say sorry to all homosexual men convicted of such offences.” I am a proud progressive. I have always said that. This is an issue that progressives and conservatives agree upon. Again, it is significant. I support it as a progressive. I imagine that conservatives support it from a social equity and small government point of view. As the member for Hillarys said, what someone does in their own consenting, private lives —

**Mr P.A. Katsambanis:** It is a very strong strength of classic liberalism.

**Mr T.J. HEALY:** That is absolutely right. That is why it is great to acknowledge that after some time of not having consensus, that we have it now.

This bill will allow a person convicted of an historical offence that is related to consensual homosexual activity that is no longer an offence to have their conviction expunged, erased—cleansed—from their criminal record. This is a standalone legislative framework that will allow a person or their family to apply for expungement of those historical convictions. It will mean so much to so many.

I am going to read out some of the offences that are being expunged because I think they need to be stated. They sound ridiculous in this day and age, but this was the law in our land at one point —

... offences of having “carnal knowledge of any person against the order of nature” ... and permitting “a male person to have carnal knowledge of him or her against the order of nature” ...

...

... “any male person who, ... commits any act of gross indecency with another male person, ...

... “any person who, being the owner or occupier of any premises, ... induces or knowingly permits any person of ... to or be in or upon such premises for the purpose of being unlawfully carnally known by any man, ... is guilty of a crime” ...

Again, we have come so far. These were the laws here in Western Australia.

I found Tasmania of interest when doing my research and discussing this bill with a number of advocates in our community. Tasmania had a cross-dressing law, which we did not have in Western Australia. Again, that shows some of the absurdities of laws linked to homosexuality.

These acts should never have been a crime. There was nothing ever to have been ashamed of. Again, we have come a long way. It was mentioned before that we expect approximately 200 to 300 people to have the option of applying to have their records expunged. I spoke with a number of gentlemen—I will not mention their names in Parliament—who will seek to apply for the expungement. They told me what it was like during the 1970s and 1980s when the laws against homosexuality existed. They told me that police would often target known gay bars. Police would lay in wait outside these gay bars to catch people. One of the gentlemen to whom I spoke said that the police often would not attack the upper class-looking people, so as a diversion tactic he wore a collar and tie when he went out. It was a class-based thing. He tried specifically not to look gay. He found that that allowed him not to be targeted by police.

One of the frustrations of many of the homosexual men who have the homosexual convictions I mentioned is that a lot of men were also, unfortunately, charged simply as “drunk and disorderly”. That was the overarching crime police would charge them with when they pulled their cars over on the way from bars and when they raided public facilities. Drunk and disorderly convictions will not be expunged under this legislation because those laws remain today. However, the police of the day chose not to charge them under the anti-homosexuality laws, but instead classify them as drunk and disorderly.

Public indecency was another charge. I am told that one of the greatest threats the police would often make was to place people’s names in the “homosexual book”. This book was a threat. If a homosexual person sought to be

a person of public service and play a role in the community, the police would place their name in this book, which would be shared so that people would know their secret. We have come a long way, but in the 1970s and 1980s that was career ending. The member for Belmont spoke about the fact that it was career ending for a teacher in Rockingham last year because his school decided to say that him being gay was not acceptable. We must acknowledge that in the 1970s and 1980s our laws contributed to that pain.

I refer to the path of decriminalisation of homosexual acts in Australia. I mention that South Australia was the first state to decriminalise homosexuality in September 1975. The Australian Capital Territory followed in November 1976; Victoria, December 1980; the Northern Territory, October 1983; and New South Wales in May 1984. In only December 1989, after four failed attempts in Western Australia, the Dowding government brought in the Law Reform (Decriminalization of Sodomy) Bill 1989 and it became law in March 1990 under the Lawrence government.

I would like to put on record what is already on the record. Some disappointing speeches were given in this chamber by people who opposed the Law Reform (Decriminalization of Sodomy) Bill 1989. I quote Graham Kierath, the then member for Riverton —

The practice of homosexuality is disgusting and abhorrent, and it is perverted.

The then member for Riverton quoted an extract from *The Thorn in the Starfish* —

The sheer number of their partners stuns the monogamous mind: one hundred different partners each month is normal; ten different partners each day is not unusual ...

The passage refers to the rectum, the vagina, the anus. It continues —

Theory A has it that the promiscuous gay's immune system is chronically depressed because they're so often infected with chronic, sex-related infections such as oral and rectal gonorrhoea and syphilis, ...

The then member for Riverton quotes a letter from someone who says that she knows of people who have had as many as 20 000 partners in life. The former member for Riverton also said —

My concern is that our children may be brought up with the view that homosexuality is an acceptable lifestyle.

The then member for Riverton said —

I cannot support any legislation that contributes to the spread of AIDS, ...

These are the views of people in this chamber a mere 30 years ago. I quote from Jim Clarko, the MLA for Marmion, a former Speaker of this place, in the 1989 debate to decriminalise homosexuality. Again, I apologise, but this is what was said —

If there are homosexuals in this building we are all at risk of getting AIDS.

...

... one damages the sphincter, and from that time on one's anus dribbles ... When going to the toilet it is left all over the seat ... That would put every person in this building at risk.

...

The way to solve the problem is to reduce homosexuality, or at least try to prevent it from expanding. This Bill will encourage homosexuality to expand.

On behalf of all of us in this chamber, I apologise for what was said in this chamber in 1989. I am sorry that these words were ever spoken in this chamber, let alone in public. I commend the words of the Premier at the time, Peter Dowding, who said —

The Opposition talks as though there are no decent people in our community who are homosexuals ... We all know of people in our community who are homosexuals. We all know of decent, caring, hard working contributors to our society ... who engage in the very practices ... that are illegal under the Criminal Code.

Premier Dowding continues —

If we have a society where people can freely be acknowledged as caring, law abiding, honest citizens no matter what their sexual preferences ... there is undoubtedly a case for us to acknowledge their right to be ... We simply say that we acknowledge that a percentage of our community have homosexual preferences and it is inappropriate in the absence of other offences for that to be the subject of the Criminal Code of Western Australia.

That is a fine statement by a Premier. I would like to mention briefly Jackie Watkins, a former member for Wanneroo. She spoke exactly after the former member for Marmion, Jim Clarko, and she said —

I wonder if we should move for a minute's silence following the contribution from the member for Marmion. This piece of legislation is all about equality and social justice.

...

The current sanctions against homosexuals make life very difficult for families. Many homosexual people find it very hard to be honest with their parents because, among other things, they are criminals in the eyes of the law. It is high time we changed that. They are not criminals.

...

Many homosexual men fear that living in a long term relationship will expose their homosexuality.

...

*The Bulletin* poll, showing 75 per cent of Western Australians support decriminalisation of homosexuality, and statements from the major churches, leaves us in no doubt that the majority of those in our society support the Law Reform (Decriminalisation of Sodomy) Bill.

Well done. Well done again to those members who stood up. Well done to some amazing and brave parliamentarians from this era.

In Queensland, the laws changed in November 1990. In May 1997, after a significant battle, the Tasmanian conservative upper house passed laws to decriminalise homosexuality, but not until it was almost threatened with United Nations conventions for breaching rights.

I refer to the path of decriminalisation. I remember being in the crowd supporting this Parliament when in 2002 the Gallop Labor government removed discrimination against gay and lesbian people and families from Western Australian law. I would like to quote from another great parliamentarian, Dr Geoff Gallop, in the debate about the removal of that discrimination from legislation —

Is it not time that as a community we accepted the fact that there are people in the community who are bisexual, homosexual and have a different approach to the way they live their lives? Is it not time that we accepted the fact that those people live in our community? As far as I am concerned, those people are human beings, with flesh and blood, with ideas, with a contribution to make to the community and they deserve to be treated equally under our system of law.

...

It is time for Western Australia to move forward. It is time for Western Australia to establish the equality of all people. Do members know what establishing the equality of all people will do to them? They will be able to get up in the morning and go out and about doing the things they do, knowing that everyone in their community is on a level playing field in regard to their aspirations, beliefs, sexuality and the way they go about their lives.

Dr Gallop, I always was and continue to be proud of you.

We are one of the last states and territories to expunge these laws; the Northern Territory and Western Australia are still to pass them.

[Member's time extended.]

**Mr T.J. HEALY:** The apology that Premier McGowan made acknowledged that our public institutions enforced these laws. They were not laws just on the books; they were actively enforced—state-sanctioned intimidation, often harassment with no charges. For many, this has been a long wait to clear their names. Again, it is hard to know how many men were charged and harassed. For some, the Historical Homosexual Convictions Expungement Bill 2017 is entirely symbolic. Not everyone can get back what they have lost, but symbolism is important. Innocence and dignity are important. We have not yet removed all remnants of that dark time, but this bill will help. Our lesbian, gay, bisexual, transgender, intersex community continues to face significant discrimination. Men who have sex with men continue to be discriminated against as blood donors with the Australian Red Cross. Although the community thoroughly supports marriage equality, those laws were passed only months ago. In my community, disgusting anti-gay political material from radical elements of the Liberal and Australian Christians Parties were letterboxed in Gosnells and Southern River in 2017. To the Red Cross and the Therapeutic Goods Administration, I continue my call to not only end the discrimination against donors, but also the deferral periods. It is no longer the 1980s. We should screen donors, not on the gender of their partner, but on the safety of their sexual activity. We do not need a policy that denies safe blood to Australians in need and stigmatises all gay men as a risk to public health.

Before coming to this place, I was very honoured to have performed as a marriage celebrant at Australia's first same-sex ceremony in Canberra on Saturday, 7 December 2013, at 12.01 am. In 2013, I registered as a marriage equality celebrant. I approached my good friends Stephen Dawson and Dennis Liddel and, together with some friends, we headed to the Australian Capital Territory. We arrived in Canberra at 10.30 pm and raced to the front of Parliament House. I had to collect my paperwork that had been delivered to my hotel room on the way, because obviously we had flown in from Western Australia. One of my life moments was being together with my friends amongst a huge crowd and many media cameras to celebrate Australia's first same-sex marriage. I have noted in this place before that Canberra's background vista is the beautiful Telstra Tower and the mountains. At midnight, as we finished the very short wedding ceremony—the first same-sex wedding ceremony in Australia—the

Telstra Tower turned every shade of the rainbow and the skies of Canberra became a rainbow. That weekend, a weekend of love and celebration, I was honoured to attend several weddings and receptions across Canberra. So many Canberrans were proud. Love was in the air. I am also very proud that the marriage equality laws have passed. I was proud to be the celebrant again for Stephen Dawson and Dennis Liddelow five days ago when I married them again in front of their families and friends. It was an honourable and wonderful thing to be part of. Our marriage laws are now equal. All Australians and all families now have equality in love. The marriage laws passed in Canberra will not threaten my marriage; they will only strengthen it. Again, we have come so far.

I find this contrast interesting: in the late 1990s, when Tasmania was passing its same-sex marriage laws, the former member for Southern River, Peter Abetz, stood on the steps of this Parliament and protested the decriminalisation of homosexuality. He wanted being “gay” to be kept illegal. As the current member for Southern River, on 9 January this year I was very proud to stand on those very steps and perform Western Australia’s first same-sex marriage for Kelly and Sam. They are two of my Southern River residents who got married after 24 years of love.

Harassment and bigotry continue, unfortunately. I mentioned before that my local community continues to receive anti-gay information, particularly during the state election and the recent marriage survey. Men were recently bashed in Canning Vale simply due to their sexuality. The work towards acceptance will continue. I want to thank all members in this place and the community for saying no to homophobia. Again, I acknowledge that we all stand across political parties in moving forward. I am always proud to help silence homophobic views and to help take away the microphone that some former members of Parliament used to have. I do note an irony though. In the 1990s, former member for Southern River, Peter Abetz, his brother Eric Abetz and a group of people feared United Nations conventions. They stated that they wanted to stop the United Nations imposing its rule on Australia and they wanted to keep Tasmania as a bastion that could continue to criminalise homosexuality. During the marriage equality debate, those same brothers called for United Nations conventions to be applied to protect religious freedoms here in Australia. I note the irony.

As member for Southern River, I am proud to represent my entire community. I would like to refer to a book titled *Benji’s Journey to Happiness* by Aimee-Lee Verrier, a constituent in my electorate who was very proud when we passed marriage equality laws and moved towards laws that will bring families together. The book is about a dog and a chicken. I quote two of its pages —

“Who cares what they think.” Rummy smiled, “it doesn’t matter who you love or what you do as long as you’re happy.”

After some discussion —

From that day forward all of the chickens could act like and love who they pleased.

I will certainly make this book available for members in its entirety.

I will always stand up for Western Australians to help stamp out homophobia and hate. I will fight homophobia in every shape and form. We as political leaders should always set that example with conviction. I would like to acknowledge some great heroes of equality: former Premier Peter Dowding; former Premier Carmen Lawrence; former Premier Geoff Gallop; Rodney Croome; Ivan Hinton-Teoh; Graeme Watson; Stephen Dawson; Dennis Liddelow; Senator Louise Pratt; Aram Hosie; Mark McGowan; Giz Watson; Brian Greig; Professor Charles Watson; Jackie McKiernan, formerly Jackie Watkins; Hon Bob Hetherington, MLC; former member Jim McGinty; Hon Grace Vaughan, MLC, who introduced a bill to the upper house in 1977 to decriminalise homosexuality, which was not successful; and countless others. I am humbled to be in their presence.

On behalf of my community, I convey my apologies to the many individuals and families for the hate that they have endured, the pain that they have felt, and the hardships. We in this place are now doing all that we can to right this wrong. This bill will help. The bill will continue the journey, a journey that we will continue to stand on with these individuals. To those who persist in the anti-gay march, I quote —

You can’t stop the music, nobody can stop the music.

Take the cold from snow, tell the trees, don’t grow,

Tell the wind, don’t blow, ‘cause it’s easier.

No, you can’t stop the music, ...

On election night in March one year ago, I spoke of a big, beautiful rainbow that now shines over Southern River. Let us pass this bill and move on from a dark chapter in our history. Let us pass this bill and let a beautiful rainbow shine over all the people of this great state of Western Australia.

**MR Z.R.F. KIRKUP (Dawesville)** [11.28 am]: I, too, rise with opposition members to speak on the Historical Homosexual Convictions Expungement Bill 2017. Obviously, members on this side of the house and indeed all members of this place, as the member for Southern River has pointed out, stand in support of this important piece of legislation.

Before I begin, I would like to recognise the contributions of the member for Maylands and the member for Perth in particular. All members have spoken on this very well—indeed, the member for Southern River—but the contributions from the members for Maylands and Perth were particularly poignant for me. I am proud to share this floor with them, albeit on a different side of the house. In a similar vein, although we come from different sides, different circumstances and have different perspectives in many cases, we all stand here united by the common cause to right a wrong and, through the Department of Justice, to implement a scheme that acknowledges the faults of Parliaments past. It is a unity that I wish we could all find more often. Coming together in the pursuit of a common goal is a noble pursuit and something that we should try to achieve more often. I think we would be better off as a Parliament and a state if we were to help to advance our society, as we were elected to do.

Last year we witnessed the apologies of the Premier, the Leader of the Opposition and the Leader of the National Party. It was one of those moments that reinforces the gratitude I have for being a newly elected member of this place. There are few times that such an immense acknowledgment is made of our state's history, and to be part of that, if only as a witness, is a moment for which I will be grateful for some time.

I will make note of our state's history, because it is a rare occasion that this place chooses to recognise wrongs that have been committed. Not only that, but also in this instance, as the Attorney General's expungement scheme comes into place, we will take active measures to correct those errors. We stand here today and speak to this bill to acknowledge that members with whom we have shared these very walls over the last century failed to intervene in legislation that discriminated against and harmed people whom they were entrusted and elected to serve. As I said in my maiden speech, I believe that all of us in this place are elected to serve, represent and protect all Western Australians, no matter their race, religion, gender or sexuality. This is not a novel concept; it is one that has been idealised for centuries in western democracies. Although it has been the ideal, it is an unfortunate reality that the Parliament of Western Australia has so often ignored that concept. It was not until 1997 that this place acknowledged and apologised for the hurt and distress that successive Parliaments allowed to be orchestrated against our state's Aboriginal people. It was not until 1998 that the Western Australian Parliament apologised to child migrants, who were subjected to forced migration and mistreatment by a complicit government. It was not until 2010, when the former Premier led an apology from this Parliament—the first in the nation—that it was acknowledged that the government had forcibly removed children from unmarried mothers. Indeed, it was finally in 2017 that we took steps to acknowledge the discrimination and errant criminalisation to which homosexuals had been subjected by Parliaments that were complicit in this act up until December 1989. To perhaps add insult to injury, it is disappointing that it was not until 2002 that there was equality in the age of consent and an end to the educational, employment, accommodation, membership, land sale and other discriminations against people because of their sexual orientation, which had existed in pieces of legislation that this place had passed.

Like the member for Southern River, I took the opportunity to look back at historical parliamentary debates, reviewing *Hansard* right back to 1898. I note that in 1898, the Legislative Council—so, clearly, at the foundation of European settlement here—saw sodomy as a “systematic crime”, and that those who engaged in such behaviour were considered to be a menace to the establishment of our colony. As the member for Southern River pointed out a number of times, *Hansard* was very revealing. I stumbled upon a question from the former Liberal member for Wembley, Raymond Young, who in 1971 asked whether the Tonkin government would consider legalising homosexuality. Then Attorney General Evans dismissed the concept of affording equal rights with a simple and powerful “no”. There was one other journey through *Hansard* of the 1970s where I found similar debates to the ones which the member for Southern River touched upon. I was both angry and disappointed to read that such discourse could occur in this chamber. It went through the discrimination and loathing that was perpetrated by all members—not just conservative members but, indeed, all members of this place. I read debates from Attorney General Evans, who in 1973 compared imprisonment for homosexuals as akin to trying to rehabilitate an alcoholic in a brewery. I found a speech from a former Liberal member—a man credited with much social change in other areas—who, even as he spoke in favour of removing sodomy from the Criminal Code in 1977, said —

When I first met a homosexual I put my bottom to the wall and put my anus into spasm so that no-one would get near me. I think it was wishful thinking because these people know what they are after. They are not interested in heterosexuals; they are interested in their own type.

This type of repugnant, debased debate that has taken place in this very place in decades past spurs us all, I believe, to acknowledge, apologise for and repair the damage that previous legislators have done. Looking back at how long it has taken us to get to this point, I still cannot believe that at the time I was born in 1987, homosexual activity was still considered a criminal act in the laws of this state, and that right through my high school years it was perfectly legal to discriminate against somebody as a result of their sexuality. I look to my now wife's brother, Andre, who is a gay man in a very loving and long-term relationship. He is my brother-in-law and a man whom I love greatly. To think that he would have been discriminated against is abhorrent in my way of thinking, and I find it greatly concerning and distressing to think that Parliaments were complicit in this activity.

According to the Pew Research Centre, the generation of which I am a part, the millennials, is far more tolerant than the generations that preceded it. To think that during my time, homosexual individuals were considered criminals and were for so long legally discriminated against time and again as a result of their sexuality and



orientation is so incongruent with the largely tolerant society that we have today. As the Attorney General said to the member for Hillarys by way of interjection, I understand that the Historical Homosexual Convictions Expungement Bill 2017 will apply to between 200 and 300 people. The reality is that although expungement matters greatly, the broader acknowledgement that homosexual people have been discriminated against for so long will have the greatest impact. It is our chance to repair the damage caused at the behest of the actions of not only this place, but right across our broader society. I take this opportunity to applaud the Attorney General and his team for introducing this legislation last year and for getting it to this place today. I note, of course, that during the election campaign, both sides of the chamber committed to introduce such legislation accordingly. The passage of this bill is an important acknowledgement of those past wrongs and it gives me great pleasure; indeed, it is with great gratitude that I take this opportunity to join with members of the opposition and government in commending this bill to the house.

**MS J.M. FREEMAN (Mirrabooka)** [11.36 am]: I, too, rise to speak on the very historical and welcome Historical Homosexual Convictions Expungement Bill 2017, which will expunge historical homosexual convictions—convictions that were wrong and discriminatory and that had an enormous impact on so many in our community. They caused so much pain—pain that did not need to happen—to people who were in loving relationships. In saying that, I congratulate the strength and perseverance of those communities in the face of terrible discrimination, for being ostracised by the community and for all the terrible comments made against them, some of which we have heard in this place today. We are a better society when we embrace all humanity living in respectful relationships.

At one stage, I was very privileged to know one of the heads of the Uniting Church when it went through its respectful relationship consultations and changed its procedures to allow homosexual ministers in the church. I spent some time talking to her about that experience and she said that although it was enriching and amazing to see how strong and resilient homosexuals in loving relationships—relationships that we all have—were in pursuing their rights, it was also extremely disheartening to find that some people who professed compassion and understanding through Christianity could not find it in their hearts to embrace such relationships. What is great about our modern community is that our hearts have expanded to now be at a place where we say: “I’m not going to close off and think that you’re different to me.” We need to do that in a far broader sense. When we see things that are happening in other countries, such as Syria at the moment, we have to think that those people are not different from us. We need to think, “This is appalling and terrible. I need to be compassionate and I need to see change. I need to have that dealt with differently and I need to demand that of my leaders.” When we see how we treat refugees in our community by not enabling them to have employment or by limiting how they can live in our community, we need to have that same open-heartedness that we have gained through the process of acknowledging, accepting and embracing the homosexual community as we have with other communities.

I congratulate the Attorney General for bringing this great piece of legislation before the Parliament. It is well needed. It is certainly not the end of this process, but it is a very good mark in the sand of how we see our community. Homosexuals were completely discriminated against when it was said that their actions were illegal. It is absolutely imperative to expunge those things from their records.

At the time this bill was introduced last year, the marriage equality bill went through the houses of our federal Parliament to great applause and accolades. We must not forget how hard it was for the community to go through that process. We must congratulate the community for its perseverance and warmth. It took us on a journey and embraced us when marriage equality was accepted. It did not feel ill will, but moved on to make our society and our community a better place. At that time great speeches were made by many people and we can go back and have a look at them. I thought a couple were really strong, such as Penny Wong, who said, “It says that you’re one of us.” Dean Smith said it was the advancement of freedoms for all of us. He also stated —

... in the course of a generation, we have seen the LGBTI community move from rejection to tolerance, from tolerance to acceptance ... from acceptance to embrace.

Let us hope that we can do that in every part of our community, such as the issues around gender questioning and for same-sex attracted people. The LGBTI community still suffers both substantive and non-obvious discrimination in the way that society operates. I raise with the house that this is not the end. Because of that discrimination we need to continue to embrace this and not to just stand in the house and say that this bill is great. We need to take the lead from Victoria. It appointed a Commissioner for Gender and Sexuality in July 2015, whose role is to make the Victorian public service a more inclusive space for LGBTI people. Rowena Allen is a champion in the space. She does fantastic work in the community and activates strength and resilience and a capacity for embracing difference so that people in the community can work together to better understand each other and understand that they have more similarities than differences, which should not separate the community. She does that in the central CBD but, importantly, because she has a rural background, she also embraces doing that in remote and regional areas of Victoria. The website of the Victorian Equal Opportunity and Human Rights Commission has an outline of Rowena Allen. One of the things that really spoke to me were her words —

You have the ability to change hearts and minds when you tell stories ...

When we heard the stories of the members for Maylands, Perth, Dawesville and Southern River and others in this very important debate, we were touched by the humanity of those stories. However, that is not the only thing to take away from those stories. We need to assist people to embrace those stories and make change. Rowena Allen goes on to state —

“Employers need guidelines and some training and information for staff. The leaders of the organisation need to be present. There needs to be frank and fearless conversation.

“Most importantly you need to get the toilets rights so that everyone feels comfortable.

“In fact I’ve joked that I’m going to be known as Commissioner of the Toilet. I’m not saying we have to spend millions of dollars on this. One simple idea is to call disabled toilets all gender—all ability toilets.”

That might seem like something that is minor and petty, but if we think about it, it is about inclusion. We all know the story of how there were no female toilets in this place when Edith Cowan came here. She would come into Parliament and have to wait until Parliament finished so that she could go home to use the toilet in her West Perth residence. Let us not say that these things are minor, because they are not. It is about inclusion.

The member for Dawesville mentioned an honourable member’s name—it has just gone from my mind—whose son was the Mayor of Victoria Park, and she also has a lecture named after her. Come on, members, help me out here! The member for Dawesville just mentioned her name and it will come to me as I talk about this—Grace Vaughan! When Grace Vaughan came to this place, the women’s toilets were in the basement near where the staff now have their catering and lunch rooms. She would have to leave the house to go down there. Grace Vaughan was a sassy, fantastic woman who used to leave her shoes outside the men’s toilets to tell the men that she was inside them. In fact, she often had two pairs of shoes so that one pair could stay there a bit longer and inconvenience the men of this house. It meant that she subsequently saw a change in that situation. Let us not reduce these things to pettiness and let us not have a debate of, “I won, I won, I won.” Let us make it so that we have someone champion this area, like they do in Victoria. As the Commissioner for Gender and Sexual Equality states —

“Homophobia is alive and well on social media. The backlash is still there but compared to 20 years ago I now have a lot of armour and that comes through my experience, politicians, community ...

She states that she can find protection through those things, but that she also wants to offer those protections to the people that she now represents as the commissioner. We need that sort of champion in our community in Western Australia as well.

Magda Szubanski, who we all know was a fantastic campaigner in the marriage equality debate, talked about how lesbian, gay, bisexual, transgender, intersex and same-sex attracted and gender-questioning communities are often alone in the family. That really resonated with me. If we think about our communities that come from overseas, they come with community. When they have the travails, the difficulties and the questioning about choices they have made to come to Australia or the challenges that they face in their new home, they have their community to reflect with on this and to make comment, criticise or laugh about the strangeness of Australian society. Many times the people from the diverse community that I represent will say, “Yes, that is just a silly Australian law, isn’t it?” For them, it just seems a bit odd. They comply with those laws but they sometimes find them interesting in their context. They have their community to debate, discuss, move, develop and grow with.

Same-sex attracted and gender-questioning people are often alone in the family. One of the most devastating things I have had to deal with with my son was when a young woman who he had dealings with threw herself in front of a train because her family would not accept that she was a she. Her family would not accept that she was transitioning. She had found support in the community that my son is involved in, but her family had disowned her because of that. What was really distressing for my son is that he had formed this close and personal relationship with her, yet he was refused attendance at the funeral because for him to attend was for the family to acknowledge that she had become a woman. Those things are still so prevalent in our community. I agree with the member for Dawesville; thank goodness for our young people, because they send us on the journey of realising that there is such richness in acceptance and such poverty in despising or rejecting difference in our community. I want to highlight that by talking about what it must be like for many people I represent in the culturally and linguistically diverse or new Australian communities, because homosexuality is still, in many cases, seen as a disease. It is not unknown in the community I represent that families will bring in a priest, a pastor or a minister to have an exorcism. It is not unknown that they still try to exorcise these feelings, the integral nature of someone’s sexuality. It makes it so difficult for them that they feel they have to be ostracised from their community.

We in this place all know the three key determinants of positive mental health, which includes social inclusion and obviously freedom from discrimination and violence, and economic independence. If a person who speaks of their difference and natural proclivities in terms of their sexuality is in a community that actively discriminates and that can be, in some cases, quite violent—if not physically, emotionally—that can be very isolating. One of the stories—I may have already told the member for Southern River—in which that issue became really clear to me was during the marriage equality debate. I was asked to speak to different CALD communities about marriage

equality and what that meant in the community I represent. The member for Girrawheen was with me on this particular occasion and we were talking about the importance of equality in our community.

[Member's time extended.]

**Ms J.M. FREEMAN:** We spoke about the fact that Australian governments do not judge people's personal behaviours unless they do not respect other people in our community or that they violate other people in the community and that that is how we view our communities. We talked about equality and continued on. By the end of the debate everyone seemed quite happy with that. One of the people said that they had one question. I asked what their question was and they replied, "So, sodomy is still illegal, isn't it?" At which point we had to say no, it was decriminalised in the 1970s. Let us not think that because we have gone through this journey ourselves of recognising marriage equality, everyone in the community clearly understands how that is realised and actualised in the community. Nothing is more true than the fact that at the moment, the federal Parliament is holding an investigation into religious freedoms. That worries me and many of the people in the community I represent because we do not want the debate around marriage equality to be hijacked by concerns about religious freedoms. There are religious freedoms in Australia but they should not override other people's freedoms.

One of the young people who comes to my office to volunteer—I am very grateful that she does; she is a great young woman—is called Razia. Razia made a submission to the religious freedom review panel and I want to tell people a couple of things she said. Firstly, she outlined how she came to be an Australian. She says —

I called Australia home in 2002, after my father was killed before my eyes by the extremist religious groups the Mujahideen in Afghanistan, who believed that they were on a Jihad (holy war).

She goes on to talk about how they terrorised communities and how discrimination based on religious ideology has had massive, unfair and horrible impacts on the society she knew as she was growing up until she left Afghanistan. She talked about how since September 11, although atrocities have been carried out in the name of religion time and again, she believes that tolerance is important.

I have just realised that the second page of my notes did not print, which contains the part I wanted to talk about so I will have to talk about it from memory. The gist of what Razia was saying to the community was that she loves that we can have a society that embraces all. She was very pleased when the outcome of the marriage equality debate was positive and the federal government adopted marriage equality. For her, it meant she lived in a society in which everyone was accepted and that was the dream she had sought when she left her country in such an intolerable situation. She talked also about the fact that in no way should religious freedoms override any other freedom in our community. She puts that very strongly in the context of her experience.

Some great research is being done around how culturally and linguistically diverse or new Australian communities have to endure some of the discrimination they face in their own communities around their sexuality. A report called "*I'm really no different from you*": Stories and insights from same sex attracted young people in Melbourne's west" states in part —

... some participants stated that they feel as though they have to hide their religious identities within the GLBTIQ communities ... have to sometimes make a choice between identifying either with their sexuality or their culture and/or religion.

Taking into account that in many communities from various countries, their religion is their identity, and having that questioned with their identity around being same-sex attracted, it is really difficult, complex and frustrating for many. The report goes on to say —

Negotiating dual identities can exacerbate feelings of disconnection.

They also struggle with the knowledge that if they come out and say they are same-sex attracted, it may bring shame and dishonour on their family. It may also cause sadness to their parents, who may have risked their professions and even their lives to bring them to a safe country.

We cannot leave it at this point. We need to help these people find role models within their communities. We need to help them alert their communities to historical facts about lesbian and bisexual people, particularly women, in their own cultures. We also need to assist the process by ensuring that we appoint a commissioner for gender and sexuality, as Victoria has done.

The report goes on to say that 2010 research suggests that CALD same-sex attracted men are faced with prejudices in both their ethnic and gay communities that can cause additional stress that Anglo-Australian gay and bisexual men would not encounter. The report refers also to the lack of familial support. The stories in this report demonstrate the challenges that these people have to face. One of the strong comments in the report is the quote —

... I just grew a greater understanding that sexuality isn't at all important; it doesn't make us who we are, but it is a part of who we are.

For many people in CALD communities, that journey is very difficult.

I refer also to a report titled “Coming Out, Coming Home or Inviting People In? Supporting same-sex attracted women from immigrant and refugee communities”. The report says —

The lack of information for same-sex attracted women about gay-sensitive, culturally-aware health professionals and community workers affects their access to health care.

The report says also —

For some, cultural identity, with its emphasis on family, is more important than their sexual identity:

*‘They set a very high price on that capacity to interact and have acceptance and their sense of belonging is much more in that community than it probably is in the gay and lesbian community, particularly when they’re young, so to give that up in exchange for the other one is just too hard. It doesn’t limit their capacity to interact because they don’t tell.’ ...*

These people are in a real bind about whether they should maintain their connection with their community, their collective base and their cultural identity, which is also part of them, or suppress that. That is not dissimilar to the situation of the people who were faced with the penalty that this bill seeks to overturn. Historically, those people would have faced the challenge of whether they should accept who they are and risk being convicted for having committed an unlawful act or whether they should say, “This is the way it is, and I will have to change my nature and part of who I am so that I can comply with this unfair and discriminatory law.” Therefore, it is fitting that we expunge these historic convictions and say to those members of our community, “It is not illegal. It will not leave you with a criminal record. You can be brave.” However, we need to enable them to be brave in a supportive community. That means that this journey needs to be ongoing. We need to make further decisions to ensure this is facilitated in a manner that is open-hearted, embracing and demonstrates the best of us, as this piece of legislation and the marriage equality debate have done. Thank you.

**MR M. HUGHES (Kalamunda)** [12.04 pm]: I rise to make a short contribution to the debate on the Historical Homosexual Convictions Expungement Bill 2017, which was introduced into Parliament on Wednesday, 1 November 2017. Before I continue my remarks, I would like to congratulate the member for Southern River for his contribution to this debate. It was a very comprehensive examination of the issues and continuing problems that this state faces with respect to bringing discrimination of all kinds to an end. Members mentioned the commonwealth Marriage Equality Act, which was amended last year by the Marriage Amendment (Definition and Religious Freedoms) Act 2017, which was passed in December last year. Effectively, we became the twenty-fifth country to pass legislation that ended discrimination for same-sex marriage. Interestingly, in 2004, the commonwealth Parliament, with the agreement of both sides of that Parliament—Labor and the Liberal–National Coalition—brought into the commonwealth Marriage Act definitions that clearly discriminated against the possibility of people of the same sex marrying. Members may be aware that it was not until 1961 that the commonwealth took overall responsibility for marriage within the commonwealth whereas prior to that date, it had been a shared responsibility with the states. In doing so, and having an act that the commonwealth brought into being in 1961, it brought to an end the possibility of individual states to legislate for marriage the way they intended. In 2004, we had the spectacle of Hon Philip Ruddock bringing to Parliament legislation to discriminate. I am sad to say that on this side of the house, commonwealth colleagues were prepared to give that bipartisan support. We have come a long way in 13 years, not just the broader community but parliamentarians and their attitudes towards homosexual activity and same-sex marriage.

Members have been made aware that the discrimination of homosexual acts in Western Australia took place as far back as December 1989 when the Western Australian Parliament passed the Law Reform (Decriminalization of Sodomy) Act. We have heard that that was some 15 years after South Australia, the first state to legislate in this area, brought about that reform. Notwithstanding the fact that we passed an act in 1989, that was after four failed attempts to do so. It is not something that this Parliament has come to easily. We have heard that an estimated 200 to 300 people—we are not sure how many—have criminal records of historical offences under the provisions of the Criminal Code Act Compilation Act 1913. They are offences that were repealed on the basis that they were discriminatory to our lesbian, gay, bisexual, transgender, intersex, queer citizens. Those Western Australians continue to bear the stigma of possessing a criminal record and the practical impediments created by criminal record across a range of activities, which have been listed by other contributors to this debate so I will not go into them. Prior to 1989, under sections 181, 182 and 184 of our Criminal Code, Western Australians who were of legal age and whose acts would not otherwise be deemed criminal offences were prosecuted simply because they chose to engage in sexual practices with a member of the same sex. As Jonathon Mann, chair of Rainbow Rights WA, succinctly put it —

It was state-sanctioned homophobia ... you had a criminal record just because of who you loved and that’s atrocious.

We have seen from the *Hansard* record the fetid attitude members of this place had towards homosexual activity. We have come a long way, but make no mistake: that sentiment is still deeply entrenched amongst sections of the community. The member for Belmont referred to incidents in which young people have been beaten and bashed

by those who have made the decision that they have the right to make judgements about people simply on the basis of their sexuality.

It has been argued that the Spent Convictions Act 1988 provided sufficient protection to those with historical homosexual convictions. However, in a vast array of circumstances an individual must disclose a conviction, even though it is spent. This means that many people—mainly from my generation, I might add—are still required to disclose and wear the stigma of having been convicted of an archaic, historical homosexual offence. It is time that those injustices were expunged from the record.

Twenty-eight years elapsed before we reached the point of introducing the Historical Homosexual Convictions Expungement Bill 2017 which, when enacted, will provide for the expungement of those convictions. Effectively, the bill covers a select number of historical offences under what are now repealed sections of the Criminal Code of Western Australia. The context for the proposed legislation is worth a brief examination. I ask members to bear with me; I understand that other members have already ranged over some of this.

The Law Reform (Decriminalization of Sodomy) Act 1989, although at the time lauded as an advance in decriminalising homosexual activity, was in effect one of the strictest gay law reform acts in Australia. It made the homosexual age of consent between males 21, while the age for heterosexuals was 16. But it did more than that; it went so far as to create a new offence under state law to make it a crime for a person to promote or encourage homosexual behaviour as part of the teaching in any primary or secondary educational institution, or to make public policy with respect to the undefined promotion of homosexual behaviour. It is interesting; the current opposition in some quarters to the Safe Schools program can be traced back to the sentiment that resulted in those provisions being included in that act, which decriminalised sodomy, as it was then referred to in this state. That debate still occurs amongst the conservative elements of our national Parliament, and it is shameful that it should continue. The equalisation of consent was not achieved until the passing of the Acts Amendment (Lesbian and Gay Law Reform) Act 2002. This legislation also repealed the laws against the promotion of homosexual behaviour in public policy and in educational institutions, and hurrah for that. I will come back to educational institutions towards the close of my speech and refer to something that was raised by the member for Belmont and the member for Southern River about our religious schools and what they continue to do.

Despite the decriminalisation of homosexual acts, historical convictions remain on the criminal records. This affected and continues to affect a person's ability to travel and to apply for jobs that require a police clearance. The men affected by the laws come from a wide cross-section of the community and from all walks of life. The criminal convictions were and remain a stain on the lives of these people and on their reputation, and they need to be removed. We heard the Premier say during the apology he gave last year that today homosexual activity is not an offence and should never have been an offence.

The matter of the men previously convicted of a consensual homosexual act, or what were then deemed to be crimes prior to the decriminalisation in 1990, has been much discussed in Western Australia in recent years. In 2016, the Law Society of Western Australia submitted a detailed proposal to the previous Attorney General, Hon Michael Mischin. The proposal made the recommendation that a scheme be established allowing individuals convicted of a historical homosexual offence to apply to have those convictions expunged. As we know, during the course of the recent election, both major parties discussed the prospect of expunging convictions for consensual homosexual acts—then considered sex crimes—but, again, despite the Law Society report being provided to the previous Attorney General, it has been left to this WA Labor government to introduce the legislation reform. There is something oddly familiar about this line. It is evident that the previous government sat on its hands across a number of areas of legislative change and it has been left to this reforming Attorney General to bring the reform agenda squarely to the fortieth Parliament.

What does this bill do? It establishes an administrative scheme for the expungement of convictions for a selected number of historical offences under the now repealed section of the Criminal Code involving homosexual activity. The bill provides that an eligible person, an appointed guardian, an enduring guardian, a relative or a partner of a deceased eligible person may apply to the chief executive officer of the department to have a historical homosexual offence expunged. Once the convictions have been expunged, the effect of expungement is that the person will no longer be required to disclose that conviction, importantly, including under oath. Further, government agencies identified in the bill as holding official criminal records relating to such expunged convictions will be required upon notification of an expungement from the CEO to annotate the records relating to that conviction. Such an annotation must indicate that the records relate to an expunged conviction. The unlawful disclosure of records that relate to an expunged conviction will now constitute an offence under the terms of this legislation. The bill also provides that when a conviction has been expunged on the basis of false and misleading information, that conviction can in fact be revived. The bill further provides that employment discrimination on the ground of an expunged conviction is unlawful, and this aspect of the legislation is modelled on the approach taken in the Spent Convictions Act 1988 and the act's relationship to the Equal Opportunity Act 1984. The overall effect is that a complaint of discrimination on the grounds of an expunged conviction may be lodged with the Equal Opportunity Commission and investigated. The bill also

goes so far as to amend the Working with Children (Criminal Records Checking) Act 2004 to provide that an expunged conviction is deemed a non-conviction charge for the purposes of section 4 of that act.

It is most fitting that the bill was introduced into WA, into this Parliament, with an apology from the Premier. The Premier said —

On behalf of the government of Western Australia, I am sorry for the hurt, for the prejudice, and for the active discrimination that ruined lives.

We have heard, across the chamber, members of this Assembly concur with that sentiment and support that apology. It is a great comfort for all concerned to note that the Premier's apology was endorsed by the opposition and the bipartisan apology has been an important part of the healing process for those who have been so wronged in the past. It is therefore greatly anticipated that passage of the legislation through the Western Australian Parliament will continue with this very clear bipartisan support. Expunging these convictions upholds the fundamental human rights of equal protection before the law and freedom from discrimination as set out in article 26 of the International Covenant on Civil and Political Rights, to which Australia and its constituent parts is a signatory. This bill promotes the protection afforded under the amendments to the commonwealth's Sex Discrimination Act that were passed in 2013, such that in Australia no person is treated less favourably before the law or otherwise because of the person's sexual orientation towards persons of the same sex.

The stigma associated with criminal convictions and the persecution associated with antiquated moral positions enshrined in law has prevented many Western Australians charged with such offences from seeking reform. This scheme to expunge historical homosexual convictions is a significant step towards correcting the longstanding historical injustices and discrimination exhibited towards the lesbian, gay, bisexual, transgender, intersex and queer members of our community. The bill promotes the protection of human rights and the right to live free from discrimination.

Another area that needs examination is the exemption provided to churches and their associated organisations that permit discrimination under state laws. Those exemptions allow them to discriminate against our LGBTIQ citizens in employment, and references were made to that by both the member for Belmont and the member for Southern River.

[Member's time extended.]

**Mr M. HUGHES:** I believe this should be a focus of our attention and we should work towards ending this allowable practice. It is unconscionable that although commonwealth law recognises the ability of same-sex people to marry, people in such a relationship can be denied lawful and gainful employment in church-based schools. I know it is an issue that would create great anxiety amongst the churches, particularly those that feel they have the right to see equality through the eyes of the beholder, which I do not agree with. Equality does not lie in the eyes of the beholder, member for Hillarys; equality is entrenched in human rights. We should not allow church organisations that see themselves as somehow a second state within the state to regulate employment practices. As a former principal of an Anglican school, I had members of staff who were in same-sex relationships and it would never have occurred to me that I would have any right to make a judgement to behold them as anything other than equal citizens—simply because they are equal. It was not for me to make that determination. It is simply what we as a community say about every LGBTIQ person in our community.

I commend the bill to the house and, in doing so, express my appreciation to the Attorney General for all the work he has done at the commencement of this fortieth Parliament.

**MR J.R. QUIGLEY (Butler — Attorney General)** [12.23 pm] — in reply: I rise to thank all members for their contributions to the debate on the Historical Homosexual Convictions Expungement Bill 2017. I listened with interest to members' contributions, and everyone has supported this bill. There has been commonality between the members' speeches in that they have harked back to the positions of previous Parliaments and previous members and some of those were read out to us by the member for Southern River and the member for Dawesville. Of course, in the past the difficulty has been the imposition on the community of one person's set of moral codes by a majority of people sitting in this chamber who shared that moral code. I think the application of the force of law to back up a moral code that a person privately held led to hurt and difficulty. We saw that during the same-sex marriage debate, when people talked about their moral codes and the necessity to protect and reinforce them by the force of law. When reflecting upon life and morality, Age of Enlightenment philosopher Immanuel Kant said —

Individuals should be free to chart their life course without the imposition of the values of others.

Mr Kant went on to say —

To choose my life's course, I must respect the rights and choices of others.

In speeches given not that long ago in this very chamber, as recorded in *Hansard*, members did not respect the tenets of the philosophy that people have the right to chart their own life's course, and that, at the same time, in

charting their life's course they should respect the rights and choices of other people charting their lives. American philosopher Michael Sandel wrote in his book *Justice: What is the Right Thing to Do* —

It is precisely because we are free and independent selves that we need a framework of rights that is neutral among ends, that refuses to take sides in moral or religious controversies.

The Historical Homosexual Convictions Expungement Bill 2017 will correct what happened after people sought to impose their life's choices—their moral codes—upon others and were not neutral as to morality when deciding public policy, but imposed it upon others.

We have heard read into *Hansard* this morning—I do not wish to repeat them—the awful speeches made in this house by people who were perhaps fearful of freedom. It sounded like they were so fearful of freedom that they wanted to shackle people who had chosen to chart a different life's choice with their view of morality. Hence, we had all these offences against particular practices of sexuality between consenting adults; practices of which those people did not approve and were fearful. We heard how fearful they were because one former conservative member said that when he met a homosexual he held his back up against the wall and his tail end went into spasms. What a speech to give in this place, and how abhorrent such notions would be today. His morality seemed to spring forth from a font of fear of these people, and that they had to be punished by the criminal law. Hopefully, we have moved, in 2018 and in this new Parliament, into an age of more enlightenment.

I am very pleased to say that the opposition has supported most of the bills that I, as Attorney General, have brought into this chamber, not on the weight of numbers but because they are bills of social reform. In doing that, I have tried, firstly, to focus on victims, and to have laws that are evidence based. I think that if we focus on the rights of victims and have laws that are supported by evidence, then as people of goodwill and after rational discourse, we will all end up at about the same point. We saw that with the no body, no parole bill. There was unanimous consent for that bill in this chamber. I did not make political mileage out of that. Members of the former administration went to the back of the chamber, into the Speaker's gallery, and offered their best wishes to relatives of deceased people whose bodies have never been recovered. The same occurred during the passage of the Dangerous Sexual Offenders Legislation Amendment Bill. That bill received the unanimous support of the chamber when we brought that legislation forward. Yesterday, legislation to lift the statute of limitations for child sexual abuse sped through this chamber because it is evidence-based legislation. We are collectively thinking of victims; it is not politically driven. The motivation of the Attorney General and the government in bringing that legislation to the chamber is, as I said, to look after victims. Here we are doing the same again today. The victims of these laws—that is, people who have been convicted of having consensual sex with someone of their own sex—were collared for having consensual sex and taken before a court and punished. They are the victims. It is those victims to whom we turn today with this legislation, to relieve them of the stigma and legal impediments that have been placed on their lives by those laws. We know that to get a working with children check, people must have a clean record. Having convictions on indictment for sodomy and the like stand in the way of a working with children check. It should never have been a conviction in the first place because a group of people who held a majority were imposing their morality on others. This law allows for the expungement of that conviction and will correct that grave injustice.

I note the member for Hillarys' support of the bill. I also thank the opposition for its support. I listened intently to the second reading contributions. I note that no criticism has been made about this bill and that so far no query has been raised about any clause during the debate. It may not be necessary, therefore, to go into consideration in detail and, hopefully, this bill will be one that passes through with unanimous support, like the bill yesterday.

I will speak briefly about the process. As the member for Hillarys noted, people with these convictions do not have to go back to a court to have their convictions expunged; they just have to make an application to the director general. It must pass a mandatory test. Before the conviction is expunged, the mandatory test is that the events seeking to be expunged are not considered to be an offence today. The mandatory test is that what is seeking to be expunged would not be an offence today. The decision-maker, the director general, will be paying particular attention to consent—was there consent at the time? If there were no consent, it would still be an offence today because it would constitute an assault. I think it is very important for us all to keep in mind that offences that are still offences today will not be expunged. Only those convictions for an offence that is not an offence today will be expunged. It is also important to note, as has been noted by the member for Hillarys, that people can also apply for the expungement of a deceased relative's conviction so that the family name can be cleared and it is not part of the family legacy that Uncle Charlie was a convicted felon on indictment and his character can be posthumously restored. I am very pleased that so far the bill has received the unanimous support of the speakers in this chamber. I noticed one comment of a political nature by the member for Hillarys and it caused me to prick my ears.

**Mr P. Papalia:** What did he say?

**Mr J.R. QUIGLEY:** He said that once he got into the Legislative Council, he urged the former Attorney General to find a way to bring this sort of legislation before Parliament. We know that a Law Reform Commission paper recommended it and charted the way, but the former Attorney General did not act upon it. The former Attorney General kept shop well, but no-one in this city could pretend that he was by any measure a reformer, even

when the need for reform was being urged upon him by a member of his own party. I raise that matter only because I am concerned about what happens in the Legislative Council. The no body, no parole bill went to the Legislative Council and I was contacted today, for reasons that members will see on the news tonight, by Mr Don Spiers, whose daughter Sarah Spiers was one of the missing persons in the Claremont serial killer case. He said, “Where is the no body, no parole bill?” I said that it was stuck for nearly a year in the Legislative Council. Yesterday, in consideration in detail, the member for Scarborough said that that is not true; it just did not get on to the list of priority bills. I have checked and, in fact, the report from the committee came back only two weeks before the rising of Parliament and could not have been put on the priority bills list. We will deal with that in due course.

**Mr Z.R.F. Kirkup:** You could have brought the Council back to sit earlier. It is unprecedented for it to be sitting so late.

**Mr J.R. QUIGLEY:** We cannot go to the expense of bringing two chambers back to pass —

**Mr P. Papalia** interjected.

**Mr J.R. QUIGLEY:** It is tribal protection and I have no problem with that so long as the facts are before the chamber, and the facts before the chamber are that it stayed with the committee all year and the report was handed down only two weeks before Parliament rose. I am keen to see that this bill does not go down the same sort of circuitous route in the upper house and be blocked for 10 or 12 months, or whatever. We in this chamber are all at one. I have heard all members speak in their fervent support of the Historical Homosexual Convictions Expungement Bill 2017. I would like the members of the other place to know that we unanimously support the provisions of this bill and we unanimously urge its swift passage.

There is nothing more that I want to say about the bill, I just urge its swift passage. Those members of the Liberal Party who are in the chamber—no National Party members are present—could use their voices in the party room to urge the swift passage of this bill through the Legislative Council once we get it there. I am sure that a lot of people would be grateful for that outcome. I could go through each of the speeches but, as I said, we have heard unanimous support from around the table. We heard particularly strong support from the member for Hillarys and the member for Dawesville, for which the government is appreciative. We heard strong support from all government members. My only message to those who sit opposite me is to ask if they could also use their voices in their party room to avoid this legislation getting bogged down in the Legislative Council, and to offer swift passage. As the member for Dawesville said, some of the affected people are getting on in years because it has been 30 years since homosexuality stopped being an offence. Some of the people are in their sixties and seventies and I am sure they would very much appreciate an urgent resolution. Beyond that, I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

*Third Reading*

Bill read a third time, on motion by **Mr J.R. Quigley (Attorney General)** and transmitted to the Council.

**LAND TAX ASSESSMENT AMENDMENT BILL 2017**

*Second Reading*

Resumed from 8 November 2017.

**The ACTING SPEAKER (Ms J.M. Freeman):** Member for Bateman.

**MR D.C. NALDER (Bateman)** [12.42 pm]: Thank you, Madam Acting Speaker.

**The ACTING SPEAKER:** Not Batman.

**Mr D.C. NALDER:** No, not Batman.

I stand to speak on the second reading of the Land Tax Assessment Amendment Bill 2017. I acknowledge that this side of the house supports the bill. It deals with some unintended consequences of the Land Tax Assessment Act 2002. It is to do with statutory organisations with the intent that the existing exemption is supposed to be confined to those that carry out an undertaking of a public nature for the benefit of the community under some authority or direction of the government. However, advice received in 2015 was that there was a risk that this could extend to other entities—private sector companies. The purpose of this act is to amend the legislation to ensure that it meets the policy intent of the original 2002 legislation. We support this legislation in the house.

**MR B.S. WYATT (Victoria Park — Minister for Finance)** [12.44 pm] — in reply: I thank the shadow Treasurer for his support of the Land Tax Assessment Amendment Bill 2017, which, to be frank, is an important but technical amendment actually introduced by the member for Nedlands back in 2015 when he was finance minister. As the member for Bateman pointed out, the retrospectivity of this bill is to deal with an unintended consequence. Because



there is a general reluctance or nervousness, quite rightly, around retrospectivity, I want to reassure members of this place. There are a couple of points. The validation will not apply to any assessments in respect to which a taxpayer has already lodged an objection or appeal. The assessments that are being validated effectively fall into two categories. The first is where land owned by certain types of public statutory authority was not exempted due to the narrower meaning that was applied to that term, and, secondly, when a taxable authority continued to be treated as the owner of land liable for land tax notwithstanding that another person was leasing the land. In both cases these assessments were based on a continuation of the policy settings that existed under the former Land Tax Assessment Act 1976. As the amendments the subject of this bill will restore those policy settings, it is necessary to validate those assessments that have been made on that basis since the current Land Tax Assessment Act 2002 came into effect on 1 July 2003. That is the point of the retrospectivity.

We are not expecting this to have any revenue implications. The bodies lacking the necessary public purpose will continue to be denied an exemption from land tax going forward. Past assessments made since 2003 on the basis that a body must satisfy the public purpose test in order to be a public statutory authority will be validated. An objection was allowed when this issue came to light and will not be overturned as a result of this decision. That objection highlighted this particular issue. Whilst the objection was allowed at the time, no review proceedings were commenced. As I said, it is a technical amendment that the previous government introduced into the Parliament in mid to late 2015. The Parliament did not get the opportunity to debate the legislation. I am not surprised—I am delighted—that the opposition supports the bill and agrees that it is important to clarify these issues. Ultimately, we have to deal with flaws in legislation from time to time. No doubt this bill will be as uncontroversial in the upper house as well. We might even get to move straight through to the third reading. With that, I thank all members.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

#### *Third Reading*

**MR B.S. WYATT (Victoria Park — Minister for Finance)** [12.48 pm]: I move —

That the bill be now read a third time.

Again, I thank all colleagues in this place—the member for Bateman, for example—for supporting the passage of this legislation. I thank all members of the Liberal Party. I assume that although they are absent from the chamber, National Party members will also support the passage of this legislation. It is important that we clarify this issue.

**The ACTING SPEAKER (Ms J.M. Freeman)**: Two minutes.

**Mr B.S. WYATT**: Two minutes! It will be the longest two minutes of my life, Madam Acting Speaker, as I reach for my notes on the Land Tax Assessment Amendment Bill 2017. There is a reluctance to apply retrospective legislation, which I understand. I pointed out that this bill is not expected to have a revenue impact. However, it will allow us to clarify a very important operation of the land tax regime. As I come to the conclusion of my remarks in what has been a Churchillian performance, I again thank all of my colleagues for their support of this legislation.

Question put and passed.

Bill read a third time and transmitted to the Council.

#### **BIRTHDAY WISHES — PRICE FAMILY**

##### *Statement by Member for Forrestfield*

**MR S.J. PRICE (Forrestfield)** [12.50 pm]: I have a very special birthday wish to make today. Members may be aware that I am the father of four beautiful daughters, but what they may not be aware of is that, as far as the Parliamentary Library can tell, I am the first member of Parliament to have triplet children. On this day 13 years ago, my amazing wife, Melanie, gave birth to three beautiful daughters. The one person who was possibly more excited than us was our beautiful daughter Abbey, who was two years and two months old at the time. She was pretty happy about having three baby sisters to play with. What is even more special is that it was in this very minute that two of the three girls were born. Erin Leonie came into the world at 12.50 pm on 22 February 2005, weighing 1 915 grams. Rani Josephine followed closely and was also born at 12.50 pm, weighing 1 710 grams. Tia Margaret could not quite make it in time. As the clock ticks over to 12.51 pm, as it was on the day, Tia was born, weighing 1 610 grams. It is truly amazing to think that three babies can be delivered in less than the time that it has taken me to give this speech. I have been very lucky to have a wonderful wife and four beautiful daughters, three of whom just happen to be born on the same day. They are all confident, caring, independent, strong and very beautiful young ladies. Happy thirteenth birthday, angels. Mum, Abbey and I are so very proud of you and we love you all to the moon and back.

**The ACTING SPEAKER (Ms J.M. Freeman)**: Happy birthday to them!

**INTERNATIONAL GREEK LANGUAGE DAY***Statement by Member for Hillarys***MR P.A. KATSAMBANIS (Hillarys)** [12.51 pm]: Madam Acting Speaker —

[Words spoken in Greek.]

Today we speak Greek in the heart of democracy in Western Australia to honour International Greek Language Day.

The official day was earlier this month, on 9 February, which was set to coincide with the date on which the great Greek poet Dionysios Solomos died. Here in Western Australia, Greek is spoken every single day. There are thousands of words in the English language that derive from Greek, including the word “democracy” itself. Yesterday was International Mother Language Day. Despite being born in Australia, Greek was my mother language and I did not speak English until I started school. That was certainly not a disadvantage; in fact, being able to speak Greek was a major advantage and being able to speak two languages was also a major advantage. I acknowledge and thank all the people who help to maintain the Greek language in Western Australia including the very successful St Andrew’s Grammar school in Dianella; our Greek Orthodox churches; the Hellenic Community of Western Australia; the Evangelismos parish, which runs after-hour schools; the Greek Consulate in Perth and Mr Antonios Koliadis, who has worked tirelessly to promote the Greek language and is here today; and all the local community groups that celebrate our Greek language and traditions. I am proud to be able to say that I can speak, read and write Greek. It has helped me along the way in my life. I encourage everyone in Western Australia to learn a second language to help us expand our knowledge and understanding of other cultures.

**ASSOCIATE PROFESSOR GRAHAM WOOD — TRIBUTE***Statement by Member for Kingsley*

**MRS J.M.C. STOJKOVSKI (Kingsley)** [12.53 pm]: I rise today on behalf of the performing arts community of Western Australia to recognise the teaching and performing talent of Associate Professor Graham Wood, who passed away in Perth on 19 July last year following a four-year battle with cancer. As an accomplished academic, pianist and composer, Graham was a truly unique Western Australian. He created the true contemporary home of jazz and its various genres at the Ellington Jazz Club on Beaufort Street, which has helped attract hundreds of highly regarded global jazz musicians since it opened its doors in early 2009. During his jazz piano career, Graham played with many international stars of jazz. Rising to the position of associate dean at the Western Australian Academy of Performing Arts, Graham inspired a generation of young jazz musicians and organised the annual student trip to various locations around the world. Graham was nominated for the 2013 Western Australian of the Year award in the arts category, the Golden Western Australian Music Industry award and was inducted into the West Australian Music Hall of Fame last year.

Graham was known as a larrikin who embraced all forms of music and performance and a person who was not afraid of risk-taking and adversity. In 2012, Graham founded the Perth International Jazz Festival, and through his extensive global networks he was able to attract some of the world’s finest jazz musicians to Perth to perform at the annual festival. His goal was to make the genre of jazz accessible to a range of audiences and communities. Graham’s larger-than-life personality and tenacity was behind the festival’s 40 performances across eight venues, including Perth Concert Hall and Brookfield Place, over the jazz weekend. Last year, the town of York was once again added to the festival program, showing Graham’s love for WA’s regions. Graham gave his time to many community events, including those for children, the elderly and Aboriginal groups. He worked with Aboriginal theatres to establish links between jazz and Indigenous music.

Associate Professor Graham Wood is remembered by the performing arts community of this state and across the country for his pioneering spirit.

**BEACH VOLLEYBALL STATE OPEN FINALS***Statement by Member for South Perth*

**MR J.E. McGRATH (South Perth)** [12.54 pm]: Last weekend, as patron of Volleyball Western Australia, I attended the Alcohol Think Again Beach Volleyball WA State Open finals at Scarborough Beach and was honoured to present the medallions. It was an outstanding event, with more than 160 players taking part. Scarborough Beach is an excellent venue and conditions on the day were perfect. The women’s gold medal match was won by Rio Olympians and Gold Coast Commonwealth Games hopefuls Mariafe Artacho del Solar and Taliqua Clancy. The men’s gold went to 2018 Victorian Open winners Marcus Ferguson and Tim Dickson. All four are elite athletes based in Adelaide at the Volleyball South Australia Academy. I met the four winners and found them to be outstanding young individuals. Volleyball is an Olympic sport with huge participation numbers around the world. It is now a sport on the move in our state, with more than 65 000 participants. Representatives of Volleyball Australia who attended the event were most complimentary of the manner in which it was organised by Volleyball Western Australia. Congratulations to all concerned. This is a sport that I think members should get behind. It is an Olympic sport and a great pathway for young people. A lot of university students get involved in volleyball. As patron of the sport I am dedicated to seeing its advancement in Western Australia.

**WEST BALCATTÀ PRIMARY SCHOOL NATURE PLAYGROUND***Statement by Member for Balcatta*

**MR D.R. MICHAEL (Balcatta)** [12.56 pm]: Last week I attended the opening of the new nature playground at West Balcatta Primary School, affectionately known as “the backyard”. Far from a humble backyard, the West Balcatta Primary School community should be incredibly proud of what it has achieved. In June 2016, members of the parents and citizens association established a nature spaces committee, and in just 18 months they planned, designed and built the backyard, which covers over 1 500 square metres and includes a variety of play features and challenges. Local parents were integral to the project and I want to single out a couple of them. Walter Van Der Loo, a landscape architect, kindly donated his time and skills to design and project-manage the entire process. The City of Stirling misses him badly. Amy Rudd is an occupational therapist who undertook an analysis of the benefits of nature spaces for children and their learning outcomes. Along with the other committee members, Ingrid Frazer, Lou Yabuka, Bojana de Garis, Annabel Lyndon and Amanda Hansen, they worked tirelessly, consulting with staff, students and parents as well as holding working bees and getting the job done. The backyard was delivered with a massive \$72 000 contribution from the P&C, a \$25 000 contribution from the McGowan government’s Local Projects, Local Jobs fund, \$10 000 from the school, and an estimated \$220 000 of in-kind donations of materials, equipment, resources and volunteer time. The West Balcatta community put in 3 000 hours of volunteer labour over 15 working bees. They are not done yet. Members of the committee are already talking about the next stage. I cannot wait to see what they come up with. As always, I will support them in any way that I can.

**MOORA RESIDENTIAL COLLEGE***Statement by Member for Moore*

**MR R.S. LOVE (Moore)** [12.57 pm]: I rise today to acknowledge the relentless and dedicated efforts of the Moora community to save the Moora Residential College, the 50-bed residential facility for students attending Central Midlands Senior High School in Moora. Announcing the closure of the college on 13 December last year, the Minister for Education and Training, Hon Sue Ellery, claimed the Moora facility was underutilised and suggested students could attend the new Yanchep Secondary College. For the past decade the average occupancy rate at Moora’s college has been 70 per cent, and it should be noted that Yanchep Secondary College is 158 kilometres from Moora and substantially further from Dalwallinu and Eneabba, which are typical hometowns of the college students. Immediately following the December announcement, the Moora community sprang into action. It recognised the long-term social and economic impact this closure would have on the wider district. School holidays and the Christmas break were dedicated to a relentless campaign that saw volunteers devote hours to highlight the real issues at stake. Tracey Errington, president of the school’s parents and citizens association, deserves a special mention. Tracey has done an enormous amount of work as a campaign leader, supported by the Shire of Moora and the wider community. Tracey has literally left no stone unturned. Likewise, local business operator Julie Walsh has devoted hours to this campaign, as has the school board chair, Melissa Cameron. Losing students from the closure of Moora Residential College will decimate the Central Midlands Senior High School, dumbing down educational opportunities in this district. Moora shire, the community, business owners and parents are fiercely passionate. They are doing it for generations of children yet to come through the high school. They believe vehemently in that most basic of rights—access to education.

*Sitting suspended from 1.00 to 2.00 pm***QUESTIONS WITHOUT NOTICE****“SPECIAL INQUIRY INTO GOVERNMENT PROGRAMS AND PROJECTS: FINAL REPORT”****86. Mrs L.M. HARVEY to the Minister for Transport:**

I refer to the McGowan government’s new era of diligence in project management following the Langoulant inquiry. Did the minister conduct a proper tendering process for the repurposing of the Roe 8 contract to the Wanneroo Road, Armadale Road and the Fiona Stanley Hospital access projects? If not, why not, and will she now table all the relevant business cases?

**Ms R. SAFFIOTI replied:**

I thank the member for Scarborough for that question. I find the opposition’s new-found interest in probity, governance and business cases amazing. After, what was it, a multi-billion dollar Serco contract with no business case and a \$ 1.8 billion stadium with no business case?

**Mr S.K. L’Estrange:** Answer the question.

Several members interjected.

**The DEPUTY SPEAKER:** Members!

**Ms R. SAFFIOTI:** It is about governance and business cases.

I find the question quite interesting, because yesterday I heard the former Minister for Transport, the member for Bateman, talk about what a great project the Berkshire interchange was, when he used the savings from the existing contract to build that new interchange.

**Mr D.C. Nalder:** It was part of the same project.

**Ms R. SAFFIOTI:** It was not part of the same project. When we were discussing —

**Mr D.C. Nalder** interjected.

**The DEPUTY SPEAKER:** Member for Bateman!

**Ms R. SAFFIOTI:** When we were discussing with my agency delivering our election commitment to save the Beeliar Wetlands and to stop Roe 8, I asked, “What is a precedent for varying the contract to other projects?” I was told, “The former Minister for Transport did it with Berkshire; that is the precedent; that is the process we followed.” It is a good outcome for WA.

Several members interjected.

**The DEPUTY SPEAKER:** Members!

**Ms R. SAFFIOTI:** It is a good outcome for WA and the other side should apologise to Western Australia for all that money lost.

The most entertaining part of today is the soap opera of the opposition and the now divergence between the National Party and the Liberal Party. They were great mates when they were throwing money around the state. The Liberal Party and the National Party were great mates when there was no process and they were spending money at the bar; it did not matter. They woke up the next day, saw the credit card bill and now they are blaming each other. The National Party blames the Liberal Party and the Liberal Party blames the National Party.

“SPECIAL INQUIRY INTO GOVERNMENT PROGRAMS AND PROJECTS: FINAL REPORT”

**87. Mrs L.M. HARVEY to the Minister for Transport:**

I have a supplementary question. I note that the minister clearly has no business cases for the Wanneroo Road, Armadale Road and Fiona Stanley access projects. Will she now confirm, following the Langoulant inquiry, that all Metronet projects must have a cost–benefit analysis and business case approved by Infrastructure WA, or was the Langoulant inquiry focused only on political pointscoring?

**Ms R. SAFFIOTI replied:**

I think the member for Midland, the Minister for Police, will be soon raising some issues about the Langoulant inquiry and the member for Scarborough. But it was funny last week, as I was sitting there with the Infrastructure Australia board, having dinner and outlining our process of business cases, when they said to me, “What a great, refreshing change it is to have a government —

**Mrs L.M. Harvey:** Who said that?

**Ms R. SAFFIOTI:** The Infrastructure Australia board.

**Mrs L.M. Harvey:** Name them!

**Ms R. SAFFIOTI:** The board.

**Mrs L.M. Harvey:** Who said that?

**Ms R. SAFFIOTI:** All of them.

**Mrs L.M. Harvey:** Name the person who said that. They didn’t say that; you made that up!

**Ms R. SAFFIOTI:** When did you have dinner with them? When did they talk to you? You would not know who they were. You would not know a business case if it fell on you!

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

**The DEPUTY SPEAKER:** Member for Armadale! That is not necessary.

**Ms R. SAFFIOTI:** As they were going through the first stage of our business cases that have already been sent, and as we were finalising the business cases for stage 4, which have nearly been sent, they said that it was so refreshing to have a government that wants to seriously engage and undertake proper process. I am proud that we are seriously engaging with Infrastructure Australia. As I said, my agency spent the day with them showing them our Metronet projects that the opposition does not support. The federal Minister for Urban Infrastructure and Cities, Hon Paul Fletcher, has been answering questions in the federal Parliament and is proud of Metronet.

Several members interjected.

**Ms R. SAFFIOTI:** Madam Acting Speaker —

**The DEPUTY SPEAKER:** Members! I suspect Hansard is struggling to hear what the minister is saying, particularly from this side of the house. So please be quiet.

**Ms R. SAFFIOTI:** People on this side of the house might be surprised to know that we have Barnaby Joyce and Paul Fletcher fighting over who takes ownership of Metronet. The federal government is so proud of it, they are actually fighting over which federal minister takes responsibility for Metronet.

**Mrs L.M. Harvey:** FAL is not Metronet. It's our project.

**Ms R. SAFFIOTI:** Well, too late on that one. We have got you on that one.

We are very keen to be involved in the business case process with Infrastructure Australia. I have worked —

**Dr M.D. Nahan** interjected.

**Ms R. SAFFIOTI:** I have met with Infrastructure Australia on a number of occasions. It is very keen to work with Western Australia to deliver job-creating projects. Is it not good to see new economic data showing confidence back because we have a program of infrastructure that the opposition could only dream of.

#### ROAD SAFETY COMMISSION — WESTERN FORCE PARTNERSHIP

#### 88. **Mr M. HUGHES to the Minister for Road Safety:**

I have an interesting question for the minister. I refer to the special inquirer's examination into the \$1.5 million Road Safety Commission and Western Force partnership deal.

- (1) Can the minister outline to the house the process that led to that deal?
- (2) Can the minister inform the house whether that deal went to cabinet?

#### **Mrs M.H. ROBERTS replied:**

- (1)–(2) It certainly is a very interesting question and a very important one. The Langoulant report has a whole chapter about the Road Safety Commission and Rugby Western Australia partnership with Western Force, as outlined from page 569 onwards in volume 2 of the Langoulant final report. In that report there are some pretty interesting conclusions and information. It states —

*“... the proposal to allocate \$1.5 million ... to the Western Force partnership was far and away the largest partnership involving [the] Road Trauma Trust Account ...”*

...

The Special Inquirer was told that, up until March 2017, the biggest allocation had been about \$50 000.

Taking into account the whole history of the road trauma trust account, when the biggest allocation had been about \$50 000, the special inquirer said, “This is interesting. In the dying days of the former government in Jan 2017, they came up with an idea to spend \$1.5 million out of the road trauma trust fund.” It is interesting that the member for Scarborough should talk about business cases, because the business case here was very much lacking. If members look to the bottom of page 569, it states —

... and, despite specific requests, the Special Inquirer did not see any documentation that explained how the State would benefit from the decision.

What a quick decision it was. On 25 January 2017, just before the election, just before the writs were issued on 1 February, a memo came to the member for Scarborough's office when she was Minister for Road Safety. It arrived there on 25 January. By 30 January—the date is actually scratched over; it looks like she has written the twenty-ninth first and then crossed it out and put the thirtieth—fewer than five days after it was signed off by the Road Safety Commission, she put her moniker on it. She signed up to the \$1.5 million worth of expenditure without any proper information about how it would benefit the state.

The second part of the member for Kalamunda's question is even more interesting; the question whether it went to cabinet and what was the process. If one were to believe the Leader of the Opposition, on 20 February, earlier this week—after the Langoulant report was released—he said on ABC NewsRadio, according to my notes —

*“The appropriate agencies recommended, through the Minister to Cabinet, that we reallocate surplus funds to support Western Force, and that's what we decided to do.”*

Perhaps the Leader of the Opposition might like to correct the record, because the Langoulant report makes it very clear that it did not go to cabinet. Mr Allen, the minister's former chief of staff, made it quite clear that it did not go to cabinet. If members turn to page 586 of the report, they will see that Mr Langoulant states that there was no meeting of cabinet between 16 January and 30 January 2017 when the minister signed it off. It could not have gone to cabinet. We do not need to trawl through anything; it did not go to cabinet.

**Mrs L.M. Harvey:** It was on 18 January; check your records.

**Mrs M.H. ROBERTS:** Are you saying that it went to cabinet now? Are you saying it went to that meeting?

**Mrs L.M. Harvey:** It was discussed.

**Mrs M.H. ROBERTS:** Oh!

Several members interjected.

**The DEPUTY SPEAKER:** Minister!

**Mrs M.H. ROBERTS:** Perhaps the Leader of the Opposition would like to correct the parliamentary record too, because if I look back to 29 June last year, he said —

The Road Safety Commissioner wrote to me. He was responsible for making submissions to the Minister for Road Safety about using money from their trust funds. He was responsible for putting together the submission for the \$1.5 million for the Western Force. He is responsible and he knows it was brought to cabinet, ...

The Leader of the Opposition says that Mr Papalia did the submission and it was taken to cabinet. Further in that same debate, while the member for Scarborough was on her feet, Mr B.S. Wyatt interjected to say that it did not go to cabinet. The Leader of the Opposition interjected on him, on 29 June, and stated, “Yes, they did.” They cannot get their story straight between them. Despite the fact that in June last year the Leader of the Opposition was in this house saying that a submission went to cabinet on it—a position that he maintained on radio even after the Langoulant report had come out—his deputy, who is sitting next to him, never gave him the elbow and said, “Actually, the submission didn’t go to cabinet at all.” Then his own deputy—talk about dysfunction opposite—still did not enlighten him, we must believe, by saying “Hey, buddy, it didn’t go to cabinet” because she lets him go along to the Langoulant inquiry and still say that it went to cabinet. When questioned about that further, he said, “Well, it could be a bit of a confused recollection; it might have just been a chat with the Minister for Road Safety.” Since when is that any kind of a proper process?

When we get to the matter of unlawful, either you are deliberately misunderstanding what Mr Langoulant is saying, member for Scarborough, or you are much, much dumber than I ever thought, because you unlawfully, time and time again, spent money from the road trauma trust account without the proper authority. You had it pointed out to you time and time again by myself and the former member for Hillarys that you were in breach of the Road Safety Council Act.

*Point of Order*

**Mr R.S. LOVE:** Madam Deputy Speaker, under standing order 75, questions may be asked of ministers “regarding matters under the Minister’s administrative responsibility”. It also states, in the further explanations, that a question cannot relate “to events which occurred before he became a Minister”. These events relate to a time prior to when the member for Midland became the Minister for Road Safety. The report may have come out, but the minister is talking about events that occurred prior to that time. It is not a commentary about the report.

**Mr D.A. TEMPLEMAN:** Madam Deputy Speaker, on that point of order, the matter is clearly out of order. This is in relation to a report that was released this week and matters related to that report.

**The DEPUTY SPEAKER:** Thank you.

*Questions without Notice Resumed*

**Mrs M.H. ROBERTS:** Thank you, Madam Deputy Speaker.

This minister cannot plead ignorance, because she did know. When she appointed —

*Point of Order*

**Mr S.K. L’ESTRANGE:** Madam Deputy Speaker, the minister referred to the Deputy Leader of the Opposition as a minister. That is incorrect.

**The DEPUTY SPEAKER:** The member is quite right.

*Questions without Notice Resumed*

**Mrs M.H. ROBERTS:** When the member for Scarborough was minister, she gave a statement in the house on the appointment of Mr Papalia as Road Safety Commissioner. She said, and I quote —

The necessary amendments to the Road Safety Council Act 2002 to create the advisory council are currently being progressed, and, until these changes occur, the Road Safety Council will continue to operate in its current form.

That was back in November 2015. Did you ever progress those amendments, member for Scarborough? No; never! There was never any change to the statutory obligations of the Road Safety Council. From all that time onwards, when the former government treated it like the RTTA, like its own little private slush fund, you were in breach of the law.

*Point of Order*

**Mr S.K. L’ESTRANGE:** Madam Deputy Speaker, this looks more like a ministerial statement than it does an answer to a question in question time.

Several members interjected.

**The DEPUTY SPEAKER:** Members, please! Thank you.

**Mrs M.H. ROBERTS:** I will come to a conclusion.

**The DEPUTY SPEAKER:** Thank you.

*Questions without Notice Resumed*

**Mrs M.H. ROBERTS:** The original question from the member for Kalamunda was about the process. If the member wants to ask me about what this process looks like, it looks pretty much like a collapsed rugby scrum!

Several members interjected.

**Mrs M.H. ROBERTS:** The dummy half fed it to the hooker, and all the forwards and the whole lot of you collapsed like a pack of cards!

Several members interjected.

**The DEPUTY SPEAKER:** Have you finished, minister?

**Mrs M.H. ROBERTS:** I am not sure that I was able to be heard. The dummy half fed it to the hooker, and all the forwards pushed forward and you all collapsed in a big heap! That is why you lost the election in March! It is because you could not follow proper process.

Several members interjected.

**The DEPUTY SPEAKER:** Members, we have a problem that Hansard cannot hear the proceedings. Would you please stop yelling.

**Mrs M.H. ROBERTS:** You could not follow proper process. It was a dodgy deal, done in the dying days of government. When the member for Scarborough went on radio earlier this week, she said, “Well, if we’d had more time and the election wasn’t coming up, perhaps we could have had a better business case.” How irresponsible of you, member for Scarborough, in committing a future government to your dodgy deal!

WANDOO REINTEGRATION FACILITY — BUSINESS CASE

**89. Mr Z.R.F. KIRKUP to the Minister for Corrective Services:**

Following the Langoulant inquiry, I note the McGowan government’s commitment not to proceed with projects without a clear business case. Will the minister now table the business case for the repurposing of the Wandoo Reintegration Facility?

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

Thank you very much for the first question from the new shadow Minister for Corrective Services. I have answered this question before in this house, and the member was here when I answered the question when it was raised by the member for Hillarys.

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

**Mr F.M. LOGAN:** The member suggested that I should just say “I refer you to *Hansard*”, and sit down. But I will do a bit more than that. The answer I gave the member for Hillarys has not changed, in that we as a government made an election commitment to bring Wandoo back in-house and repurpose it as an alcohol and drug rehabilitation prison. A business case is always developed when there are a number of options—correct, former Treasurer? In this case, we are not going out to tender. We are bringing a privately-run operation back into government.

**Dr M.D. Nahan:** How much is it going to cost the state?

**Mr F.M. LOGAN:** It is in the budget papers. Read the budget papers.

**Dr M.D. Nahan:** What will be the additional cost? How much?

**Mr F.M. LOGAN:** Read the budget papers!

**Dr M.D. Nahan** interjected.

**The DEPUTY SPEAKER:** Leader of the Opposition, I think you should let the minister finish answering the question.

**Mr F.M. LOGAN:** What was prepared for the Expenditure Review Committee and was presented to the last budget, and, Leader of the Opposition, what is in the budget papers, was a costing for the bringing of that prison back in-house. That is what was done, and you voted for it!

**Dr M.D. Nahan** interjected.

**Mr F.M. LOGAN:** Madam Deputy Speaker, the question was asked about business cases. I have explained that there was no need for a business case, on the grounds that we were bringing that property back in-house. It was in the budget papers, Leader of the Opposition, and you voted for it!

## WANDOO REINTEGRATION FACILITY — BUSINESS CASE

**90. Mr Z.R.F. KIRKUP to the Minister for Corrective Services:**

I have a supplementary question. Will the minister then confirm that all major projects within Corrective Services will now adhere to the recommendations of the Langoulant inquiry, or does the minister have no intention of implementing or adhering to those recommendations because it was just a political witch-hunt?

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

The member for Dawesville will find that in future, because we are a government that will adhere to proper process and proper governance, we will ensure, through the Expenditure Review Committee and through the budget processes, that business cases are prepared when they are needed, and that is what we are doing.

## QUEEN ELIZABETH II MEDICAL CENTRE — CAR PARK

**91. Mrs L.M. O'MALLEY to the Minister for Health:**

I refer to the Queen Elizabeth II Medical Centre car park contract, which continues to cost taxpayers hundreds of thousands of dollars a month in compensation, and which the special inquirer said could end up being a “costly deal” for the state. Can the minister advise the house how much compensation has been paid to date, and what action will be taken to determine whether the deal is actually value for money for taxpayers?

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

I thank the member for the question. This is a very important question, because this was supposed to be the hospital project that would not cost us any money. This is the one that the Leader of the Opposition said on 24 August 2016, “It has saved the state a substantial amount of money.” It is probably of some surprise to the members assembled to hear that this particular hospital car park project is costing the WA taxpayer \$700 000 a month. It has cost this state over \$20 million since —

Several members interjected.

**The DEPUTY SPEAKER:** Leader of the Opposition, and member for Churchlands, can you just let the minister get an answer out.

**Mr R.H. COOK:** I am not surprised the Leader of the Opposition is interjecting on this particular issue, because he was one of the seven Treasurers who, as managers of strategic projects, oversaw this, the most diabolical of contracts. The special inquirer observed —

The Project Agreement effectively creates parking management monopoly rights for Capella across the precinct. These rights include Capella having first right of refusal to operate any new car parking facilities on the Queen Elizabeth II Medical Centre site until November 2037. The agreement also granted Capella the exclusive right to pursue other specified commercial opportunities at designated locations within the site. The specified opportunities include a child care facility, convenience retail facilities, essential daily services retail facilities, automated vending machines and a restaurant or café. Under the Project Agreement, the State has restrictions around opening a competing childcare centre at the site at non-commercial or subsidised rates.

That means that if we wanted to put a childcare centre at Perth Children’s Hospital and it was not operated on a commercial basis, we would have to stick money into Capella’s pocket. If we want to provide a subsidy—which we do—for the mums and dads of long-term-stay sick kids to provide them with a concession rate in the car park, we would have to take money out of the taxpayers’ pockets and transfer it directly into the pocket of the private operator. If we want to continue with concession rates for night shift staff in particular—as was arranged by the previous government under this project—we would have to transfer a bucket of money from the taxpayers’ pockets and stick it directly into the pocket of Capella Parkcharge. Such is the appalling nature of this particular contract that we now have a situation in which—because of delays at Perth Children’s Hospital, the fault of the previous government—we do not have those beds operating at the hospital so we have to provide a subsidy to Capella Parkcharge from the WA taxpayers; the same WA taxpayers who are sitting there, scratching their heads, asking, “How did you stuff up the children’s hospital so badly?”

This is a spectacular failure by the previous government and we will make moves, consistent with the special inquiry’s recommendations, to undertake a value-for-money audit of this contract. This value-for-money audit will work out how Strategic Projects so manifestly failed the WA taxpayer, work out what the ongoing liability for the WA taxpayer will be, and seek to understand exactly what the future cost will be for the state. We will also carry out a review of the contractual framework with the private operator, consistent with the recommendations of the special inquiry. This inquiry will be undertaken by the Department of Health in collaboration with the Department of Treasury and the Department of Finance. We want to get a line of sight and an understanding of how the previous government so badly transferred the risks associated with this project. It thought that it had transferred the risks to the private operator, yet the WA taxpayers are the ones who will have to bear these risks on a day-to-day basis.



Let us understand the numbers: it is more than \$20 million so far—\$700 000 a month, more than \$24 000 a day. That is what we pay to Capella Parkcharge because of the dodgy contract put together by those opposite. It is a dud, and we will add it to the list of all the problems, stuff-ups and failures at the Perth Children's Hospital site. We are here to fix the previous government's mess.

ESPERANCE PORT — CLIFFS NATURAL RESOURCES

**92. Mr P.J. RUNDLE to the Minister for Transport:**

I refer to recent reports that the Esperance port has a take-or-pay contract with Cliffs Natural Resources for 7.5 million tonnes of iron ore out to 2030.

- (1) Given that Cliffs is shutting down, can the minister confirm the existence of the contract and the nature of the state's negotiating position on the settlement of this contract?
- (2) If yes to (1), what is the likely settlement in cash terms for early cessation of the contract?

**Ms R. SAFFIOTI replied:**

I thank the member for Roe for this question.

- (1)–(2) This issue is currently under live discussion. There is a meeting happening today in which there will be a discussion about the future of Cliffs in that area. We are awaiting the outcome of that meeting and also a briefing from the board and the port about options for the way forward. We have not received formal notification, so we are waiting for that formal notification.

ESPERANCE PORT — CLIFFS NATURAL RESOURCES

**93. Mr P.J. RUNDLE to the Minister for Transport:**

I have a supplementary question. Will the minister be doing anything to support the Esperance community, given the significant impacts of the Cliffs decision on jobs and opportunity in the region?

**Ms R. SAFFIOTI replied:**

I thank the member. This is a significant issue for the town and, of course, for the employees. We met with representatives of the employees, the Maritime Union of Australia, the other evening to discuss the potential consequences of any formal decision, so we are working on that. As I said, a meeting is being held today. Once we understand the full consequences of the decision, we will be working through to developing what we can do to assist the employees in the future.

MUJA POWER STATION PROJECT

**94. Ms S.E. WINTON to the Minister for Energy:**

I refer to the \$300 million Muja power station project, which, according to the special inquirer, suffered from significant shortcomings in decision-making.

**Dr M.D. Nahan** interjected.

**The DEPUTY SPEAKER:** Leader of the Opposition, I have warned you.

**Ms S.E. WINTON:** Madam Deputy Speaker, shall I start again? My question is to the Minister for Energy. I refer to the \$300 million Muja power station project, which, according to the special inquirer, suffered from significant shortcomings in decision-making. Can the minister advise the house whether there was a business case for the project, as then Minister for Energy told this place in 2013, and can the minister outline what the special inquirer found in regards to whether this and other projects managed by the previous Liberal energy ministers demonstrated value for money for taxpayers?

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

I thank the member for the question. I begin my answer by acknowledging somebody who I have enjoyed working with of late and that is the acting Prime Minister, Senator Mathias Cormann. I wish him all the best for the faith that has been placed in him by the federal government. I have to say that I am not surprised that Senator Cormann is a powerbroker in the Liberal Party. He is effective and easy to deal with. However, I must say I do have some confusion about why Hon Peter Collier is described as a powerbroker in the Liberal Party, but I will come to that in a minute.

I was interested in the Leader of the Opposition's interjection saying that Muja started under us in May 2008.

**Dr M.D. Nahan:** In May 2008, you signed the contract with Vinalco.

**Mr B.S. WYATT:** I think the Leader of the Opposition needs to go through pages 28 and 29 of the Langouant report, because I found his responses in the media and in this place about the report somewhat garbled and confusing, and I dare say that is going to continue to be the case. Ultimately, what we saw with Muja has been well ventilated in this place over the course of the last couple of years. I am delighted in the new-found interest in business cases from the opposition. From the outset of the project there was no business case prepared to support any of the decisions made. The most comprehensive planning document prepared —

**Dr M.D. Nahan** interjected.

*Point of Order*

**Mr D.A. TEMPLEMAN:** The Leader of the Opposition continues to interject and I think you should call him to order.

**The DEPUTY SPEAKER:** I quite agree with you, minister. Leader of the Opposition, you have been warned twice; I call you for the first time. Go ahead, Treasurer.

*Questions without Notice Resumed*

**Mr B.S. WYATT:** The reason that business cases are valuable is that they show the risk involved in decisions and how risk may be responded to. That is why Mr Langoulant said that about the risk management procedures when the Leader of the Opposition was Treasurer and energy minister—although I will say most of this was under Hon Peter Collier. Having said that, I am interested in the Leader of the Opposition, because once this had been ventilated in this place, once the former government had been eviscerated by the work of the member for Cannington during our time in opposition, once all the wash-up of this mess had happened, this is what the Leader of the Opposition said in April 2014: I quote the Leader of the Opposition —

... I am confident that the state government has taken the difficult but correct decision to bring Muja AB back on line and that the project will ultimately prove profitable over its service life.

Unfortunately, its service life was short because he then announced that it would be shut down not long thereafter.

Of course, I turn to another couple of projects under the reign of Hon Peter Collier, powerbroker of the Liberal Party. I want to go to one that has been, perhaps, one of the classics and that is the feed-in tariff. Ultimately, this is one of those classic ones that really showed the failure of governance under the former government. Hon Peter Collier, to be frank, can be described only as sloth-like in his policy response movements. This is what was found by Mr Langoulant and we do recall this. What started as a \$23 million project will become, over its life, probably a half-a-billion-dollar spend on this particular policy. Mr Langoulant states —

The Office of Energy briefed the Minister —

Hon Peter Collier —

on 28 July 2010, less than a month after the scheme commenced, that there was a higher uptake of the scheme than had been anticipated in calculating the budget.

And there was a dramatically increased uptake —

The Office of Energy proposed to commence the review ... There was no documentation provided to the Special Inquirer to suggest that the Minister for Energy responded to this recommendation or that this was followed up by the Office of Energy.

The findings of Mr Langoulant highlight the fact that Hon Peter Collier really did not do much at all and there was a range of different policy failures under his watch. Again, one that I did not know a lot about—perhaps because the size meant that it was not one that captured the imagination—is the Woodlands transmission line, which I know the member for Scarborough has some interest in. For those members who are interested in these things, we all have members of our constituency who would like to see powerlines underground, do we not? We would love to be able to do it everywhere, but, unfortunately, we do not get the right to say to Western Power, “Can you underground that for us? Can you wear the cost of undergrounding this?”, unlike the member for Scarborough, who had access to that sort of power, apparently. Hon Peter Collier and the member for Scarborough, on 17 December 2012—what happened three months after that? There was a state election, of course. Mr Langoulant goes on to state —

On 17 December 2012, Western Power’s Acting Chief Executive Officer, in the presence of the Minister for Energy and the Member for Scarborough, announced to the community that the transmission line would be placed underground. The Special Inquirer can find no evidence that this decision was based on a business case, thorough options analysis or value for money assessment. This contention is reinforced by the fact that the business case was not produced by Western Power until 1 June 2014.

That is some two years later. What did that business case find? It found that the option pursued by the member for Scarborough and the then Minister for Energy, Hon Peter Collier, was the most expensive option possible—to the tune of \$300 000 per constituent who was benefited by it. Yes, in the scheme of things, \$2.5 million may or may not be small, but we do not get the right to say to Western Power, “I have a constituent problem; can you fix this for us? Can you use the revenue of Western Power to do so?” Hon Peter Collier’s fingerprints over the first term that he was energy minister proves that the man was a complete menace as energy minister, and the fact that he can be described as a powerbroker says all we need to know about the Liberal Party and, I dare say, has a lot to do with why the member for South Perth —

**Dr M.D. Nahan** interjected.

**The DEPUTY SPEAKER:** It is not okay to have a series of conversations while the minister is on his feet.

**Mr B.S. WYATT:** In conclusion, let me say this: the days of using utilities to solve electricity problems, regardless of the cost, regardless of the process and regardless of the fact that all taxpayers bore the burden of fixing that up

for the member for Scarborough—despite the fact that there clearly was no process designed behind it other than simply a business case that came out two year later to justify the Western Power spend, which it did not—highlight that what happened under the period of the former government will go down in infamy.

#### WEST PILBARA PLAN

##### **95. Mr P.A. KATSAMBANIS to the Minister for Child Protection:**

I refer to the minister's West Pilbara plan announced this week. Can the minister assure the house that no children living in Roebourne are currently residing with or in the care of any convicted paedophile or any person charged with child sex offences?

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

I thank the member for the question. I made a brief ministerial statement on this issue this morning. I would have done so earlier in the week but I was ill and out of the chamber. I note that the opposition put out a press release to that effect in response to our West Pilbara plan, of which I am proud. I am particularly proud of the response we have had from a number of senior Aboriginal members in the community. One was from a Noongar woman and a respected Noongar leader, acknowledging that we had the right balance in putting proper protections in place and acknowledging the problems that exist through the West Pilbara, including Roebourne, and the need for government to do its work better, particularly in cooperating across a range of different agencies—whether child protection, police, health, education and the like—to not only work more effectively with not-for-profits but also empower the community. There is no better safeguard for child safety or any sort of functioning in a community than the community itself taking ownership of those issues and being proactive. Many in that community want to do just that. We want to work in partnership with the leadership in the Roebourne community, and I plan to go up there next week to continue that work. I would also like to acknowledge the member for Pilbara who spends time—I know he volunteers at times—in Roebourne doing work on the high school and the like.

In regard to the question of whether there could be perpetrators living with victims or having a living arrangement where children might be exposed, I take that matter very seriously. If the opposition has any information that would lead us to think that that was the case, it should come forward with it and not use it as a political football.

Several members interjected.

**Ms S.F. McGURK:** When looking at this issue, most people appreciate that it is very complex. It is not just a matter of saying in a simplistic way that there are outside perpetrators who come in of whom we need to be aware. In fact, there is a normalisation of sex abuse throughout that community. It sometimes occurs within families; it is sometimes harmful sexual behaviours being exercised by children, so we have to be cautious about how we deal with these issues if we want them to be brought into the light and dealt with in a productive way not only in the criminal sense, but also in the therapeutic sense, particularly for the victims.

To answer the member's question, we are doing everything we can to ensure that children are safe in that community. If there is any risk at all, we act in response to that. Child protection workers will go and investigate. If the child is in the care of the department, we have certain responsibilities under the act. We take that responsibility very seriously, and we do not need to be lectured by the opposition about our responsibilities in that regard. We have responded very thoroughly. I give credit to the police and child protection workers on the ground who, through their cooperation, tenacity and building relationships in that community, have exposed the extent of the child abuse. It has meant that members of the community felt confident in coming forward and talking about those issues. I repeat that if the opposition has any reason to say that children are in an unsafe situation, I urge opposition members to come forward, approach my office—any member here can do that—and we will take that up as a matter of urgency.

#### WEST PILBARA PLAN

##### **96. Mr P.A. KATSAMBANIS to the Minister for Child Protection:**

I have a supplementary question. You are the Minister for Child Protection, so will you immediately undertake investigations to determine whether any children are living with convicted paedophiles or those charged with paedophilia; and if you determine there are such children, will you take immediate action to get these kids out of harm's way?

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

It is very clear that we have put in place a comprehensive plan that deals with the immediate issues of child sex abuse and ensuring that child safety is paramount in the community. I cannot say it to the opposition or general community any clearer than that. We take that responsibility very seriously. The authorities on the ground take that responsibility very seriously, whether it is police, child protection workers or magistrates who deal with perpetrators and the conditions under which perpetrators are dealt with, whether they are remanded or on bail and any conditions that might apply around that. That is taken very seriously and I do not resile from it. If the opposition has any information that could alarm that community or the general community that this government is not taking those issues seriously, then it should come forward with that information. I urge the opposition to do that with discretion, to my office, and we will act post haste.

“SPECIAL INQUIRY INTO GOVERNMENT PROGRAMS AND PROJECTS: FINAL REPORT” —  
MATAGARUP BRIDGE

**97. Mr J.N. CAREY to the Minister for Transport:**

I refer to the construction of Matagarup Bridge, of which the “Special Inquiry into Government Programs and Projects: Final Report” found no evidence of the former Minister for Transport having, and I quote —

... asked to know what was happening when there were strong indications that the project was not going according to plan.

- (1) Can the minister outline to the house what impact the lack of oversight by the previous transport ministers had on this project?
- (2) How, under the McGowan Labor government, is construction of this project finally getting underway?

**Ms R. SAFFIOTI replied:**

I thank the member for Perth for the question.

- (1)–(2) The report released this week outlines the history of this bridge and the fact that, despite dates being missed, no questions were asked and ministers did not get involved. I will go through some of those dates. On 24 July 2016, the first shipment was due to arrive from Malaysia but the delivery date was missed. On 20 August 2016, the second shipment was due to arrive from Malaysia but the delivery date was missed. In October, the Department of Transport advised the steering group that the project was delayed. The special inquiry found that despite this news, the government made no announcement that the bridge would miss its opening date at the end of 2016. In January 2017, news emerged that the Malaysian steel fabrication site had been sold to Korean interests. The contractor was locked out and work ceased due to legal issues. That is the history we inherited—a project that the former government was told was going to cost over \$70 million, which it claimed would cost \$50 million, and delivery dates were missed —

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

**The DEPUTY SPEAKER:** Member for Dawesville, can we just get through the questions, please.

**Ms R. SAFFIOTI:** Delivery dates were missed and missed and no-one asked what was happening with that bridge. No-one in the former government asked that question. I look in particular at the member for Nedlands who was there in the last months and who could have taken action to get the construction of that bridge back on course. The member for Nedlands did nothing to get that bridge back on course. There was warning after warning after warning. Before the election, it was clear there were significant problems but the former government did not tell the public.

What do they continue to say? The Leader of the Opposition, as the then minister responsible for the stadium, who should have made himself aware about what was happening with the bridge, given its key component in taking people to that stadium, did not get involved. Now he is saying that the bridge could have been finished at a lower price and at a better quality than it is being produced now—completely dismissing the WA workers who are working hard down there at Civmec, trying to get this bridge finished, building this bridge.

**Mr W.R. Marmion:** When are you going to finish it?

**Ms R. SAFFIOTI:** Is it not interesting that the member for Nedlands was the minister for seven months but that is the first time he has ever asked that question. Why did he not ask someone that question when he was the Minister for Transport? When he was driving to tennis practice, did he not notice that the bridge was not built? He should not come in here and ask that question now when he did not ask that question when he was the minister.

**Mr W.R. Marmion:** How do you know?

**Ms R. SAFFIOTI:** Because the report said so.

**Mr W.R. Marmion:** You weren't in the office!

**Ms R. SAFFIOTI:** The member for Nedlands wants to talk about his office. I know how he operated when he refused to talk to directors general. He was basically an arms-length minister who let his former chief of staff do everything—to do the job as minister. That is what happened. The member for Scarborough last year claimed that in January of that year, 10 months earlier, they had photographs of the nearly complete bridge. When 10 months prior the gates were locked and no-one was in there building that bridge, the member for Scarborough said she had photographs of the bridge being built. I will tell members what: people cannot walk over photographs to get to the stadium. If we look there now, we see real segments of the bridge—not photographs. We will continue to employ WA workers and get involved.

## MOORA RESIDENTIAL COLLEGE

**98. Mr R.S. LOVE to the Treasurer:**

I refer to the Treasurer's comments yesterday on *WA Regional Drive* show with Barry Nicholls when he said that \$8.7 million of state funding would be required to make Moora Residential College fire-safe and it is hard to justify keeping the facility open.

- (1) Will the Treasurer be honest with the people of Moora and regional Western Australia and table the report that he relied upon to make that statement and that shows that \$8.7 million is required to make the Moora Residential College safe from fire?
- (2) What work, if any, has Treasury done on the socioeconomic impact of the government's decision to defund Moora Residential College?

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

I thank the member for the question.

- (1)–(2) I am not sure that I was quoted correctly. I said that \$8.7 million is required to bring the building up to standard, which involves a range of work. As I think the Premier said last week when the member for Moore asked the Premier a range of questions on this issue, to be frank, that amount is not a quantity of money that we can justify spending on 27 students. That is not easy to say, but that is the reality. As I went through yesterday, because of things such as shoving an unwanted \$16 million down the throat of Kalgoorlie–Boulder, we do not have \$16 million to spend on other things.

**Ms S.F. McGurk:** Like Moora.

**Mr B.S. WYATT:** Correct. We now have to find savings, which is difficult because some communities have become used to a spend amount that will no longer be there. When we had the debates on the gold royalty increase and the payroll tax increase on our state's largest companies, both of which the National Party refused to support, I made this very clear. Indeed, I have critiqued the National Party for pulling out budget savings measures in its own budget. All these decisions have consequences. The Langoullant report highlights the consequences of the Nationals' appalling time in government. The fact of the matter is through those various slush funds I went through last week, the member for Moore had \$32 million spent in his electorate, some through local governments, and at no point did either the member or the local government want to spend any of that money on Moora Residential College. That is not me. That is simply the reality. I note today an interesting turn of events; the Leader of the Opposition is going to completely get rid of royalties for regions in the event the Liberal Party forms government. Several members interjected.

**Mr B.S. WYATT:** If I can channel a bit of Dennis Denuto, I am getting the vibe that there is some tension here. I am getting the vibe that all is not happy in the state of Denmark on this side of the house. Does the member for Moore support the Leader of the Opposition in that?

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

**Mr B.S. WYATT:** The Leader of the National Party says that it is not the National Party's position. That is interesting. We in the Labor Party —

Several members interjected.

**The DEPUTY SPEAKER:** Leader of the House! If you want to be called, you are on the right path.

**Mr B.S. WYATT:** That jazzed a bit of a reaction. I was surprised. Ultimately, it is clear now that only a Labor government will guarantee royalties for regions.

Several members interjected.

**Mr B.S. WYATT:** That is the reality. Only a Labor government will guarantee the existence of royalties for regions.

Several members interjected.

**Mr B.S. WYATT:** That is the reality and I know it burns deep inside the Leader of the National Party! That is the reality. Because of the fact that the National Party took money —

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

**Mr B.S. WYATT:** No, listen. It took money before —

**Mr R.S. Love:** I don't think Moora believes you!

**Mr B.S. WYATT:** The people of Moora —

**Mr R.S. Love** interjected.

**The DEPUTY SPEAKER:** Member for Moora—no, Moore!

Several members interjected.

**Mr B.S. WYATT:** I think the people of Moora will understand, once they have a chance to look through the Langoulant report, what the National Party did.

**Ms M.J. Davies:** You don't know what you're talking about.

**Mr B.S. WYATT:** We have to remember that you were the biggest user of those slush funds of all members of Parliament.

Several members interjected.

**Mr B.S. WYATT:** The Leader of the National Party gorged herself on that slush! For the people of Moora, as I said in this place when I sat opposite and while I have sat here, the National Party's time in government will have fiscal consequences. I think I said there will be a financial reckoning, and that is now happening!

**Dr M.D. Nahan:** There is \$5 billion of unfunded expenditure!

**Mr B.S. WYATT:** Leader of the Opposition!

**Dr M.D. Nahan** interjected.

**Mr B.S. WYATT:** Leader of the Opposition, our self-proclaimed, newly expressed fiscal hawk. I will never call the Leader of the Opposition a turkey, but I watched for a long period while he was on this side of the house and the man he became once he sat on the cabinet benches was very different from the man who forged a long career critiquing government and also very different from the man he has since become.

Several members interjected.

**Mr B.S. WYATT:** Madam Deputy Speaker, I just hope —

**Dr M.D. Nahan** interjected.

**The DEPUTY SPEAKER:** Leader of the Opposition!

**Mr B.S. WYATT:** Madam Deputy Speaker, I am desperate to sit down, but I am going to keep talking on this if we keep going. I am quite happy to keep this ticking over to three o'clock if we have to.

**Dr M.D. Nahan** interjected.

**Mr B.S. WYATT:** Leader of the Opposition —

**Dr M.D. Nahan** interjected.

**Mr B.S. WYATT:** Leader of the Opposition —

**Dr M.D. Nahan** interjected.

**The DEPUTY SPEAKER:** Leader of the Opposition, we need to get the Treasurer sitting down again; please be quiet.

**Mr B.S. WYATT:** Leader of the Opposition, as a man who was the Treasurer during a time that resulted in the findings of the Langoulant report, all I expect from you is a humiliated apology and moving on into quiet retirement.

#### MOORA RESIDENTIAL COLLEGE

#### 99. Mr R.S. LOVE to the Treasurer:

Madam Deputy Speaker, am I allowed only one supplementary question, because I could ask hundreds from that? Do I get just one?

**The DEPUTY SPEAKER:** Get on with it!

**Mr R.S. LOVE:** Okay. Given that children will be sleeping in Moora Residential College tonight, what will the Treasurer do to ensure that they are sleeping in a safe environment? If the Treasurer is not going to do something, why is he refusing to fund the renovations to even make it fire-safe?

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

Does the member understand that we are not closing it today? He referred to children sleeping in it tonight.

**Mr R.S. Love:** The kids are there tonight. What if there's a fire tonight when they're asleep?

**Mr B.S. WYATT:** We are not closing it down today. We are not sending in the bulldozers today to close it down. As the Premier said, effectively an entire department is working to ensure that those students are relocated to better locations, often closer to home for many students. The reality is that this will not be the only one, just like we are cutting spend at some of my schools and cutting spend in all sorts of other places. There is a fiscal consequence for the time in government of members opposite. If they are still going to object and oppose revenue measures, there will be more to come.

## CHAMBER OF COMMERCE AND INDUSTRY — ECONOMIC GROWTH FORECAST

**100. Ms A. SANDERSON to the Treasurer:**

I refer to the Chamber of Commerce and Industry of Western Australia's forecast for the Western Australian economy, released today, which predicts strong economic growth. Can the Treasurer advise the house whether, on the back of this positive economic data, he will abandon prudent economic management and instead adopt the approach taken by the Liberal–National government in which spending was based on an assumption that the good times would last forever; and, if not, why not?

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

Good question! I thank the member for that outstanding question. I note that the Leader of the Opposition—I will continue my dialogue with him—was the Treasurer who presided over a contraction in GST. It was not just a contraction of our domestic economy, but our entire economy. He saw the contraction in his final full year as Treasurer; that is his legacy. What are we seeing now with a new government? We are seeing confidence return.

Several members interjected.

**Mr B.S. WYATT:** Whether it be the Chamber of Commerce and Industry of Western Australia, whether it be Deloitte, whether it be wage data, whether it be private capital spend or whether it be employment data, wherever I turn the data is getting better and better! I note that the CCI made the point today—this is going to hurt—that a stable political environment is increasing consumer confidence.

Several members interjected.

**Mr B.S. WYATT:** I know that stings, my friends on the other side of the chamber! I know that stings! I know that their little tete-a-tete today over royalties for regions is probably going to keep that slightly unbalanced for some time yet. The reality is that the Liberal Party left the people of Western Australia with record debt, record deficits and the highest unemployment rate in the country. WA Labor is well on the way to fixing all three of those, so that Western Australians understand that if they want a government that provides opportunities for them, protects the finances of the state and relies on and protects Treasury in the advice that it gives government, they should vote Labor. Finally, because I like this one, if they want to guarantee royalties for regions, regional WA, they had better vote in a Labor government!

## HERRING FISHERY — REVIEW

**101. Mr I.C. BLAYNEY to the Minister for Fisheries:**

I refer to the review into the herring fishery conducted by the Department of Fisheries' salmon and herring working group. I am told that the report has been sitting on the minister's desk since December. When is the minister going to make the report public and provide the fishing industry with certainty as to what its future holds?

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

I thank the member very much for what I think is his first question on fisheries. I was a bit worried that he had been locked in a cupboard and was not allowed to come out, because the member for Vasse seemed to have taken up the fight in respect of sharks. I noticed that the member was put back in his place after giving that very reasonable interview on ABC radio, in which he said that he was not in support of a cull and that he was quite supportive of our individual shark deterrent subsidy.

Several members interjected.

**Mrs M.H. Roberts:** It's a red herring!

**The DEPUTY SPEAKER:** Minister, I just draw you to the question.

**Mr D.J. KELLY:** I am just having trouble following my train of thought with the noise from the other side.

The issue of the herring stocks has been long running. The previous government made the decision to halve the allowable take for herring. There was some controversy at the time about whether the reduction in herring take should be equally shared between the recreational fishers and the commercial fishers. I accepted the argument from the recreational fishers that the herring stock is an iconic family fish, so I asked that the recreational sector be protected. I understand that the commercial fishers take a different view; they have put a number of submissions to us. The department is continuing to review that decision. I am happy that the information I have is that the stock has not yet recovered, but we are still considering the new submissions from the commercial fishers. In good time, we will release that report.

## HERRING FISHERY — REVIEW

**102. Mr I.C. BLAYNEY to the Minister for Fisheries:**

I have a supplementary question.

Why is it taking so long to release the report and make a decision, considering that the findings, recommendations and decisions arising from the report may have a substantial impact on this fishery; and when will the minister make it a priority to provide this fishery with certainty, prior to the normal commencement of its season?

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

Fisheries made a recommendation to me—actually, to the previous minister—based on the best science that it had available to it. The department has bent over backwards for the commercial fishers, who disagree with the science. I think they had a two or three-day seminar at the end of last year to talk about herring stock. The department has made itself available to the commercial fishers to consider the alternative science that the commercial fishers want us to consider.

A government member interjected.

**Mr D.J. KELLY:** Yes—not different facts or fake facts or whatever people want to call it.

I am satisfied that what we are currently doing with the reduction in the take is in the best long-term interests of that fishery. There is no evidence that that stock has recovered but we are considering the new information that the commercial fishers have put and, at the appropriate time, we will release that report.

**The DEPUTY SPEAKER:** That ends question time.

## PROCEDURE AND PRIVILEGES COMMITTEE — PETITIONS

### *Statement by Deputy Speaker*

**THE DEPUTY SPEAKER (Ms L.L. Baker):** Having presided over the longest question time in the universe, I now make the following statement. This week, the Procedure and Privileges Committee considered the issue of whether full copies of petitions, which frequently contain petitioners' addresses, phone numbers and emails, should be made available to members and third parties upon request. The committee intends to consider this matter and the petition process more broadly and report to the house in due course. In the interim, the committee advises that the following policy applies: copies of petitions are to be made available to members upon request, but not to third parties.

## HERITAGE BILL 2017

### *Second Reading*

Resumed from 8 November 2017.

**MR A. KRSTICEVIC (Carine)** [3.05 pm]: It gives me great pleasure to stand here today to say a few words in support of the Heritage Bill 2017, a piece of legislation that is long overdue and for which there has been much anticipation in the community about its passage through this house. When the bill first came to this Parliament in 2016, the then shadow Minister for Heritage, who is now the Minister for Heritage, was very keen to see it through Parliament. Unfortunately, due to circumstances beyond everyone's control—that is, the imminent election—the bill could not progress. It has taken a while for it to get to this point. I note that the Heritage Bill 2017, albeit with some minor administrative amendments, is the same as the Heritage Bill 2016 that was introduced in this Parliament. It goes without saying that recognising and conserving heritage is vital to not just Western Australia and Australia but also throughout the world. It is appropriate that every jurisdiction has legislation and policies around heritage.

I note that the Heritage of Western Australia Bill was introduced in 1990. It was the first piece of Western Australian legislation to recognise and protect our cultural heritage. It is amazing to think that prior to 1990, we did not have legislation to protect our heritage. In saying that, even though the Heritage of Western Australia Bill was introduced in 1990, over the last 28 years or so we have found many deficiencies in that piece of legislation, albeit its intent was very admirable. The ability for that intent to be executed as effectively as we would have liked is wanting, so it is appropriate that this is the first major overall of the Heritage of Western Australia Act. It is important to note that when the Heritage of Western Australia Bill was introduced in 1990, it set up a heritage framework in Western Australia and established a number of key things, including the Heritage Council of Western Australia, which has done an outstanding job in difficult circumstances trying to make sure that everybody across every sector in Western Australia is doing the right thing for the preservation of heritage. With a limited number of resources in what is a complex and difficult area, the Heritage Council has done an outstanding job, and I acknowledge the work that it has done. I look forward to the Heritage Bill 2017 giving it greater ability to make things happen in a much easier and more streamlined way than was possible in the past.

The Heritage of Western Australia Act 1990 also established the Register of Heritage Places; heritage agreements that bind both current and future owners to strategies to look after heritage places, which I think is very important; conservation incentives such as grants; ministerial and conservation orders; and local government inventories. A lot can be said about each and every one of those and we can delve into how effective some of those things have been. There have been some deficiencies along the way that I will touch upon very quickly.

It is important to note that heritage falls into a number of categories—Aboriginal heritage, environmental heritage, and historical or cultural heritage, which we are talking about here. That is not to take away from Aboriginal and environmental heritage. Those do not come under this bill. They have separate pieces of legislation. Today we are talking about places of historic or cultural significance. These places have a uniqueness about them, a special meaning or significance, and contribute to the understanding of Western Australia's history. Albeit our history



since European settlement is not that long, it is very significant from the point of view of Aboriginal and Indigenous culture and history. I think it is important that we take into account all those characteristics. I believe that around 1 360 registered places are currently on the heritage register. That number will no doubt grow over time as the resourcing in this area and the ease with which places can be registered and preserved grows once this legislation is introduced. As I said before, it is long overdue and badly needed. I do not think anybody would disagree with that.

No major changes were made to this bill. Back in March 2011, the Heritage and Planning Amendment Bill 2010 increased the penalties applicable to unauthorised damage or destruction of heritage places. That was introduced back then. The current legislation is very cumbersome, inflexible, complex, and has an unclear assessment process. If we want people to do what needs to happen in this space, we need to simplify things to make it as easy as possible. We must also make sure that heritage legislation is open, transparent, simple to operate, easy to understand, and reflects best practices to recognise and protect heritage places. I think this bill does that well, from what I have seen of it. As we know, there is never a perfect piece of legislation. I note that throughout this bill references are made to regulations quite frequently. I look forward to seeing some of these regulations and to seeing how they complement this bill and make it easy to operate, but also allow us to have some flexibility to make changes along the way as needed.

It is important to note that this piece of legislation has gone through a very long and extensive consultation process—as much if not more than most bills that come through this Parliament. There is no doubt that that is the case. Three rounds of consultation have been done since 2011, including a discussion paper, a consultation paper, and an exposure bill. The 2016 bill was introduced prior to this 2017 bill. The review of the heritage act initially involved two phases of community consultation in 2011 and a third in 2015. In April 2011 a consultation paper was released by the then minister, Hon John Castrilli. The paper sought feedback in line with heritage policy. It stated that it aimed to —

Ensure that Heritage legislation is open, transparent, simple to operate and understand, and able to reflect best practice in the recognition and protection of heritage places.

The consultation paper outlined a number of key issues that were consulted on, including the objectives of the act, the effectiveness and role of Heritage Council, the process for entering places on the state register, incentives for owners, and management of heritage places including maintenance. The response to that consultation paper listed over 100 submissions from government agencies, local governments, industry and professional peak bodies, interest groups and individuals. It was obviously of significant interest to the broader community and it was great to have that level of participation. As a result of that initial consultation, a discussion paper was released in September 2011. It comprised a series of proposals upon which the new heritage act should be based. When there was uncertainty or inconclusive direction with the initial consultation round, different proposals were offered for consideration. Another 80 submissions were received as a result of that discussion paper. One thing I picked up while reviewing all the paperwork on these pieces of legislation is that it has given us best practice for consulting the community and stakeholders and, when there is uncertainty, we need to put forward a number of options and proposals and allow people to work through that. There is something very significant about that for getting the best outcome for the community as well as people who own heritage-listed places.

As a result of that, from the submissions to stakeholder meetings, an exposure draft of the Heritage Bill was produced in 2015. The green bill was in line with the 2013 Liberal election commitment to introduce into Parliament a new, modernised Heritage Bill for Western Australia. It was fantastic that that green bill was put out there, and it retained a lot of the features of the current Heritage of Western Australia Act. It also identified and served to pull together and highlight problems with the current legislation. There were two phases of consultation in that process. The Heritage Bill 2015 exposure draft was tabled in this place on 12 August 2015, which started a further round of public consultation. On 24 August 2016, the Heritage Bill 2016 was introduced, closely resembling the green bill of the preceding year. As I said before, due to a change of government, that bill unfortunately did not progress. I know that the then shadow minister, now the current Minister for Heritage, obviously had a number of in-depth questions and he wanted to make sure that the bill covered those areas significantly. I look forward to going through consideration in detail with the minister to make sure that his concerns were able to be resolved, or he was able to satisfy himself. I assume that that was the case because he reintroduced the bill in its form as it was in 2016, with some minor amendments. I thank him for that and for adopting the policy settings that were taken through at that time.

I also thank the minister for offering me a briefing. The members for Kalgoorlie and South Perth also attended that briefing. I can tell members that everybody was very enthusiastic during the discussions in that briefing. As a matter of fact, the member for South Perth would have overturned every rock in South Perth if he could have during that discussion to see whether there was a reason that buildings should be heritage listed or not. He was very passionate about his electorate and trying to maintain its character and culture. Heritage is an area that is obviously of interest to not only the broader community, but also members here who are passionate about making sure that the Heritage Bill and the heritage of Western Australia is preserved and that we are able to build around that. I also thank the former ministers, Hon Albert Jacob and Hon John Castrilli, for the amazing work that they

have done in this area. We would not be here today if it was not for their dedication and commitment. If they had not been involved, we would be looking at a bill that is less significant in its contribution to the future of heritage than it might otherwise be.

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

**Mr A. KRSTICEVIC:** We may be looking at the bill, but, more importantly —

**Mr D.A. Templeman:** Do you have anything nice to say about me?

**Mr A. KRSTICEVIC:** Of course! I complimented the minister on reintroducing the bill and the fact that he was obviously able to satisfy himself that his concerns, questions and areas of interest were adequately covered.

**Mr D.A. Templeman:** I am very satisfied.

**Mr A. KRSTICEVIC:** That is fantastic. It just goes to show how well those former ministers did their job and how well they consulted —

**Mr D.A. Templeman:** They are now relics of the past.

**Mr A. KRSTICEVIC:** They are out there doing local government inventories—maybe, in the case of Joondalup. It is important to note that they need to be commended for the work that they have done. I look forward to this bill getting through Parliament as quickly as possible.

Part 3 of the bill will bring in a much more simplified process for entering places on the state Register of Heritage Places. Under the current act, it is a two-step process of registration. Places are first assessed and public consultation is undertaken in order to enter it on the register on an interim basis. A similar process is then followed to make it permanent on the register. To go through that process twice is confusing, time consuming and costly. Effectively, part 3 will introduce a simplified and transparent single assessment and consultation process for permanent entry on the state register. There will be no more interim entry; it will be a permanent entry. When a place is recommended for inclusion on the register, the Heritage Council reviews it by considering its cultural heritage significance, consulting with the owners of the place and the public; and, if appropriate, makes a recommendation to the minister. Proposed section 38 sets out the considerations the Heritage Council must have in determining whether a place has cultural heritage significance. I will read through those very quickly because it is important to get these on the record and for people to easily reference this information. The bill states —

- (a) its importance in demonstrating the evolution or pattern of Western Australia's history;
- (b) its importance in demonstrating rare, uncommon or endangered aspects of Western Australia's heritage;
- (c) its potential to yield information that will contribute to an understanding of Western Australia's history;
- (d) its importance in demonstrating the characteristics of a broader class of places;
- (e) any strong or special meaning it may have for any group or community because of social, cultural or spiritual associations;
- (f) its importance in exhibiting particular aesthetic characteristics valued by any group or community;
- (g) any special association it may have with the life or work of a person, group or organisation of importance in Western Australia's history;
- (h) its importance in demonstrating a high degree of creative or technical achievement;
- (i) any other characteristic it may have that in the opinion of the Council is relevant to the assessment of cultural heritage significance.

That is a one-step process, whereas previously it was a two-step process. If that one-step registration process were available when the Fremantle West End precinct was being heritage listed, it would have reduced the time taken by seven months and saved around \$120 000. We can see the unnecessary time and money that was wasted on that two-step process and why it is very important to streamline the new process. Of course, we will improve transparency in this process and to achieve this, the bill mandates that the Heritage Council and ministerial decisions on state registration will be published. They will be available for people to see. This is set out, for example, in clause 41(3) which states —

The Council must —

...

- (b) publish, in accordance with the regulations, an advertisement in relation to the direction and any statement of reasons.

That is very important, but of course we do not yet know what those regulations will be. The minister might have some further information on those regulations, which he could share with us in not only his third reading speech but also the consideration in detail stage, and we can work through that to make sure that we achieve transparency and accountability. Obviously, we need to make sure that any of those decisions will be published in a timely fashion and in a way that is readily accessible to those who want it. All too often, I see this problem in local

government, which has rules about publishing, consulting and putting something out there. For example, the information will be put in the local newspaper, which very few people get, or it will be put on a noticeboard somewhere in a library, which not many people go to. We need to make sure that these decisions are sent to the appropriate organisations and individuals so that people are informed and know what is going on. If we do not do that, we will often find ourselves caught out by difficulties that have arisen.

In part 4 of the bill, the current conservation orders in the Heritage of Western Australia Act 1990 have been retained and renamed “protection orders”, and the procedures for the content and enforcement of protection orders are clarified. Division 2 in part 4 of the bill introduces a new provision for what are named “repair orders”. This much sought after new provision will ensure that demolition by neglect does not occur. The minister and I talked earlier today about an article in *Pilbara News* about some buildings in the Pilbara that are located on Water Corporation land and would probably come into the category of demolition by neglect. A government trading enterprise such as the Water Corporation should not be allowed to say that its function is not to look after heritage places; its function is just to look after the water supply. The minister may want to comment on that and is probably looking into that situation in the Pilbara as we speak.

The provision in the bill for repair orders will enable the Minister for Heritage, on advice from the Heritage Council of Western Australia, to order the owner or occupier of a registered place to undertake repairs to sustain the long-term viability of that place. The theme throughout the bill is that this will be done through regulations that will prescribe what the Heritage Council should do in certain circumstances. Clause 64(4) of the bill states —

Regulations made for the purposes of this section —

- (a) must prescribe steps to be taken by the Council to afford the owner or occupier of the place opportunities for consultation ...

It will obviously be very important to get the regulations right. It will also be very important to undertake a rigorous consultation process, with input from all the stakeholders, because there is no point in doing all the hard work and getting the legislation right if we are second-rate in developing the regulations and consulting as widely as possible.

The opposition is pleased to see that this bill will retain tough penalties for people who deliberately cause damage to a heritage place. Clause 129 of the bill provides for a penalty of \$1 million for damaging a registered place, and clause 130 provides for a penalty of \$1 million for contravening a protection order. With regard to the penalties in clauses 129 and 130, clause 131 puts the onus of proof on the owner and states —

... if the circumstances suggest that the owner has not suffered significant financial loss as a result of the demolition the owner is presumed to have carried out, or authorised, caused or permitted another person to carry out, the demolition, unless it is proved that the owner did not do so.

That is an interesting change from the original act.

I have talked about local government heritage inventories. Obviously, now that I am wearing the hat of shadow Minister for Local Government, I am pleased to see that part 8 of the bill provides clarification of what will now be known as municipal heritage surveys. I have always been under the impression that local governments need to have greater clarity about what they do in the heritage space. When I have asked the minister about this in the past, he has indicated that there has been a significant lack of compliance by a number of local governments with the requirement under the current act to prepare and regularly review their municipal heritage inventories. If a local government does not comply with the requirements of a piece of legislation, it does not set a good example for the community to which that local government is accountable. Local governments play a key role in the heritage space.

During the briefing, Mr Gammie indicated that the council has the highest number of referrals of places for consideration for the register coming from local governments. I also understand that it was a key player in the consultation phases of this bill. I am pleased to hear that local governments were not screaming to get rid of the inventories but they wanted more certainty. I think the bill responds to that lack of clarity. It now calls them local heritage surveys, which is a much better description of what it really means. The existing municipal inventories will become surveys for the purposes of the act and the local heritage surveys will cover off places rather than just buildings. It is good to have that broader interpretation. Clause 104 of the bill clarifies the purpose of the surveys. I will quickly go through those purposes because it is very important to get through to local government that not only does it have responsibilities, but it also needs to follow through with those responsibilities. They are —

- (a) identifying and recording places that are, or may become, of cultural heritage significance in its district; and
- (b) assisting the local government in making and implementing decisions that are in harmony with cultural heritage values; and
- (c) providing a cultural and historical record of its district; and
- (d) providing an accessible public record of places of cultural heritage significance to its district; and
- (e) assisting the local government in preparing a heritage list or list of heritage areas under a local planning scheme.

**Mr D.A. Templeman:** What would be the most significant heritage feature in your electorate? You are near the Pinelli winery, aren't you?

**Mr A. KRSTICEVIC:** The City of Stirling —

**Mr D.A. Templeman:** I suppose within your electorate, I was thinking.

**Mr Z.R.F. Kirkup:** His electorate office!

**Mr A. KRSTICEVIC:** No, definitely not. There is Flora Terrace, the museum —

**Mr D.R. Michael:** The tower.

**Mr A. KRSTICEVIC:** Yes, the tower. The member for Balcatta, being a former councillor for the City of Stirling, was no doubt passionate about local government inventories. I know that there was a councillor there by the name of Mr Collins. He was obviously very articulate in council chambers on heritage matters. I think he is on the heritage council of Mt Lawley or something.

**Mr D.R. Michael:** The Mount Lawley Society.

**Mr A. KRSTICEVIC:** Yes, the Mount Lawley Society. The Mount Lawley Society obviously knows everything of significance, not just around Mt Lawley but in the City of Stirling.

**Mr D.R. Michael:** He's very knowledgeable.

**Mr A. KRSTICEVIC:** Yes, he is very knowledgeable. If the minister is interested to know about that part of the world, I would say that Paul Collins is his man. No doubt, he will be able to tell the minister exactly what is going on.

Another important area is incentives. I have already spoken of the disincentives and the hefty fines that an owner can face for not complying with the bill. However, it is essential that there are some carrots in the bill, not all stick. This is attained in part 6, "Support for conservation", on page 58 of the bill. Division 1 enables an owner to seek revaluation of their land tax assessment when the land is made subject to a heritage agreement. I think that is very, very important. Division 2 outlines the council's ability to provide assistance in a number of forms—financial, technical and professional. This retains the Heritage Council's ability to provide grants, noting that the who, how and why of financial assistance will be specified again in the regulations under clause 84(2). Again, we go back to regulations. We know that heritage has undergone a renaissance. I am proud that the Liberal–National government took this seriously in its last term in government and was able to help progress this bill.

Significant projects that were undertaken in recent years obviously include the redevelopment of the Guildford Hotel. That is an outstanding example of not only the way heritage has been maintained and brought into the modern world, but also the way the developers were able to incorporate the fire damage that was caused into the design in a very special way, which gave us a very clear indication of the history of that site. I think the people who took up the fight to get the Guildford Hotel built the way it has been should be commended. Obviously, Brookfield Place is a very successful redevelopment and it has brought a vibrancy to the St Georges Terrace precinct. It is a real pleasure to walk through that precinct and to enjoy not only the historic significance of the area, but also the modern amenity that has been built around it. There is no better example of historical redevelopment than the old Treasury buildings. I think it is important to note that they are really amazing examples of how buildings can be brought back into a vibrant state and we can actually celebrate their heritage. It is about not only old stuff and boring buildings, but also bringing them to life and making them active places. By making them active places and bringing them to life in this way we are guaranteeing their future success, maintenance and upkeep as heritage places. It is very, very important to have the opportunity for adaptive reuse of heritage buildings; a fact that has been embraced so positively. If we do not go down the path of adaptive reuse and allow people to redevelop those properties with a degree of flexibility, nothing will happen. They will just sit there the way they are now and they will never actually come to life. I think that is very important. Of course, with the number of heritage places that are out there, a lot of money needs to be invested to bring them up to speed. I know the state government does not have the money to do it and nobody else is going to really put the money into it unless we are able to come up with a balance between the heritage value of a building and the redevelopment opportunities for its future success, whether it be for business, housing or whatever other adaptive reuse needs to happen. I think that is very, very important.

Another great example is the Royal West Australian Institute and Industrial School for the Blind building in Maylands, which is now the West Australian Ballet Company Centre. Last year, the minister and I were both there for the Western Australian Heritage Awards. It is a very nice redevelopment, very historic, and it has major significance for many different reasons. I think what has happened there is fantastic. There is also the General Post Office building, which connects to 140 William Street and the underground railway line. That has been nicely redeveloped into a shopping precinct and is, again, another hub of activity. I am glad that we were able to continue the theme of our commitment to heritage across the state. I cannot commend former heritage ministers Albert Jacob and John Castrilli enough for the great work they did in this area, and the state in which they left those precincts. They raised heritage in this state to a new level, so it is very important to remember the work they did. I commend the

current Minister for Heritage for continuing with that work by introducing the Heritage Bill 2017 and, no doubt, committing to the regulations being of the utmost importance and to the highest standards so that we can ensure that this work continues.

Other key achievements of the former ministers included the heritage listing of Fremantle's West End precinct in November 2016. It was the largest addition to the state register, covering 200 000 square metres —

**Mr D.A. Templeman:** Interim listing.

**Mr A. KRSTICEVIC:** Interim listing, that is right.

**Mr D.A. Templeman:** I formally listed it.

**Mr A. KRSTICEVIC:** Yes, it was a two-phase process and I am glad the minister was able —

**Mr D.A. Templeman:** I just wanted to clarify that. I would not like Hansard to record inaccuracies!

**Mr A. KRSTICEVIC:** Okay. The minister saw the value in what the previous ministers had done and continued down the path of endorsing their interim recommendation. I commend the minister for following through on that and, yes, of course credit is due in that regard. It features some 250 buildings, so it is a very significant listing.

A key commitment of the previous government was met with the creation of Australia's first heritage revolving fund. That is a very significant initiative and success story. I am sure the current minister will be more than committed to continuing the heritage revolving fund. Does the minister have a particular view on that?

**Mr D.A. Templeman:** I'm very concerned about a revolving fund for you, of course. There could be a case for that in the seat of Carine! I'll answer all questions relating to heritage in my response.

**Mr A. KRSTICEVIC:** We all have to move on occasionally! Obviously, some of us are encouraged much earlier than others.

**Mr D.A. Templeman:** Yes, and I have heard whispers about you, but I wouldn't like to divulge anything!

**Mr A. KRSTICEVIC:** I do know that the member for Dawesville is very keen for me to continue to contribute in this Parliament and he looks forward to following in my —

**Mr D.A. Templeman:** One doesn't always agree with the member for Dawesville's views, of course.

**Mr A. KRSTICEVIC:** He is a very smart young man and I look forward to his contribution to this Parliament for the people of Western Australia for many years to come. I have no doubt that he will make a significant contribution—no doubt about that at all. Obviously, when we first initiated the heritage revolving fund, \$4 million was put into the fund and it was seed funding over two years. The funds were used to invest in publicly owned heritage buildings that were languishing, as a lot of them are, unfortunately. It was all about restoring and rejuvenating those buildings and turning them into something with a viable future. The buildings are then sold and the funds are quarantined back into the fund so they can be reinvested into other projects. Irrespective of the difficulty we find ourselves in financially in this state, I really think that this fund is important to maintain. It is important to maintain the nature of the fund and to reinvest the money back into it, because it is something that can only continue to grow. It can grow in size by the fact of bringing heritage buildings up to an appropriate level. I think that is very important. A couple of projects that fell into that category were the Coogee hotel and post office and the Fremantle warders' cottages. I think they have both been very successful projects that have made a huge difference in their communities. They are a good example of what can be done. I think the recent sales resulted in some \$7 million to be reinvested back into the fund. Again, I look forward to that growing and those funds being reinvested. It is also important to make sure that it allows us to protect those areas. Having those buildings reoccupied is the best possible way to maintain their heritage, rather than just leaving them vacant and subject to vandalism and disrepair.

I also note that February 2011 was very significant because it was the first time in Western Australian history that we had a state cultural heritage policy. The policy document states —

HERITAGE IS WHAT WE INHERIT FROM THE PAST AND VALUE ENOUGH TODAY TO  
LEAVE FOR FUTURE GENERATIONS

I think it is a very important policy. I do not know whether the minister has any intention of making changes to that policy or will continue with it, but it was great to see Hon John Castrilli come out with that policy. Its main objectives were to recognise, protect, promote and partner. For those people who have not looked at that policy document or who are not aware of it, I urge them to do so. I would also like to know whether the minister is keen to continue with that policy in future years.

In conclusion, a lot of work has gone into this bill. A lot of very knowledgeable people have been consulted. It has been a collaborative effort across the entire community. There is some very good and constructive direction being set and I think heritage in Western Australia is on the right trajectory to be able to be valued, preserved and enhanced for future generations. I am very keen to support this legislation. I am also very keen to make sure that

it is implemented by all sectors of the community properly and that it is not simply paid lip-service by some sectors while being passionately adhered to by others. I hope that it is given the importance and value that it has. More importantly, I look forward to having some input into the regulations. I hope that there is consultation with not only me, but also many other people to make sure that the regulations are clear and concise and add value to the process. I hope that they do not simply put another millstone on our community to make things more difficult. We need to be cognisant of the fact that we need to be adaptable to change when it comes to legislation and regulations and to make sure that we move quickly. All too often, unfortunately, the unintended consequences of decisions made do not give us the flexibility to make changes soon enough to be able to stop the damage that is being done in our communities.

I am doing some work with the member for Perth, my friend who is going to help me with Local Projects, Local Jobs funding for the Riding for the Disabled Association of WA organisation in Carine, and I have been talking to him about my concerns about some planning decisions and the impact they will have on the community. Again, that has a significant outcome for the heritage value of our precincts and the sort of community that we are building. It is not always just about structures; it is about community and making sure that those structures help us build a better community. Heritage has a very significant role to play there. When people walk along the old cobblestoned streets and through the old buildings at heritage sites in Europe, they feel a real appreciation for and a sense of connection with the past. It is very important that those sites have been maintained. Those areas are like magnets; people are drawn to them. We also need to embrace our heritage and our culture to make these sites magnets to draw people to them and to make people appreciate them. We do not have a long history since European settlement, but we have a colourful and vibrant history, albeit there are some things that we are not proud of, as happens in all cultures, and so we need to embrace that and learn and grow from that history.

I look forward to the consideration in detail stage. I look forward to this bill's quick passage through Parliament and it coming into law so that we can get some certainty and clarity around some of these areas and the process can be improved so that we can achieve more with limited resources. On that note, I commend the bill to the house.

**MR S.A. MILLMAN (Mount Lawley)** [3.46 pm]: As I have advised members of this chamber on many occasions, it is my great pleasure to be the representative for the seat of Mount Lawley, not least because of the fantastic privilege it is to represent constituents in suburbs such as Yokine, Dianella, Menora and Coolbinia, but also because as the local member I have the wonderful opportunity to stroll along those salubrious streets, those leafy laneways and those agreeable avenues in suburbs such as Menora, Mt Lawley, Coolbinia and Inglewood. One of the things that contribute so significantly to that wonderful aesthetic environment is the preservation of the heritage throughout that neighbourhood, so it is with great pleasure that I stand to make a few brief remarks on the Heritage Bill 2017. I commend the minister for all the work that has gone into the preparation of this bill and the consultation that the member for Carine has referred to. I also commend the people of my community who have made the preservation, protection and renewal of heritage places such an important part of Mt Lawley.

I want to dwell on only a couple of matters. I thank the member for Carine for drawing the chamber's attention to the work of Mr Paul Collins, a former councillor with the City of Stirling and the current president of the Mount Lawley Society. I propose to make a few brief remarks about the terrific work that the society does, but I also want to talk about some of the former local councillors from the City of Stirling who have worked very hard on heritage protection and preservation. More particularly, as part 4 of the bill deals with the doctrine of demolition by neglect, I want to congratulate the minister on that issue, draw the chamber's attention to some examples of when this has taken place and commend the government for introducing legislation that will address that.

Before I do all that, hopefully members will have seen the excellent article by Mr Kent Acott in *The Weekend West* of 17 February titled "Mount Lawley's castle gets new grant to plan further conservation". For anyone who has driven along Guildford Road, one of most striking, remarkable, evocative and recognisable buildings is Albany Bell Castle in Mt Lawley. Built over 104 years ago, this distinctive building started out as a cake and confectionery factory. What we have seen with the Albany Bell Castle premises is precisely the sort of renewal, rejuvenation and repurposing that will become a feature of this legislation so that we can preserve those wonderful heritage elements that are replete throughout the electorate of Mount Lawley and the state of Western Australia more generally. For members who have not seen that article, I commend it to them and congratulate Mr Acott on the story he tells therein.

I move to demolition by neglect. There have unfortunately been several instances in the Mount Lawley electorate of demolition by neglect coming to the fore, including Joel Terrace, a 100-year-old house; a 1910 weatherboard house at 177 Seventh Avenue in Inglewood; and another house at 760 Beaufort Street, which was not attractive to look at but underneath the cream and red paint were the original walls of the Pole's store that dated back to 1912. At 181 Walcott Street in Mt Lawley, we unfortunately had another prime example of demolition by neglect. That property was knocked down and replaced by development.

The owners of those properties and property developers have allowed these premises that they have purchased with a view to developing to run down. In doing so, they have not only decreased the value of the particular property and facilitated its demolition and replacement, but they have also created significant adverse effects on the surrounding community. These derelict buildings, as you would know, Madam Acting Speaker (Ms S.E. Winton), have the

propensity to attract undesirable elements such as squatting, vandalism, antisocial behaviour and even, with respect to some of the building materials, environmental health issues. The provisions of the Heritage Bill 2017 designed to deal with demolition by neglect are incredibly welcome. Hopefully, the issues I have just outlined will be addressed. If people have what I think is the great privilege of being custodians of great pieces of heritage architecture, they have a corollary obligation as part of their investment in civil society to maintain those. That is the first thing.

The second thing is that in my view these provisions represent a shift in community attitudes. Since the inception of the Heritage of Western Australia Act 1990 there has been a very clear shift, I would submit, in community attitudes. The broader community is now more engaged and informed about the importance of recognising and preserving its sense of place through familiar landmarks, urban spaces and regional areas. From the exchange just now between the minister and the member for Carine, and the input from the well-versed and very good member for Balcatta, we know that a number of landmarks, urban areas and regional spaces are evocative for people in the community. That attitudinal change in the community is really coming to fruition. These places are resonant of past generations and speak to the history and development of the great state of Western Australia; they speak to its character and cultural identity. Those attitudinal changes create an environment in which it is incumbent upon an active government to introduce legislation such as this that reflects and represents those community attitudes, and does what is necessary to preserve that built cultural and architectural heritage.

Further, over the past 25 years our attitude towards cultural heritage has undergone a dramatic makeover. I agree with what the minister said in his second reading speech, that heritage is now largely seen as an asset rather than a liability, as is evidenced by the many homes, bars, restaurants and community spaces that have given heritage-listed places a new lease on life. I have already referred members to the excellent example of the Albany Bell Castle in my electorate, my neighbourhood and my community of Mount Lawley. I think the minister is spot-on in those remarks.

As the member for Carine and the minister rightly said, stakeholders have been calling for modern heritage legislation for many years. It is testament to the rolling up of sleeves and getting on with the jobs that the McGowan government is now delivering that on behalf of the community. As the minister said, the McGowan government is 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. On that note, that is what we are talking about when we look at the redevelopment of the Western Australian Museum, a project that the minister has taken responsibility for and that he has addressed in glowing terms in this chamber. We see that once again in the Western Australian Museum, which is the wellspring from which that cultural knowledge bursts forth. It will be a heritage building re-imagined and renewed for a whole new generation of Western Australians.

One of the most important aspects of this legislation is the engagement and encouragement over stakeholder participation. I want to touch briefly on the Mount Lawley Society, an organisation I have mentioned previously in this chamber. I have commended it for the excellent work it does in preserving and promoting our local cultural and architectural heritage. I commend president Paul Collins, vice president Mark Hodge, secretary Sheila Robinson, its patron Barrie Baker, and committee members Christina Gustavson and Tracey King, who are neighbours and friends of mine. I also commend former committee members, including the former treasurer Bruce Wooldridge and Tim Hammond, the federal member for Perth, who was also a former president of the Mount Lawley Society. It was a great privilege, pleasure and honour for me, as part of the Local Projects, Local Jobs commitment, to be able to deliver \$10 000 to the Mount Lawley Society to assist it with digitising its archives to preserve its store of collective community knowledge for future generations. It is exactly this sort of work that an activist government should be encouraging in our local community.

The other great thing about the Mount Lawley Society is that it does not sit on its hands. It gets out and engages in the community and in stakeholder consultation, and makes representations to local councils in the area, such as the Cities of Stirling, Bayswater and Vincent. That is not all. It also encourages things such as the Mount Lawley Short Film Festival, which members might like to know is taking place this year on 29 April. One theme is “Mount Lawley”, a fantastic theme that I clearly associate with, and on throwback Thursdays the other great theme is “Remember When”. It is encouraging members of the community to put together short films to be played at the beautiful Astor Theatre, on the corner of Beaufort and Walcott Streets in Mt Lawley. They are encouraging not only the community to participate, but also secondary school students to participate. There is a dedicated category just for secondary school students. That is a fantastic testament and great example and evidence of its engagement and involvement in the local community and its desire to promote heritage values more broadly in the area of Mt Lawley.

When it comes to heritage protection, I was at the AGM last year when two former local councillors were awarded life membership. I remarked to Paul Collins, when I said that I was going to make some comments on the Heritage Bill, that I would commend and repeat some of the great acknowledgement paid to those two councillors—two neighbours of mine—who no longer serve on the City of Stirling council. Members, can I draw the Assembly’s attention to the lifetime of service for the communities of Mt Lawley, Menora, Inglewood, Coolbinia and Yokine by Mr Rod Willox, who recently celebrated his eightieth birthday, and Mr Terry Tyzack. It was a great pleasure

for me to be at the annual general meeting when both these community representatives became recipients of life membership awards of the Mount Lawley Society. Part of the reason that they were recipients of such an elevated and lofty recognition is what they had done in our local community to preserve and promote our heritage. This included working on demolition by neglect provisions for the local council, retention of the local streetscape and working towards a special heritage protection area under the local planning scheme for Mt Lawley. These two councillors and the Mount Lawley Society were at the forefront of that change in community attitudes to which the minister referred in his second reading speech. This work has meant that those salubrious streets, leafy laneways and appealing avenues that I spoke of earlier have all been preserved for the local community so that the next generation can enjoy them, and it makes Mt Lawley such a wonderful place to live. It makes it such a desirable location and it really builds a strong sense of community.

I commend both Rod Willox, AM, and Terry Tyzack for all the work they put in at the City of Stirling and for heritage protection. I commend the Mount Lawley Society and its members, including Paul Collins, Mark Hodge, Christina Gustavson, Barrie Baker, Tracey King, and former members Bruce Wooldridge and Tim Hammond. The Mount Lawley Society plays a fantastic role in our local community and it is through its work that we get to enjoy the fantastic amenities in Mt Lawley. I commend the McGowan government for this legislation. It is an important part of the renewal of the statute books that has fallen to us to try to achieve. I commend the minister for all the work that he has done to engage stakeholders and make sure that our heritage for the twenty-first century is preserved and protected for this generation and future generations.

**MR C.J. TALLENTIRE (Thornlie — Parliamentary Secretary)** [4.02 pm]: I rise as the member for Thornlie and I am very pleased to speak on the Heritage Bill 2017. I begin by commending the minister for bringing this legislation to this place. It is very important because one of its key provisions concerns the problem of demolition by neglect. We have heard stories from other members and, unfortunately, this is a common problem; right around the state we are seeing demolition by neglect. I have a case in point in the Thornlie electorate. Maddington Homestead is suffering from this terrible situation of demolition by neglect. The property dates back to 1836. Bear in mind that the Swan River Colony really began only in 1829. The Georgian building was constructed in 1836 using a construction material known as wattle and daub, which was in part borrowed from what the family building the property understood to be a reliable building material. They could employ and adapt wattle and daub to Western Australian conditions. By its very location the property shows how we, as white settlers here in 1820 and into the 1830s, were trying to work out how we could survive in this colony then known as the Swan River Colony.

The need for provisions to protect a building such as the Maddington Homestead is very important to us. I am really thrilled that the Minister for Heritage is tackling this issue, because I am really sorry to report that the condition of the Maddington Homestead is absolutely deplorable. It is falling apart. It has a conservation order on it. This mechanism has been in place for some time and throughout the time of the Barnett government, we were told that it would be a satisfactory arrangement to protect a valuable piece of heritage such as Maddington Homestead. However, because a conservation order really functions only when some decision needs to be made on whether something can be developed, there was no means by which the minister could intervene to prevent demolition by neglect. I am really pleased that the Heritage Bill 2017 will remedy that situation.

In 1836, we were still learning about how to live in this colony from a white person's perspective. We were learning how to bring our livestock here and grow the vegetables that we had grown back in the United Kingdom. Major William Nairn was determined to build a home and use all kinds of materials that he felt would be appropriate in the colony but, at the same time, were reminiscent of England and suited the style of grandeur that he wanted. I think all those sorts of things are worthy historical pieces for us to be able to see to this day. As well as that, the homestead has great potential as a community gathering point. It is close to Burslem Drive—that is its location—on the banks of Canning River. The Arcadia Waters Maddington retirement village and Maddington shopping centre are also nearby. The area really needs some sort of historical landmark to give it a bit of extra historical context. I think that is a reason in itself to protect the homestead. The current ownership of the homestead is with a property developer group known as the Golden Group. The Golden Group has done very well. It has been able to put through a subdivision that extends onto Kawana Avenue, Lendich Pass, Panozza Circle, Niobe Link and Dockerty Mews. There is brand-new housing of good quality and people are very happy with the location. It is a successful subdivision, but one that needs an immediate community gathering point. Unfortunately, the approvals around the subdivision were on the basis that the final stage of the subdivision could only ever proceed if the developer was to restore Maddington Homestead. Currently, the developer is not motivated to do that final stage of development so we have this complete impasse in which nothing is happening. The building is just falling apart. It is absolutely a case of demolition by neglect. I think this is an example of a developer flouting the laws—the conservation order that is currently in place on the property. I find that totally unacceptable. The developer is talking about selling the property—passing it to a foundation of some sort. I am not sure why that even rates a mention because this other foundation would not be the legal owner of the property. The Golden Group is the legal owner of the property. It should be held responsible for the current situation—this demolition by neglect—and be made to act swiftly so that there is no further demolition by neglect. There has been a succession of fires, people have squatted in there and the walls have been exposed to the elements. It is a very sad state of affairs, so



much so that some people would probably say that we have almost lost. However, the last time that I was able to speak to some very good people from the Heritage Council of Western Australia, their advice to me was that there was still good potential to remedy the situation. That was getting on for two years ago, so I am concerned that more recent decline could be absolutely fatal to the homestead's future.

Maddington Homestead is located on the banks of the Canning River in the City of Gosnells. Fortunately, the City of Gosnells has an excellent history and heritage advisory group headed by freeman of the city Mrs Patricia Morris, AM, JP. Mrs Morris and the excellent people on that group are determined to make sure that we protect this historical asset and others in the community. The community is absolutely desperate for action to be taken here, and that is why this legislation is so welcome. I hope it will enable that to happen, along with actions by the local government. Clearly, there is a need for action there. It will be an expensive operation to restore the building—there is no doubt about it—but we should bear in mind that the property developer has done exceedingly well by developing land around it, and that that development was allowed to proceed on the basis that there would eventually be restoration of the Maddington Homestead.

I do not want to detain the house too long, but I will put on the record some of the comments that Major Nairn made back in 1836 when he commenced work on Maddington Homestead. In a letter quoted in assessment documentation, Major Nairn said —

With respect houses and premises, I have got the best standing house in the colony all built with the best materials, stone and lime and Mahogany timber. A large fine barn all built new with best materials; a complete large shed one hundred and thirty feet long by sixteen broad for to keep my sheep dry and warm during the bleaching rains that fall here in the winter. This prevents foot and rot and every other incidental disease attending sheep taking place; this is the principal thing that gives my sheep the superiority over all the others in the colony.

That is a fascinating insight into the agricultural practices of the time. It is interesting that Major Nairn should comment on the bleaching rains that would fall on this part of the world in the wintertime. I do not know that we would describe our winter rains as such anymore, but clearly these are stories that can be told. There are other accounts of the interaction, not always happy, with the Whadjuk Noongar people of the area as well. There are so many stories that need to be told that give us that connection with the area and enable us to appreciate what it once looked like and what the pioneers went through and, and at the same time, help us to realise that we are now the custodians of this heritage of this part of the world. We should think about how we go forward and do that in a sensitive way that acknowledges and works with our natural heritage and perhaps also restores the Canning River. When Major Nairn first moved into the Maddington Homestead I doubt there was that sense of neglect that unfortunately pervades some parts of the Canning River. Another reason to use this cultural heritage point is to enable people to better connect with the natural environment of the area, to better connect with the area, and to really identify proudly with what a wonderful asset we have in the suburb of Maddington. It is desperately needed.

We must cease this problem of demolition by neglect. The community expects this Parliament to act on these problems. It expects us to ensure that property developers do not get away with just turning a blind eye to magnificent cultural assets in our neighbourhoods. The community expects us to preserve and protect our cultural heritage and ensure that it is part of our vibrant society. With those remarks I will terminate my discussion, but I look forward to hearing more on how we will use these provisions, especially those that are designed to counter demolition by neglect.

Debate adjourned, on motion by **Mr D.R. Michael**.

### ADJOURNMENT OF THE HOUSE

*Special*

On motion without notice by **Mr D.A. Templeman (Leader of the House)**, resolved —

That the house at its rising adjourn until Tuesday, 13 March 2018, at 2.00 pm.

*House adjourned at 4.14 pm*

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### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### POLICE — CRIME STATISTICS — AVELEY, BELHUS, ELLENBROOK AND THE VINES

**2344. Mrs L.M. Harvey to the Minister for Police:**

What are the monthly reported crime statistics for the suburbs of Aveley, Belhus, Ellenbrook and The Vines from 1 July 2017 to 30 September 2017 for the following crime categories:

- (a) homicide;
- (b) recent sexual assault;
- (c) historical sexual assault;
- (d) domestic assault;
- (e) non-domestic assault;
- (f) threatening behaviour;
- (g) deprivation of liberty;
- (h) robbery (business);
- (i) robbery (non-business);
- (j) dwelling burglary;
- (k) non-dwelling burglary;
- (l) motor vehicle theft;
- (m) theft;
- (n) arson;
- (o) property damage;
- (p) drugs (traffic);
- (q) drugs (possess);
- (r) receiving/illegal use;
- (s) fraud;
- (t) graffiti; and
- (u) breach of restraining order?

**Mrs M.H. Roberts replied:**

The Western Australia Police Force advise:

- (a) There were no reports.
- (b) In July 2017 there was one case of sexual assault in Aveley. In August there was three cases in Aveley, and four cases in Ellenbrook. In September there was one case in Aveley and one in The Vines.
- (c) In July there was one case in Ellenbrook. In August there was one case reported in Ellenbrook, and two in The Vines. In September there was one case in Aveley and two in Ellenbrook.
- (d) In July there was three cases in Aveley and seventeen cases in Ellenbrook. In August there were two cases in Aveley, twenty two cases in Ellenbrook and one in The Vines. In September there were seven cases in Aveley, twenty two in Ellenbrook and two in The Vines
- (e) In July there were four cases in Aveley and eleven cases in Ellenbrook. In August there was one case in Aveley and nine cases in Ellenbrook. In September there was one case in Aveley and eleven cases in Ellenbrook.
- (f) There were twenty three cases across the period in the four suburbs. In Aveley, there were two, one and one, cases respectively for July, August and September. In Ellenbrook there was nine, five and four respectively across July, August and September. There was a single case in the Vines in August.
- (g) There were four cases of deprivation of Liberty reported, all in Ellenbrook. There was one case in July and September, and two cases in August.
- (h) No cases reported.

- (i) No cases reported.
- (j) In July there was one case in Aveley and sixteen cases in Ellenbrook. In August there was five cases in Aveley and ten cases in Ellenbrook. In September there were five cases in Aveley, eighteen cases in Ellenbrook and three cases in The Vines.
- (k) There was one case in Ellenbrook in July and a further five cases in Ellenbrook in August.
- (l) For Motor Vehicle Theft, there were nine cases in July, with three in Aveley and six in Ellenbrook. There were three cases in Ellenbrook in August. In September there were six cases, five of which were in Ellenbrook and one in the Vines. No cases were recorded in Belhaus.
- (m) In July there were twelve cases in Aveley, one case in Belhaus, forty three cases in Ellenbrook and five cases in The Vines. In August there were twelve cases in Aveley, one case in Belhaus, sixty cases in Ellenbrook and five in The Vines. In September there was twelve cases reported in Aveley, fifty in Ellenbrook and one in The Vines.
- (n) There was one report in Ellenbrook in August.
- (o) For the crime of property damage, there were five, three and four cases reported in Aveley for July, August and September respectively. For Ellenbrook, the figures are thirty for July and September, and sixteen for August. In the Vines there were two cases, one in July and one in August.
- (p) There was one report in Ellenbrook in July, six in August, and two in September.
- (r) In July there were seventeen cases in Aveley and twenty in Ellenbrook. There was one case in Aveley in August and nineteen in Ellenbrook. There was two cases in Belhaus, six cases in Ellenbrook and one case in The Vines in September.
- (s) In Aveley there were eight cases reported in July, three in August, and four in September; in Belhaus there were fifteen cases reported, all in August; in Ellenbrook there were nine cases reported in July and the remaining four cases in September.
- (t) There were a total of six reports, with two in Aveley in July, and the remainder in Ellenbrook. Of these one was in July, two in August and one in September.
- (u) In Aveley there were four cases in July, one case in August, and three cases in September. In Ellenbrook there were six cases in July and September, and ten cases in August. There were two cases in the Vines, both in July.

POLICE — CRIME STATISTICS —

DOUBLEVIEW, GWELUP, INNALOO, OSBORNE PARK, SCARBOROUGH AND TRIGG

**2345. Mrs L.M. Harvey to the Minister for Police:**

What are the monthly reported crime statistics for the suburbs of Doubleview, Gwelup, Innaloo, Osborne Park, Scarborough, and Trigg from 1 July 2017 to 30 September 2017 for the following crime categories:

- (a) homicide;
- (b) recent sexual assault;
- (c) historical sexual assault;
- (d) domestic assault;
- (e) non-domestic assault;
- (f) threatening behaviour;
- (g) deprivation of liberty;
- (h) robbery (business);
- (i) robbery (non-business);
- (j) dwelling burglary;
- (k) non-dwelling burglary;
- (l) motor vehicle theft;
- (m) theft;
- (n) arson;
- (o) property damage;
- (p) drugs (traffic);

- (q) drugs (possess);
- (r) receiving/illegal use;
- (s) fraud;
- (t) graffiti; and
- (u) breach of restraining order?

**Mrs M.H. Roberts replied:**

The Western Australia Police Force advise the following

- (a) There was one report in Innaloo in July 2017.
- (b) There was one case of sexual assault in Innaloo in September 2017.
- (c) One reported case in Doubleview in August 2017, and 19 cases reported in Gwelup, also in August 2017.
- (d) July 2017 there were three cases in Doubleview, seven cases in Innaloo, four cases in Osborne Park, six cases in Scarborough, and one in Trigg. For August 2017, there were three cases in Doubleview, one cases in Gwelup, ten cases in Innaloo, three cases in Osborne Park, and one in Scarborough. For September 2017, there were two cases in Doubleview, seven for Innaloo, five for Osborne Park, nine for Scarborough, and one for Trigg.
- (e) In July 2017 there were two cases reported in Doubleview, three in Innaloo, one in Osborne Park, three in Scarborough and one in Trigg. In August 2017 there were four cases reported in Innaloo, two in Osborne Park, two in Scarborough, and two in Trigg. In September 2017, there was one case reported in Doubleview, one in Gwelup, five in Innaloo, four in Osborne Park and six in Scarborough.
- (f) In Gwelup there was one case in August and two cases in September. In Innaloo there was two cases of threatening behaviour in July, six cases in August and two cases in September. In Osborne Park there was two cases of threatening behaviour in August. In Scarborough there was one case of threatening behaviour in July and two cases in September. In Trigg there was one case of threatening behaviour in August.
- (g) One instance in Innaloo in July 2017, and one instance in Osborne Park in August.
- (h) No reports.
- (i) One case in Doubleview in September, four cases in Innaloo, with one in July and three in August, and one case in Scarborough in August.
- (j) In July there were two reports in Doubleview, three in Gwelup, fifteen in Innaloo, three in Osborne Park, ten in Scarborough, and four in Trigg. In August there were nine reports in Doubleview, one in Gwelup, seven in Innaloo, seven in Osborne Park, seven in Scarborough and three in Trigg. In September there were nine in Doubleview, four in Gwelup, eight in Innaloo, two in Osborne Park and fourteen in Scarborough.
- (k) One case in Doubleview, three cases in Gwelup, five cases in Innaloo, thirty eight cases in Osborne Park, seven cases in Scarborough, and two cases in Trigg.
- (l) One case in Innaloo, one case in Osborne Park, and one case in Scarborough. In August there was one case in Innaloo, two cases from Osborne Park, one case in Scarborough, and one case in Trigg.
- (m) Seventeen reports in Doubleview, fourteen in Gwelup, forty nine in Innaloo, forty in Osborne Park, forty five in Scarborough, and seven in Trigg. In August there were nineteen in Doubleview, sixteen in Gwelup, fifty four in Innaloo, thirty three in Osborne Park, and thirty one in Scarborough. In September there were twelve in each of Doubleview and Gwelup, thirty four in each of Osborne Park and Scarborough, forty two in Innaloo and six in Trigg.
- (n) One case in Innaloo in August 2017, and one case in Osborne Park, also in August.
- (o) Five cases in Doubleview, one case in Gwelup, six cases in Innaloo, eleven cases in Osborne Park, and nine cases in Scarborough. In August there were nine cases in Doubleview, one case in Gwelup, ten cases in Innaloo, thirteen cases in Osborne Park, ten cases in Scarborough, and one case in Trigg. In September there were seven cases in Doubleview, one case in Gwelup, nine cases in Innaloo, eight cases in Osborne Park, nine cases in Scarborough, and one case in Trigg.
- (p) Two cases in Doubleview in August, one case in Innaloo in August and another three in September, one case in Osborne Park, and two cases in Scarborough, one in July and the other in September.
- (q) Eight cases in Doubleview, three cases in Innaloo, three cases in Osborne Park, nine cases in Scarborough, and one in Trigg. In August there were six cases in Doubleview, five cases in Innaloo, nine cases in Osborne Park, and five cases in Scarborough. For September there were two cases in Gwelup, four cases in Innaloo, five in Osborne Park, and six in Scarborough.

- (r) Two reports in Innaloo, three reports in Osborne Park, and five reports in Scarborough. Both the reports in Innaloo were in September, one of the Osborne Park cases was in July while the others were in August, and four of the Scarborough cases occurred in July with the remaining in September.
  - (s) Forty two in Gwelup, fifty six in Innaloo, two in Osborne park and fifteen in Scarborough. In August there were seven in Doubleview, thirty six in Innaloo, thirty five in Osborne Park, fourteen in Scarborough and eight in Trigg. For September there were twenty six in Innaloo, sixteen in Osborne Park and twenty eight in Scarborough.
  - (t) Two reports in Osborne Park, with one in July and one in August, and two reports in Scarborough in August.
  - (u) Sixteen reports in Doubleview, with two in July, three in August and eleven in September. There were six reports in Innaloo in September. In Osborne Park there were three reports in August and one in September. In Scarborough there were three reports in July, one in August and two in September.
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