



Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2019

LEGISLATIVE COUNCIL

Thursday, 14 February 2019

Legislative Council

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THE PRESIDENT (Hon Kate Doust) took the chair at 10.00 am, read prayers and acknowledged country.

INTERNATIONAL ANGELMAN DAY

Statement by Minister for Disability Services

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Disability Services) [10.01 am]: I rise today in support of International Angelman Day, which is celebrated this Friday, 15 February, as part of rare diseases month. This day provides an opportunity to raise awareness of the condition and mobilise people to improve the lives of families impacted by this rare disease. Angelman syndrome impacts almost 2 000 Australians, including 200 Western Australians. The syndrome prevents speech, impairs mobility and impacts independence. Most people with the syndrome require ongoing support. The Angelman Syndrome Association of WA joins each year with other organisations nationally and internationally for International Angelman Day, to raise community recognition of the needs and accomplishments of children and adults with the syndrome.

I had the opportunity to meet some children with Angelman syndrome in our community last weekend at an event hosted by the WA Angelman Syndrome Association. The association received a grant from the Department of Communities, as part of the International Day of People with Disability celebrations, to hold a family fun day. I had the pleasure of meeting their president, Leticia Grant, and her teenage daughter, Allara, as well as Kane Blackman and his wife, Sara, and their four-year-old son, Finn, and several other families. I learnt from these families that the syndrome is infrequently recognised or diagnosed. Many people receive incorrect diagnoses of other disabilities, which impacts their ability to access supports. I am told by members of our community how having a correct diagnosis and access to information about this rare disease helps them immeasurably with daily life. By highlighting Angelman syndrome, the association is seeking to identify “missing angels” in the community and inform families about therapeutic approaches and supports. Although there is no known cure for the syndrome, research is underway internationally to treat it and increase people’s independence. I acknowledge all people with Angelman syndrome, their families and their communities. I encourage all my parliamentary colleagues to support International Angelman Day on Friday, 15 February.

GRAINS RESEARCH AND DEVELOPMENT CORPORATION — RESEARCH PARTNERSHIP

Statement by Minister for Agriculture and Food

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [10.03 am]: Yesterday, we launched a new \$48 million scientific research partnership between the McGowan government and the Grains Research and Development Corporation to ensure that our growers remain globally competitive in the twenty-first century market. Scientific research is key to helping our growers change and adapt to produce better crops, increase productivity and export competitiveness, and in turn support our regional economies and communities. This industry is hungry for research and development to address Western Australia’s unique conditions and market challenges, while striving for record growth like this season’s impressive 17.9 million tonne harvest—our second-biggest crop ever.

Our government is investing more than \$25 million over five years into this partnership, with a key focus on research to overcome soil constraints and develop transformational soil technologies. The funding will go to six projects, which also includes research into a new approach to matching genetics for early sowing opportunities for oats, canola and lupins in WA environments. This deal has been a long time coming and we have fought hard to secure research funding from the GRDC that focuses on the unique needs of WA growers. This agreement is a starting point in securing a better deal for WA. We know that WA growers, through their levies, are the major contributors to the GRDC, and we expect the vast majority of those funds to be returned to our state for Western Australia-based research. This five-year program will help support our government’s commitment to rebuilding the Department of Primary Industries and Regional Development’s R&D capabilities, working closely with industry, universities and research organisations. We look forward to further investment, in partnership with the GRDC, on research opportunities that address Western Australia’s grains industry priorities and make a difference for our growers.

MENTAL HEALTH PATIENT FLOW MODEL

Statement by Parliamentary Secretary

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [10.06 am]: I am pleased to inform the house of innovations in our health system initiated by the McGowan government to give staff the tools they need to provide the very best care to people with mental illness presenting to an emergency department. Although the majority of people with a mental illness presenting to emergency departments are seen and receive treatment in a clinically appropriate time, a small number spend days in an emergency department and this is simply

not good enough. We know that for some people with mental illness, emergency departments are not suitable environments in which to spend an extended time. That is why our government has introduced changes to move people presenting with mental health issues through emergency more quickly and into a more appropriate setting.

An extensive program of work has begun across the health system to implement a new mental health patient flow model that will improve the process for admission of patients with mental illness presenting to emergency departments. Small teams have been established at each of the health services that will be dedicated to monitoring and managing mental health patient flow. These teams will work with a centralised patient flow medical director, who will have ultimate authority, if needed, to allocate patients between individual health services and hospitals according to the hospital's capacity to accommodate patients.

These changes make the very best use of our existing mental health beds. The changes will include mandatory reporting to the minister if a patient with mental illness is in a public hospital emergency department for over 24 hours. For the very first time, mental health staff will get real-time data showing the number of patients waiting for admission at each hospital and the location of empty mental health beds across the system. At present, staff have to ring around hospitals trying to find out whether there are spare beds, and in particular whether there are secure and suitable beds for teenagers. A new dashboard, set to go live in March, will give staff a digital overview on bed capacity throughout the health system.

The new arrangements will help to ensure that patients presenting with mental health issues can be admitted to hospital much sooner and begin to receive the specialised treatment they deserve earlier. These changes are being backed up by an additional 72 mental health beds in WA, including an eight-bed mental health emergency centre and a 12-bed acute psychiatric unit at Royal Perth Hospital. Joondalup Health Campus will increase by up to 30 new beds, and a new mental health emergency centre at St John of God Midland Public Hospital will be established. A new four-bed mental health short-stay unit and 12 new psychiatric beds will also be established at Geraldton Health Campus.

Mental illness is an important issue in our society. It is complex and the solutions are not easy to find, but we are making good progress and will continue to strive to deliver the best health care for all members of our community. This new model of mental health patient flow is a step in the right direction.

PAPER TABLED

A paper was tabled and ordered to lie upon the table of the house.

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Forty-ninth Report — “Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material” — Tabling

HON MATTHEW SWINBOURN (East Metropolitan) [10.10 am]: I am directed to present the forty-ninth report of the Standing Committee on Environment and Public Affairs, titled “Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material”.

[See paper 2399.]

Hon MATTHEW SWINBOURN: The report I have just tabled advises the house of the findings of the Standing Committee on Environment and Public Affairs in its inquiry into mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material. This inquiry arose from a petition tabled in the Legislative Council on 13 June 2017 calling for the introduction of farmer protection legislation to compensate farmers who suffer economic loss from contamination by genetically modified crops. The decision of the Supreme Court of Western Australia and the Western Australian Court of Appeal in *Marsh v Baxter* drew attention to the issue of the coexistence of GM and non-GM crops and the potential for contamination. It also gave rise to debate on whether the common law provides an adequate remedy for economic loss or whether a separate compensation scheme or other mechanism is required owing to GM contamination.

During its inquiry, and in this report, the committee surveyed the approaches taken by other jurisdictions to compensation for economic loss to farmers caused by GM contamination. The committee has also assessed whether there is sufficient evidence of economic loss incurred by farmers in Western Australia caused by GM contamination to justify a departure from the current common-law mechanism for compensation. The committee notes the polarised views in evidence received in this inquiry. Many of the views appear intractable; some are driven by ideological concerns about GM and others by the economic necessity of farming in Western Australia. This has become a feature of the debate surrounding the use of gene technology in crops in Australia and other countries.

The committee recognises the challenges identified with the common law as a compensation mechanism, including the perception that it is inadequate. The committee concluded, however, that a single case, *Marsh v Baxter*, is not sufficient to conclude that the existing common-law compensation mechanism is inadequate to compensate non-GM farmers. The committee notes that GM canola has been grown commercially in Western Australia since 2010. This is, arguably, a sufficient period for any systemic GM contamination issue to arise. The committee found there is insufficient evidence to justify a departure from the common-law mechanism for compensation in

Western Australia. This finding arose from a lack of significant evidence of GM contamination in Western Australia; evidence presented to the committee of actual economic loss to farmers caused by GM contamination; operational data on alternative compensation mechanisms in other jurisdictions to enable an assessment of their merits over existing common-law remedies; de-certifications of organic farms or other actions taken by organic certification bodies resulting from GM contamination, other than in *Marsh v Baxter*; and claims under insurance policies providing for cover against GM contamination.

Finally and importantly, the committee thanks the committee staff for the considerable work that has been put into this report, particularly our advisory officer, Mr Alex Hickman. I commend the report to the house.

McGOWAN GOVERNMENT — PERFORMANCE

Motion

HON TJORN SIBMA (North Metropolitan) [10.14 am] — without notice: I move —

That the house register its concern with the McGowan government's continued failure to conduct itself in a manner that is open, transparent or accountable.

We commence this year in a similar vein to where we left off last year. A feature of this house has been its continued concern with the government's apparent incapacity to conduct itself in an open, transparent or accountable manner. The difficulty in registering concerns such as this with this house is the significant breadth of material available to the opposition and the crossbench parties. We will not, it appears, ever want for concern. It is in fact a defining feature of this government. It is an expectation of this house, and the public at large, that governments that serve the public do so in an open, transparent and accountable manner. The Premier himself made it the defining feature, it would appear, on the verge of being sworn in as Premier, that he would conduct himself according to the standard of decency attached to those virtues. Conducting government business in a suitable manner rests upon the Premier demonstrating the appropriate sense of leadership. I think that he has failed to do so. Quoting the adage that the fish rots from the head down, I think that the Premier of this state is setting an appalling example for governance and accountability. This standard is demonstrated in not only his own conduct, but also that of his ministers and, unfortunately, it would seem, through to the public servants who serve the government. I will cite just three examples.

I will start with a series of questions without notice that I have asked this week about the Premier's interstate travel in the second last week of November last year. It is not a great concern of mine that the Premier travels interstate; Premiers, ministers and parliamentary secretaries do that in the conduct of government affairs. It is natural and appropriate, but there needs to be sufficient justification to support that travel, because it comes at some expense. On Tuesday I asked the Premier, through the Leader of the House, to confirm some details for me about interstate travel he undertook in late November last year. To provide a quick overview of the response, the Premier confirmed that he travelled to Sydney in late November. The primary purpose of the visit was to meet with Hon Andrew Constance, the New South Wales Minister for Transport and Infrastructure, and departmental officials, to discuss major infrastructure projects, as well as to meet with Hon Bob Hawke, Hon Geoff Gallop, Hon Bob Carr and the newly installed New South Wales opposition leader, Michael Daley. He travelled domestically by Qantas and took his deputy chief of staff.

I did not ask all the questions I could possibly have asked with that first question; I wanted to see what I would get before I asked my next one. The simple question was: how much did this all cost? The cost was \$12 351.70. I sought an assurance or confirmation from the Premier that there were benefits to Western Australian taxpayers for this expense incurred by the WA government. The Premier responded —

Overall, the appointments —

He has not told me exactly when those appointments occurred, or what they were —

delivered a benefit to Western Australia through various discussions about important matters facing the state. The primary purpose of the trip, learning from the experience of the current New South Wales infrastructure program, will deliver an ongoing benefit to the state as we roll out Metronet and implement Infrastructure WA.

That may well be the case, but to spend \$12 000 to speak to the New South Wales infrastructure minister, I would have thought that, as a courtesy he would have tried calling on the Premier of that state, or if there was a real concern about how we learn from New South Wales infrastructure rollout in the transport portfolio perhaps he would have sent his Minister for Transport to meet with the appropriate minister over there. He filled in the rest of his time conversing, and potentially carousing, with a host of Labor luminaries. Why should the Premier not have a good time?

It is appropriate that I register this concern on St Valentine's Day. I wish everyone here a lovely evening. It might involve a box of chockies or a bunch of flowers. It might also involve an intimate dinner.

The PRESIDENT: Member, I will just interject. I have always thought St Valentine's Day was about the martyrdom of a saint, not a box of chocolates.

Hon TJORN SIBMA: That may well be the case, Madam President, but I hope you still receive a box of chocolates! I have in my hands an invitation to an intimate dinner. I will table this document, but let me read it out —

Join us for an intimate dinner with WA Premier, the Hon Mark McGowan

Date: Thursday 22nd November 2018

Time: 7pm for 7:30pm start

Location: Sydney CBD—TBC upon registration

Tickets: \$3000 + ^{GST} per person

There is a discount —

\$2000 ... Labor Business Dialogue Discount

So a member of that fundraising committee would get a discount. I have redacted this to protect the innocent. I go on —

On behalf of NSW Labor General Secretary Kaila Murnain, —

I hope I have pronounced her name correctly —

I would like to offer the opportunity to attend an Intimate Dinner with Western Australia **Premier Hon Mark McGowan**.

Hon Jim Chown: So we paid for the trip for the fundraiser?

Hon TJORN SIBMA: Yes, it would appear so. I am not making that allegation; I am just asking the question. I have this document in my hot little hand, which I am going to table later, and that would seem to be the real purpose for the trip. The answers were provided through the Leader of the House, whom I do not criticise because she works with the material that she is offered. I am also sorry for all Labor members who work with the same kind of material. I feel for them.

Hon Jim Chown: So the public paid for a fundraising trip for the Premier of Western Australia to visit New South Wales?

Hon TJORN SIBMA: That may well be the case, honourable member. That is for the Premier to defend. I will ask a question without notice today, which I will lodge after I finish my contribution, asking for a full accounting of the Premier's time while in Sydney. It may well be that this intimate dinner did not occur; however, the Premier was paired from Parliament on 22 November to attend, it appears, a fundraiser. His travel and accommodation, and the travel and the accommodation of his deputy chief of staff, were paid for, it would appear, by the Western Australian taxpayer, in the order of \$12 000.

When I asked my question on Tuesday, had the answer been, "Thank you, honourable member, for your curiosity. This is what I did. I met with this minister, I met with these significant public figures, and, yes, I attended a fundraiser", perhaps I would have thought, "Well, on the balance of probabilities, do I raise this issue today?" But no; this government grudgingly responds to every single question I ask—it does not matter on what issue. It provides misdirection and piecemeal information. When I see that, I smell smoke, and when I smell that smoke, I look for fire. When government members deal with me, deal with me honestly and directly. If they do not, I will table things like this day in and day out to embarrass the government. Government members need to choose how they will conduct themselves, because I know how I will respond. This is just one example.

As to this government's commitment to openness, transparency and accountability, let me just say that because ministers do not answer questions in this house, we must, by necessity, put in freedom of information applications. How are they treated? They are treated with contempt. They are treated grudgingly. What is happening now? It appears it is government policy to charge for the process. I am not referring to just the application fee, which is a fair fee to charge; I am referring to any freedom of information request. The Leader of the Opposition's office lodged an FOI application regarding the Southern Ports Authority. I am not sure whether it was lodged before the Minister for Ports took on that portfolio and what I am about to say is absolutely no reflection on her.

Hon Alannah MacTiernan: When it was lodged?

Hon TJORN SIBMA: I believe it was 18 December. It may have been around the time that the minister was appointed, but that is neither here nor there.

This application was to do with contacts and contracts between Mineral Resources Limited and the Southern Ports Authority. I will table this letter also.

Hon Alannah MacTiernan: Who was the application actually made to?

Hon TJORN SIBMA: I will table the document and the minister will get all the information.

Hon Alannah MacTiernan: If you could tell us, because you know.

Hon TJORN SIBMA: No. I have limited time. The minister will get her opportunity. I have a letter here dated —

Hon Alannah MacTiernan interjected.

Hon TJORN SIBMA: No, no. The minister will get what she wants.

The PRESIDENT: Order!

Hon TJORN SIBMA: I have a letter dated 22 January 2019, which is addressed to Hon Mike Nahan, titled “FOI Application—MRL contracts with Southern Ports”. It is signed off by a gentleman by the name of Stephen Cannon, who is the freedom of information officer. I will get to the point. I quote from the document —

None of the information you are seeking is your personal information and it is therefore subject to an access charge. Pursuant to section 16 of the *Freedom of Information Act 1992 (WA)* and relevant regulations, I have estimated the access charge for this FOI request as follows:

| | |
|--|-------------|
| 1. Application fee: \$30 (PAID ON 18/12/2018) | Paid |
| 2. Time to deal with the application: (90 hrs @ \$30 per hr) | \$27000.00 |
| 3. Time for photocopying and photocopy charges | \$ 410.00 |

Below in parenthesis it states —

(1000 pages @ 20c page and 7hrs of time @ \$30 per hr)

Total: \$3110.00

That is the price of openness, transparency and accountability under the McGowan government. I will table this document later too.

That might be consistent with the letter of the law, but it is certainly not consistent with the spirit of it, and it is certainly not consistent with the Premier’s claim that he would establish gold-standard transparency in government conduct. It certainly is not. Those two things cannot be hung together. There might be disputation, but I think that is rather damning. It is cash for information.

Hon Alannah MacTiernan: Could you just help us here and tell us who the application was made to?

Hon TJORN SIBMA: No. I am not taking interjections.

Hon Alannah MacTiernan interjected.

Hon TJORN SIBMA: I am not taking interjections—get used to it.

Hon Alannah MacTiernan interjected.

The PRESIDENT: Order!

Several members interjected.

The PRESIDENT: Minister, just let him continue and you will have an opportunity to respond shortly.

Hon TJORN SIBMA: The third issue I will raise, which I will not go into in great detail because it has been extensively canvassed in the other place, but on which there is also some additional information, I assume, that my colleagues might wish to speak to, deals with the Huawei contract. I have asked about 10 questions on this contract, its decision-making process and whether or not it went to cabinet. I have deduced from an interesting series of answers provided by Hon Ben Wyatt through his representative in this place, Hon Stephen Dawson, that although that contract did not go to cabinet, it was subject to the Expenditure Review Committee processes. ERC ministers will know exactly what has been going on. By virtue of that contract and the decision-making process attended to it, that could not be tabled in this place because it was labelled a cabinet-in-confidence document.

The PRESIDENT: Member, I am just going to stop you for a second. Members, there is just a bit of very audible noise around the chamber. It is hard to hear Hon Tjorn Sibma.

Hon TJORN SIBMA: It is disingenuous of a government to claim that a contract of this magnitude did not go to cabinet, yet effectively invoke cabinet-in-confidence provisions to prevent that documentation being tabled in Parliament, particularly when the sum total of those contracts is some \$200 million. The entire process of decision-making and then post-decision-making action reflects very poorly on this government. At the start of my contribution, I mentioned the old adage that a fish rots from the head down and, unfortunately, a disposition or a cultural orientation towards accountability and transparency that the Premier models appears to be modelled down through certain segments of ministerial officers and into the public service. I would like to table another document. It was released under the freedom-of-information process as well. It has probably not been given the prominence that some other documents have, but it is out there. It is an email sent by the stakeholder interface manager for major projects at the Public Transport Authority of Western Australia. It is generally not my practice to name public servants when I can avoid it. The email is to Minister Saffioti’s chief of staff and it is dated 22 May 2018. The subject is “Commercial in Confidence – FW: Radio Systems Replacement Project — Letter sent to the Commonwealth.” I will read the email —

FYI

I have been working closely with Justin on this.

I do not know who Justin is —

We are around 2 weeks away from finalising contracts so there is no immediate impact to procurement timeframes / project delivery (just part of appropriate due diligence).

I expect Justin will apply appropriate pressure to ensure a speedy response and will let you know how things progress.

Okay, boring, but this is the interesting bit —

Assuming we get a thumbs up —

Presumably, this is a thumbs up from the commonwealth —

it would be good to discuss announcement strategy. The two schools of thought are probably:

This is it; this is the culture of the McGowan government, nearly halfway through its term —

1. ‘Too hot to handle’ and just let things move along without formal announcement of preferred proponent

Keep it secret, under the carpet; no-one needs to know about it. That was the first of two strategies. The second is interesting and would be confronting for a McGowan government minister. It is —

2. ‘Nothing to hide’ and formal announcement as a sign of transparency and comfort

It refers to a sign—a symbol, an emblem. I expect a lot more of you guys. The email continues, which is interesting too —

I’d appreciate your thoughts. I expect a measured Commonwealth response indicating general support rather than resounding support of the preferred proponent so I’m still leaning towards ‘too hot to handle’ as of today. What happens in the US / further media reporting may also have an impact i.e there may be pressure to show our hand so proactive announcement maybe a better option if that occurs.

Associated documents were provided, including frequently asked questions and a draft media release. I will table these too. I have the draft media release from the Minister for Transport concerning this contract, deemed “too hot to handle” and never, ever publicised. It is a very interesting departure from her usual practice when it comes to anything to do with Metronet, her conduct or her portfolio.

The PRESIDENT: Before I give the call, member, you wanted to table four separate documents, so you will need to seek leave.

Hon TJORN SIBMA: I seek leave to do so, Madam President.

Leave granted. [See paper 2400.]

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [10.34 am]: I stand to enthusiastically support this motion by Hon Tjorn Sibma. This government’s lack of transparency is appalling. It has transparency before 11 March 2017 and transparency after 11 March 2017. Let me remind members what the now Premier said on 18 June 2016. I quote —

“The public interest must come first, transparency must come first, openness must come first.

That is great and fine, but that is the conditional transparency of this government. It is conditional because the government is saying that it will be transparent until 11 March 2017, but not transparent post-11 March 2017. There is a litany of examples of this, and every single time there is a sensitive issue, these guys clam up. They do not mind standing arm in arm when they provide media releases to open stadiums that we built. They do not mind standing arm in arm when they name the new drillers in the tunnel that we built. Where are they now when things go wrong? Not on your life. We try to get information on it, not on your life. They scurry away like rock crabs. Every time there is a sensitive issue, these guys go into hiding. For example, do members remember the double dipping on the cars? It took me about 20 questions to get to the bottom of that and, when I did, is it any wonder that they scurried away? Not on your life, because nine ministers on that side of the chamber got an additional \$5 300. When they were sitting there saying that public servants could have \$1 000 a year over four years, they got \$5 300 overnight. Did they pay it back? Not on your life. Every time there is an issue, they scurry away.

Carnegie is one issue that I have been dealing with over the last 12 months. Trying to get information on Carnegie has been absolutely appalling. I have asked dozens of questions and put in numerous freedom-of-information requests, and every single time I basically get the hand. This is the government’s new standard of transparency. It is called “Tell them nothing.” That is the government’s default position for transparency. When it gets difficult, “Tell them nothing.” When there is a good media opportunity, they go out there arm in arm with their colleagues and put out media releases but, when the going gets tough, “Tell them nothing.” That is this government’s new transparency level.

I brought up the Carnegie issue again because it continues to grow and grow. All roads lead to the Minister for Regional Development. She has a clear and evident conflict of interest. Right from the start, all roads have led to the Minister for Regional Development. I moved a specific motion on the Minister for Regional Development on the last day of sitting last year. What was her response to my claims? She got down and dirty. Of course, her comments were ruled unparliamentary, as they should have been. Her response was to get down and dirty. Do members know what? This minister had to apologise to the house. Do members know why she had to apologise to the house? It was because she misled the house. Do members know how I found that out? It was through an FOI application, through questions. If I had not been through that process, I would never have known and this house would never have known that the minister misled the house. I will explain it to members. I put in an FOI application and found that a month after the election on 11 March 2017, the minister asked for a meeting with Carnegie. Why did she request a meeting with Carnegie? A pile of other companies out there also do wave energy. Did she meet with any of them? Not on your life. I asked why she did not meet with them and she said that she had a roundtable meeting in Albany with all the renewable energy companies. How many of the companies that she met with in Albany—all three of them—put in an application for that tender process? There was one, and that company was Carnegie. Who else attended that meeting? This is an absolute joke. There were six officers from ministers' or members' offices, five people from the University of Western Australia, five people from government departments and three people from renewable energy companies, and one of them was Carnegie. The minister did not meet with anyone other than Carnegie! Who got the contract? It was Carnegie. I remind members that I asked the minister why she met with Carnegie. She said —

- (1) Engaging with relevant industry stakeholders and undertaking market sounding during the tender development stage is generally accepted as best practice procurement.

That is the standard of this government—ministers meet with the people who are going to apply for a tender process. The minister says that is not corrupt or compromised. It is okay to meet with a pile of people. But the minister met with just one. That happened to be Carnegie, the company that got the contract. I asked the minister why she did not meet with the other companies. Her response was, “I have not been advised which companies submitted a proposal.” I remind members that the minister did know the names of the other companies that had applied, because, on 5 October 2017, she signed off on a briefing statement. The minister knew who the other companies were, but she did not meet with them. She tried to handball and push me away every single time I asked the question. The minister said she met with all these renewable energy companies in Albany. It was only because I kept pursuing the issue that I was able to get to the bottom of it. If I had not done that, I would have assumed that the minister met with every one of those companies. But she did not. She met with only one company, Carnegie.

Carnegie has problems. The minister was on the board of a company that was consumed by Carnegie. The person who appointed the minister to that board was an executive director of Carnegie up until a few months ago. We are being asked to believe that the minister does not have a perceived conflict of interest. I can tell members that the minister would be the only person in the whole of Western Australia who does not think she has a conflict of interest. If the minister opened her mouth in cabinet when that decision was made, every minister who sat around that cabinet table, including the Premier, is complicit in that decision-making. If this minister opened her mouth at that cabinet meeting and did not excuse herself, that is even more disgraceful.

I want to show members how difficult it has been for me to get to the bottom of what has happened with Carnegie. On 13 November 2017, I put in my first FOI application. On 8 December, I got a request for an extension, and I gave it. On 16 December, I got a request to narrow the scope, and I gave it. On 13 January, I got a second request to narrow the scope, and I gave it. On 23 January, I got a third request to narrow the scope, and I gave it. On 25 January, I got a second extension request, and I gave it. On 16 February, I got a third extension request, and I gave it. Finally, five months later, I got a response. That is how I was able to get to the bottom of the fact that the minister had met with only one of the companies, and that was the company that got that contract.

Immediately after that, I put in another FOI application for the next 12 months. I was notified that for that 12-month period, 947 documents had been identified, and I was asked to reduce the scope, so I reduced the scope to half that time. I was then notified that there were actually 1 000 documents in that period. There were more documents in that six months than there were in the total 12 months! I could not work out what was going on there. Not only did I narrow the scope, but then, on 19 December, I got an extension request. On 17 January, I got a second extension request. The response to my FOI was due to come back last Monday. I said to the guys in the Leader of the Opposition's office, “Mark my words; we're going to get another request.” Sure enough, on 7 February, another extension was requested. We will have reached the end of this government's term by the time we get to the bottom of this.

I can tell the minister that I will keep putting in FOI requests. As soon as this one comes back, the minister will get another one. The minister will not get away with this. It is not just me; it is also the Auditor General. Hon Martin Aldridge asked the minister to provide the business case. This is not a political stunt. The Auditor General said in his report that the decision by the minister to redact all the proposal in the financial assistance agreement was not reasonable and therefore not appropriate.

All roads lead to this minister. The minister will get a PhD in the McGowan Labor government's new affirmation of transparency, "Tell them nothing." The Minister for Regional Development is holier than thou. She thinks she is above Parliament. She has been a member of every Parliament in the nation, so she should know. The minister is not above the Parliament. The minister had to apologise to this house because she misled the Parliament. That is embarrassing. If the minister had been open and transparent from the start, she would not have had to embarrass herself in that way. If the minister and the government want to retain the confidence of the Western Australian people, they should do exactly what the now Premier said when he was in opposition. He said that the public interest must come first. He said that transparency and openness must come first. However, at the moment, the government's affirmation is, "Tell them nothing." That is why this government will be a one-term government.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [10.44 am]: I thank Hon Tjorn Sibma for bringing this motion to the house today. I wholeheartedly agree with the principle of this motion. Today, we have heard about some of the exceptionally concerning ways in which this government is operating. I want to talk about the lack of transparency of this government and its impact on regional Western Australia. Without question, Premier Mark McGowan told this Parliament in March 2017 that his government would be transparent and accountable. Those were his words—transparent and accountable. He said that his government would deliver a rolled-gold standard of accountability. It is exceptionally disappointing that to date we have seen the complete opposite of that. Members of this government when in opposition pursued the Liberal–National government relentlessly about its standards and procedures. However, now that the shoe is on the other foot, this government is showing complete disregard for the processes of government and the transparency that the people of Western Australia expect.

What is of greatest concern to me is that the McGowan government has effectively cut the \$1 billion royalties for regions scheme by cost shifting royalties for regions into programs that would normally be paid for by government expenditure. That includes \$79.9 million for orange school buses, \$134 million for regional TAFE subsidies, \$795 million for water subsidies and \$31 million for education assistants. That is concerning because the principle of the royalties for regions program, in its purity, since 2008 and while we were in government, was to support regional communities to enable them to deliver on their development aspirations and to grow and attract people to live in regional Western Australia. One of the greatest issues in regional Western Australia is that there are not enough people on the ground to deliver on the aspirations of their communities. Karratha is a perfect example of that. Many local jobs are being advertised on the ground, but there are not enough people in the community to fill those jobs. That is why I will continue to say it is not about local jobs; it is about attracting people to live in regional communities and take up those local jobs. Without people, we cannot have regional development.

There is absolutely no doubt that under this government, the focus of the royalties for regions program has shifted. It is not a priority of this government to support regional development through the royalties for regions scheme. This is cost shifting by stealth. The government has said that it is continuing with the royalties for regions scheme. However, the feedback I get on the ground is that communities no longer know how to access the program. Under our government, communities could apply for grants to assist regional development. There is no longer that opportunity on the ground. There is a level of dysfunction within the development commissions. The process has been scattered. It is absolutely lost. Under our government, the stewardship of the royalties for regions program was very clear. Under the McGowan government, it is not clear, because all it has delivered into the royalties for regions scheme is cost shifting after cost shifting. There is absolutely no doubt about that.

I will move to a number of concerning decisions that the McGowan government has made, seemingly out of the blue, with no consultation with the community, and no opportunity for any community members or key stakeholders to have input into the decision-making process of this government. Many of those decisions have backfired on this government. These decisions concerned the gold tax, the Schools of the Air, the closure of the Moora Residential College, the closure of camp schools and the continued secrecy around the contracts to continue to operate the camp schools, community resource centres and, more recently, the rock lobster quota. We have also had a continual conversation in this chamber about the Local Projects, Local Jobs program. Last year, I moved a motion that called for a special inquiry into the Local Projects, Local Jobs program. This government denied that, but late last year the Standing Committee on Estimates and Financial Operations started investigating this program after many concerns about that program were raised by community members and by members of the opposition and the Nationals WA.

We have even had concerns about the Local Projects, Local Jobs program put on the record by the department. The Department of Local Government, Sport and Cultural Industries advised its minister that it was seriously concerned that a large amount of money, \$350 000, had been pledged to the Stephen Michael Foundation to help at-risk youth. It is a great foundation and a great idea—I have no issue with that—however, the department advised the minister that it was concerned about the process. There was no business case. There was no governance around the decision-making. When that issue was brought to this Parliament for discussion, no member of the Labor government stood and said that that is a fair point and if we are going to hold ourselves to a gold standard of transparency, that is not the process that any government should follow. That was a very concerning decision. Numerous incidents regarding that program have been raised in this Parliament.

I want to touch briefly on the rock lobster decision by Minister Dave Kelly. It was exceptionally concerning to the industry and the community when it became clear that the minister had, I suggest, sought to hold his decision in a deal that he signed with the Western Rock Lobster Council that he then relied on when it went public to say, “Well, it agreed to this deal. I got them to sign a deal, a contract, and it agreed to it.” However, in that discussion he told members of the Western Rock Lobster Council that they could not disclose that deal. He held that over them—that they could not make that public. When he then went to the public and made that decision that he would impose a quota on the rock lobster catch and that the state government would, basically, buy into their industry, he then said, “Oh, but they agreed with me.” If that is not a standover tactic, I do not know what is.

Darren West, a member for Agricultural Region, then said —

The PRESIDENT: Hon Darren West.

Hon JACQUI BOYDELL: Hon Darren West—I apologise, Madam President. As a member for the Agricultural Region, he went on radio and said that the government got what it wanted out of that deal and it was happy with it. That indicates to me that the government sought to say to the Western Rock Lobster Council, “This is what we want to achieve. This is the deal we want. Sign this secret agreement and, by the way, you can’t talk about it.” Then it becomes public that the government got what it wanted out of it and that was really great. Never mind all the angst caused to the community and the lack of consultation with the actual community and restaurateurs on the ground et cetera, which then became apparent after that decision was made. It is a very concerning way to operate.

I want to touch briefly on the current situation with the BHP royalty rate. All those decisions and discussions are being held behind closed doors. It is an exceptional amount of money for Western Australian ratepayers and that is concerning.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [10.54 am]: I was waiting to see whether we had more speakers, because we wanted to make sure that we had a comprehensive response to this motion. I must say that I found this a bit reassuring this morning, because we thought Hon Tjorn Sibma was one of the rising stars of the opposition. We thought: he is a smart guy; he does some forensic work. But I have to say that I have been quite relieved that perhaps he is not going to pose what we thought he might pose as a potential new leader, because this was a particularly temperamental critique. First, he was very offended because the Premier, through the Leader of the House, has answered only the questions that he was asked. He did not go into the mind of the honourable member and wonder: what might he really be getting at here; what more could I give? He just played a straight bat and he answered those questions.

I will quickly go through these couple of questions because it is quite extraordinary. The Premier has been completely frank and honest. On Tuesday, 12 February, the member asked the Premier for details of all and any state travel that he undertook. The member provided a couple of dates and wanted to know the —

- (a) destination or destinations;
- (b) reasons for travel;
- (c) mode of air transport taken;
- (d) names of accompanying companions; and
- (e) accommodation used?

Every single one of those questions was asked, but apparently it was an outrage that the Premier had not answered things that Hon Tjorn Sibma had not asked. I mean: diddums! This is terrible! The next day Hon Tjorn Sibma had to go and ask another question because the member had something else on his mind that he had not put in the first question. Hon Tjorn Sibma asked a further question about the cost of the travel. The Premier was completely open about the cost of the travel, and he once again listed the primary purpose of the trips. The member is outraged that the Premier did not tell him about things that he might have been doing in his own private time—that he did not talk about those things he did incidentally. I find this sense of outrage quite extraordinary.

Prime Minister Scott Morrison came over to WA on, probably, the official federal government jet. He came over and did business during the day, and at night he had fundraisers for the Liberal Party. I mean, this is not an unusual practice. The Premier travelled over there. I tell the member that it is critically important that we understand this issue of infrastructure planning. I know that when I was infrastructure minister in our last term of government, we would often have ministers and Premiers coming over and wanting to exchange information and understand the detail of these complex infrastructure programs that were being held. Often, people wanted to establish alliances to improve infrastructure delivery. There is absolutely nothing unusual about this at all. What I find extraordinary is the tantrum. The member feels it is an outrage that the Premier did not predict that he might have wanted some other information and he just answered the question with a straight bat, and poor diddums here had to come back and ask a question on the second day! Oh, my God; what an outrage! There was then another outrage.

Hon Tjorn Sibma interjected.

Hon ALANNAH MacTIERNAN: I am not going to take an interjection because the member would not either when I asked him the simple question: who on earth was the FOI from that he wanted to express concern about?

Hon Tjorn Sibma: Is that a usual practice to charge fees?

Hon ALANNAH MacTIERNAN: That is why I was trying to find out to whom the member had made that application. We do not charge those fees for applications made to our office. I was trying to extract enough information from the member, but he was so high in his outrage that he was unable to provide that! That was a decision made by the Southern Ports Authority.

My good friend and colleague Hon Adele Farina is someone who understands that there is nothing unusual about a diligent opposition member launching a freedom of information request. Hon Tjorn Sibma has a sense of outrage because “I’ve had to put in an FOI.” That is the bread and butter of politics. For those members who have spent many years in opposition, we understand that role. Hon Adele Farina, who was an absolute tiger with FOI requests in her time in opposition, has spent tens of thousands of dollars —

Hon Adele Farina: Definitely thousands.

Hon ALANNAH MacTIERNAN: She has definitely spent thousands of dollars on FOIs. I was just seeking some indication of the practice of the Southern Ports Authority under the previous government.

As I said, Hon Adele Farina can confirm that it was the practice of many government agencies in the last government to exercise their right under the legislation to charge. I must say that when I was in the federal Parliament I can recall FOI-ing the state government, and I likewise spent thousands of dollars to obtain information about the freight route.

The next series of concerns raised by Hon Tjorn Sibma related to Huawei. The member expressed concern that there had been some discussion going on within government about a strategy. The member of course conveniently did not mention that the strategy a staffer had considered was not the strategy adopted by the minister. The minister came out and gave a complete —

Hon Tjorn Sibma interjected.

The PRESIDENT: Order! Member, you wanted to be heard in silence. I would ask that you accord that same privilege to the minister on her feet.

Hon ALANNAH MacTIERNAN: It is true, and I think everyone would know. The travails of Senator Michaelia Cash and her office would indicate that people in offices talk about strategy. The important thing here with the Huawei contract is that the decision made by the minister was one, indeed, to make maximum disclosure.

I now turn to comments made by Hon Peter Collier. This is very strange. He has taken great umbrage at the fact that I came into Parliament at the end of the last session to acknowledge that I had made a misleading statement and had genuinely not been aware that a briefing note had included the names of the companies involved in that tender process. I certainly had not recalled it. It was only a footnote on a briefing note. This was after the tender process had been completed and a briefing note was coming up. I had not recalled seeing the names of those particular companies. I came in and made an apology for inadvertently misleading the house. I would say that the Leader of the Opposition has probably spent 10 notices of motion and other various formats demanding that I apologise for a variety of different things or that I acknowledge various different things. I explained exactly how it was that I had not recalled having seen those entities on a footnote. It was presumed that because they were on a footnote I had seen them. I certainly did not recall seeing them. I came into this house and acknowledged that. I am happy to acknowledge what I have done because I am not ashamed of anything that I have done.

I want to say to the member that it is really important to understand I have never had any interest in Carnegie. I have never had any shares in a company that had an interest in the Carnegie wave farm. I have had shares that were completely unconnected—shares in a Carnarvon solar farm—but in order to stop any suggestion of any connection whatsoever, even though they were totally separate and discrete, I donated those shares, at considerable cost to myself, to a charity.

Hon Peter Collier: So you had no perceived conflict of interest?

Hon ALANNAH MacTIERNAN: No. There is the company Carnegie and another company that, five years before, I was on the board of.

Several members interjected.

The ACTING PRESIDENT (Hon Dr Steve Thomas): Members! There was an interjection and the minister is answering the interjection. We do not need other people having a conversation. The minister has taken the interjection and is responding to it. I do not want to hear any cross-conversations while the minister does so. The Minister for Regional Development has the call.

Hon ALANNAH MacTIERNAN: Thank you.

I have never had any financial interest in Carnegie or the wave farm. Five years ago, I was on the board of a company that, very recently, was acquired by Carnegie. I ceased to have any connection with that company. I had been on the board five years before. But because there might have been some suggestion of conflict, I disposed of those shares, even though they had absolutely nothing to do with that combined entity.

The advice from the department at that time about the FOI from Hon Martin Aldridge was that I should claim a commercial confidentiality provision. Carnegie felt very concerned, as companies do when they put in tenders and give all their commercial information, that this document contained a lot of information that it might not want its competitors to know. It expressed great concern about this being made a public document. The matter went to the Auditor General. The Auditor General found that parts of the document could be released. Unlike what happened with the previous government, where they just ignored the Auditor General, I went back and instructed the department to work very closely with Carnegie to work out how we could release as much as possible of that document without undermining the financial position of the company. We have to understand that if government is going to be dealing with companies, there are areas of commercial sensitivity. We undertook that work. I came into this Parliament on Tuesday and tabled that document—the first opportunity I had to do so—which was the result of very intensive work to try to release as much of this information as possible.

I find it extraordinary that the Leader of the Opposition was saying that there was great accountability before the election. We just need to look at the article produced by Gareth Parker in which he writes about the 32 state secrets and goes through chapter and verse the abuse of these provisions—pretty basic stuff that was not accounted for.

HON SIMON O'BRIEN (South Metropolitan) [11.10 am]: The Minister for Regional Development was quite correct when she described the mover of the motion, Hon Tjorn Sibma, as being not only a rising star, but also someone who is meticulous in the work that he does on behalf of his constituents, the Liberal Party and the Parliament. He has done so again in demonstrating his focus on matters of importance and moment as he raises the business before the house by his motion today. I strongly support it.

I will give a specific example that I want members opposite, in particular ministers and aspiring ministers, to have regard to. Not only are the people of Western Australia, the opposition and the Parliament being kept in the dark about this government's activities and its motives, but also I suspect the government is a victim as well. I am in possession through FOI of a briefing note dated 27 February 2018 directed to the Minister for Transport, describing how a contract was expected to be awarded to a firm called Huawei in March 2018. The contract with Huawei is an issue of the day and it will continue to be. There are a number of items of interest in this document. The thing that I particularly noted is the recommendation —

The Minister to advise Cabinet that:

This was on 27 February last year. The advice on the document is redacted under clause 1(1) of the FOI act. What was the minister meant to advise cabinet? It must have been important because the minister circled the word “approved” but did not do so until 20 June—a three-month gap. What suddenly made it such a matter of moment in June, which is a long time after that in political terms?

I was also made aware of a memo, obtained via FOI, to the Premier dated 2 July 2018, which reports a number of things, including —

Huawei and UGL are expected to sign the contract on Monday, 2 July 2018. The PTA is expected to sign on Tuesday, 3 July or Wednesday, 4 July 2018. The signing of the contract is expected to become public before the end of the week.

The government did not say, “We’re going to announce it” but “We expect it’s going to become public. Someone is going to get the information out there.”

The next part of the memo to the Premier, most of which has been redacted, is headed “Security risks”. That was on 2 July. One security risk that was not redacted stated —

The consequences of interference with ATC could be severe and the protective security of the network would need to be reconsidered to ensure these risks are appropriately managed.

This is a red flag being raised with the Premier himself on the eve of information becoming public.

It certainly was an issue of the day because again, thanks to an FOI release, suitably redacted in parts of course, we have a copy of an email sent by the media manager at the Public Transport Authority to several government advisers—Richard Farrell, Justin Court and Amy McKenna—advising them —

As you are aware we are on track to sign a contract with Huawei ... later this week.

In preparation for this we have prepared the following;

1. Ministerial media statement

And some FAQs and what have you. It continues —

All documents have been reviewed by the relevant state ... and Federal ... agencies.

Then a telling comment —

I understand there is no appetite for the Minister to announce this proactively, but a media statement has been prepared just in case.

So this government is media shy. This is news to me. I went looking for a media statement. I have the draft media statement, showing a smiling Minister for Transport—“One-metre Rita”, as she is known in some circles. It is headed “Public transport radio communications upgrade”.

Hon Alannah MacTiernan: You have trouble with women, don’t you, on your side?

Hon SIMON O’BRIEN: No. There is a smile on the minister’s face and a laugh in her voice, but for the record, I reject that.

The ACTING PRESIDENT (Hon Dr Steve Thomas): Order, members! Members, I am not going to accept a reference to members or ministers except via their appropriate titles and neither do I expect to hear a gender debate in the house shouted across the floor. Hon Simon O’Brien was discussing accountability and he has the call.

Hon SIMON O’BRIEN: Some of the comments in the draft media statement, to be attributed to transport minister Rita Saffioti, spoke very positively about the upgrade that will support passenger rail and what have you. Interestingly, it states —

“Operational security has been a key element of the procurement process. On several occasions the PTA has sought and received advice from Commonwealth agencies, and that advice has been considered in awarding this contract to Huawei.”

Clearly, some toing and froing had been going on behind the scenes. It is a matter of concern.

I went looking for a media statement. I did not find one on or about 3 July in that form but I did find one from the Premier and the Minister for Transport. I thought, “Hello, here we go.” What was it about? It said that the government had project definition plans for the Thornlie–Cockburn Link and the Yanchep rail extension and that 3 000 jobs would be created and all the rest of it. That was the issue that the government wanted to dominate the news. It would appear that something else had to be hushed up. I noticed with great interest on 14 August, when Parliament reconvened after the winter recess, that in another place the Leader of the Opposition asked question without notice 505 to the Premier, stating —

Can the Premier explain to the house why a \$136 million contract was awarded to the Chinese company Huawei without it going to cabinet and why cabinet was not made aware of or given an opportunity to consider the significant national security concerns raised by Australian security agencies in respect of the contract?

In the Premier’s response, he made it clear that it did not go to cabinet and that the government did not think it was the sort of thing that should go to cabinet, that this is the sort of contract that ministers cannot interfere in. They just let their agencies go off and sign up to these sorts of things, yet we have all sorts of toing and froing going on behind the scenes between ministers when trying to address security and other concerns. A \$136 million contract was awarded in such controversial circumstances and a document signed as approved in June saying, “Yes, cabinet should be advised of this”, yet we are being told that it never went to cabinet. What is the truth? Where is the transparency? What is the purpose of the cover-up? It is not about trips to Sydney and fundraisers, as the minister opposite wants to trivialise this argument.

Hon Alannah MacTiernan: That’s what he said! That’s what his debate was! He led on it! He led on it!

Hon SIMON O’BRIEN: It is about transparency and accountability.

The opposition in various forums, including in another place—members can refer to questions without notice 539 and 540 asked by Hon Liza Harvey—pursued further questions about Huawei and security concerns. What was the Premier’s response regurgitated as recently as yesterday? He does not want to talk about any of this. He does not want to be accountable for what goes and does not go to cabinet about who makes decisions behind closed doors without telling the public and without giving out draft media releases as in the normal course of business. What does he want to do? He wants to start playing the nationality card, saying, “You’ve got a Leader of the Opposition who owes money to the US government.” That shows a measure of desperation, as well as having something to hide. Cabinet ministers opposite need to watch out, because they are collectively responsible for things that are being done by their government. They are collectively responsible. They should not be asleep on their watch.

HON COLIN TINCKNELL (South West) [11.20 am]: I am going to speak very briefly on this motion. I am speaking mainly because even before I came into Parliament and the now government and opposition were on the other sides of the house, the conversation would have been pretty much the same. For the crossbench and possibly the Greens, this sort of conversation does not usually achieve a lot. I understand what transparency and accountability are. When I came into Parliament I made a promise to myself and my family, number one, that I would act in the right manner in every matter that I dealt with in Parliament. I also look at what the public thinks of parliamentarians generally right across the board, both federal and state, and it is not a very good look. Over the

last 10 or 15 years there seems to have been a pattern that when major parties become the government, there tends to be a change of attitude about what will be released and the way the government will conduct itself. Transparency means transparency whether a party is in opposition or in government. For the last two years I have asked many questions of ministers and parliamentary secretaries, and most of the time I have not had an answer to the question. That is very disappointing, because I represent Western Australians and I am trying to find answers to problems or issues that I can take back to the people of WA so that we can work through them and maybe work with the government to achieve some outcomes. It is very, very hard to achieve outcomes if someone is either too lazy to answer the question or has not done the consulting work to know the public feeling or thinking or just wants to hide something. In the end it does not achieve much at all.

I commend Hon Tjorn Sibma, whom I do not think the government should underestimate. I think he is a rising star in this place —

Hon Alannah MacTiernan: There's not a lot of competition!

Hon COLIN TINCKNELL: But that will be up to him and the way he conducts himself in the future. I am fortunate enough to work with him on the Standing Committee on Estimates and Financial Operations and I know how well he conducts himself. I know how important that committee is to him, as it is to me and other members of the committee.

Look, my take is that now that the Labor Party is in government it needs to take on that responsibility and really enjoy its opportunity to put in place all the plans it put together during its eight or nine years in opposition. But let the people know, let the opposition know, let the crossbench and the Greens know, and be transparent, because if it does not that will be the one thing that will bring the government down. The Labor Party had a very good election result and deserves to be in government. It needs to make the most of it, because those days could be short. We just do not know what the next election will bring, but the public of Western Australia will decide and base their decision on the government's performance. It will not base it on the performance of the opposition or crossbench; it will base its decision on the government's performance. The government makes the final decision, and if it wants success, it needs to be open, transparent and accountable on all occasions, and it should pride itself on that. Some members on the government side have a pretty good record and have been in Parliament for a long, long time and know what all that means. I think with the games that go on in here and the other place, the public just looks at us and thinks, "What a waste of time." That is what I am asking for from both sides of Parliament. I have gotten to know the Greens pretty well in the last two years, and they and the crossbench are looking for exactly the same thing. That is all I have to say.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [11.25 am]: I would like to make a few comments about the motion moved today by Hon Tjorn Sibma. I agree with the Minister for Regional Development—Hon Tjorn Sibma is a talented rising star of the Liberal Party; there are not many of those these days! He certainly is a talented and smart guy who uses his forensic skills to snoop around and find out what the government is really up to.

On this side of the chamber, I think we were all heartened to hear, after two years of investigation, that he has a sense of humour. He has to be kidding us—is that it? After two years, is that it? The Premier went to Sydney! Is that it? That is all that Hon Tjorn Sibma has been able to come up with in all his skilled and forensic work—the Premier went to Sydney, met with the New South Wales transport minister and did some other activities on the way. He has to be kidding us—is that it? Is that it really? Is that it?

Several members interjected.

Hon DARREN WEST: When I saw this motion I thought: Hon Tjorn Sibma is a clever guy; he might have something here that could cause the government some embarrassment. But it was that the Premier went to Sydney. That is it. We have yet again been flogged with a wet lettuce leaf by the opposition. To use a cricketing analogy, because I love cricket—I am captain of the parliamentary cricket team; the successful team—Hon Tjorn Sibma has sent down a little doorknob and the Minister for Regional Development has hit him back over his head for six once again. After two years, is that it? The Premier went to Sydney; that is what we have. Seriously!

All the opposition has had in two years, rather than any positive policy announcements or anything of any substance for the Western Australian people, is, "Be afraid. Be very afraid of the Labor government." That is all I have heard in two years—"Be afraid of the Labor government. Be scared; be afraid. We'll look after you; we'll save you." But what members opposite do not remember is that the Western Australian people booted them out of office in the single biggest election loss ever in history and installed a Labor government. I think they are actually quite happy with this government that has got on with the job of restoring the state's finances, getting people back to work and getting on with some visionary infrastructure projects in Western Australia. They threw out the worst-ever government in Western Australian history, and that is what makes this even funnier. This motion comes from the remnants of the Barnett Liberal–National government, the worst we have ever seen—ever—in Western Australian history. Those members were the worst economic managers and the poorest performers—there was no transparency, accountability and openness from them either—and the people made their judgement.

We are getting on with the job. It is not easy fixing a forty thousand million-dollar mess. It is not easy fixing that. We will have to make some hard decisions that will be scrutinised by the opposition and judged by the people. But, fair dinkum, after two years—the Premier went to Sydney!

I will to refresh members' memories with a couple of words they may be familiar with—Langoulant report. John Langoulant conducted an inquiry into the performance of the previous government. When that inquiry was announced and tabled, the Premier of Western Australia, Hon Mark McGowan, put out this press release to refresh people's memories about the significance of what was in the Langoulant report. I quote —

Special Inquirer John Langoulant AO today handed down his comprehensive report into the programs and projects of the former Liberal National Government.

The Special Inquiry characterises the former government's poor governance culture, lack of financial discipline and unsustainable spending decisions as the key factors behind the record debt and deficit created.

This motion is brought by the remnants of that government.

Hon Simon O'Brien interjected.

Hon DARREN WEST: I have got more, honourable member. I have got some documentation that supports this.

Hon Simon O'Brien: What document are you quoting from?

Hon DARREN WEST: This is from a press release from the Premier, and I will support it. The document continues —

A total of 32 projects were examined in close detail, with all State Government departments required to cooperate with the Special Inquiry by providing access to relevant documentation as requested.

The McGowan Government broadly endorses the recommendations of the Special Inquiry and will begin an implementation program across government to address the key findings.

Premier Mark McGowan stated that Royalties for Regions would continue with a hypothecated account following significant improvements, including strengthening the governance and accountability of the program and a new rigorous oversight regime installed over the past year.

"For those responsible, the only honourable thing to do now is to reflect on the lessons learned and apologise to the people of Western Australia.

"The damning report provides a clear guide to my Government and future governments.

We have learnt from the mistakes of members opposite. The media release continues —

"My Government will continue to strengthen governance, accountability, transparency and focus on the key economic and social benefits of government decisions when dealing with taxpayers' money.

"We will continue to govern in the interests of all Western Australians.

"I thank Mr Langoulant and his team for his comprehensive examination. I will provide my Government's immediate response to the Special Inquiry tomorrow."

And he did. To support the Premier's press release, I will quote some key points from the report titled "Special Inquiry into Government Programs and Projects: Final Report" tabled in February 2018.

Hon Simon O'Brien: What about current government projects, not that there are many of them, but this is what the issue is about?

Hon DARREN WEST: Member, I am just making the point that Hon Tjorn Sibma clearly has a sense of humour, from the remnants of the Barnett government—the worst government ever in Western Australian industry—to come in here thinking he has something on the government, and it is the fact that the Premier went to Sydney. I find that funny. I do not find it funny laughable; I find it funny in its hypocrisy.

Hon Tjorn Sibma: Do you actually think that is what I am concerned about—that the Premier went to Sydney?

Hon DARREN WEST: It would appear so, member. It was the cornerstone of the member's contribution. It is right that members ask questions, and I will take Hon Colin Tincknell's point: it is right that members ask questions. They will always get an answer. They may not be happy with the answer, and it may not be the answer that they wanted to get, but it is an answer.

Hon Tjorn Sibma interjected.

Hon DARREN WEST: The member got an answer; he will always get an answer.

Several members interjected.

The ACTING PRESIDENT: Order, members. It has been a relatively sedate debate, and we are not going to lose it in the last minute. If we could step backwards, Hon Darren West has the call.

Point of Order

Hon MARTIN PRITCHARD: The clock did not stop while you were speaking, Mr Acting President.

The ACTING PRESIDENT (Hon Dr Steve Thomas): That means that the member is running out of time, and I suggest we allow him to continue.

Debate Resumed

Hon DARREN WEST: I will leave members with a quote from the overview of the final report of the Langoulant inquiry. It states —

Overall, there was a significant deficit in the rigour applied to project selection and poor targeting of funding towards projects that would deliver lasting economic and social outcomes to regional Western Australia. A range of trends emerged, including inconsistent use of economic and financial analysis to support a funding case, poor definition of project needs, inadequate consideration of project sustainability, and a lack of measurable project outcomes.

Among the ten programs and projects referred to the Special Inquiry, the lack of supporting business cases, which even where they did exist were inadequate, was concerning.

It goes on, but I will leave members opposite with this point: they really need to have more than the fact that the Premier went to Sydney, coming from such a poor, incompetent and unaccountable government as theirs was.

Motion lapsed, pursuant to standing orders.

FUTURE BATTERY INDUSTRY STRATEGY

Motion

HON PIERRE YANG (South Metropolitan) [11.34 am] — without notice: I move —

That the house commend the McGowan government for launching its “Future Battery Industry Strategy Western Australia” and its focus to diversify the Western Australian economy and create jobs.

It gives me great pleasure to move this motion. Western Australia is blessed with a strong mining and resources sector that centres around iron ore, gold and petroleum. In fact, Western Australia contributes about half of Australia’s overall exports in this sector. It is a privileged position for us to be in. The mining and resources sector contributes enormously to the Western Australian economy, and thanks should be given to the hardworking men and women in that industry. At the same time, we should not forget or ignore the fact that the mining and resources sector is cyclical in nature. For instance, iron ore is the single largest contributor to our exports, accounting for \$61.7 billion in the 2017–18 financial year. That represents 54 per cent of our overall sales of mineral commodities. When the price of iron ore was skyrocketing—it was at historic highs in 2007, 2008, 2010, 2011 and 2013, during the time of the Barnett government—we were doing really well as a state, because the price was soaring towards \$US200 a dry metric tonne. However, when the price collapsed to just over \$US40 a tonne, to say that we were struggling as a state is an understatement. The people of Western Australia are still feeling that downturn enormously. As a result, five years on, our economy is still doing it very hard.

The diversification of the Western Australian economy, and the diversification within individual industries, is urgent and necessary. The McGowan Labor government, since being elected almost two years ago, has been doing all it can to bring the economy back on track. Thanks to our many policies encouraging growth in tourism, international education, mining, manufacturing and construction, to name just a few, the Australian Bureau of Statistics has confirmed that Western Australia is officially out of domestic recession. During the 2017–18 financial year, the state’s economy grew by 1.9 per cent.

We are constantly looking at how we can improve the wellbeing of our state and diversify our economy by looking at newer niche areas. The latest of these is the battery metal industry. The demand for electric vehicles is ever-increasing, because of their more environmentally friendly nature, and electric vehicles will need bigger and better batteries with quicker recharge capabilities, so that they can compete with conventional fossil-fuelled vehicles. For example, every Tesla S needs about 54 kilograms of graphite. Also, the demand for storage of power generated from renewable sources to eventually power cities with baseload strength, is also increasing. These will in turn drive the demand for batteries with larger storage capacities and rapid recharge functions.

We are on the brink of a technology revolution and have glimpsed what the future of battery technology could be. Graphene batteries take less than 12 minutes to recharge and lithium-air batteries hold up to 40 times the charge of conventional lithium-ion batteries. Members who have older iPhones will know that after using them for a year or two, the battery barely lasts a day, and that if they have been using the phone throughout the day, it will probably run out of juice by four o’clock. I certainly am very much looking forward to having an iPhone with a lithium-air batteries inside it.

The McGowan Labor government has been very proactive in supporting Western Australian industry so it can transform our state into a world-leading exporter of battery minerals, materials, technologies and expertise in the future. In line with that, in May 2018, the Future Battery Industry Ministerial Taskforce was established, and on 31 January 2019, the Premier Mark McGowan and the Minister for Mines and Petroleum, Hon Bill Johnston, launched the “Future Battery Industry Strategy Western Australia”. As the strategy states, Western Australia has a number of unique advantages that will help us to capture this once-in-a-lifetime opportunity. For example, Western Australia has some of the largest reserves of minerals for rechargeable batteries, such as lithium, nickel, cobalt, manganese and alumina. In fact, WA has the third-largest lithium reserve in the world after Chile and China, and is the top lithium producer in the world. WA contributes 44 per cent of the world’s lithium and has the largest lithium mine in the south west of the state in Greenbushes. Western Australia is ranked number two in the world in rare earth production, number three in cobalt production and number four in nickel production. WA has the potential to be the one-stop shop for the raw materials needed to build better and bigger batteries. Western Australia has the industry-leading and value-adding expertise. Instead of just shipping our raw materials offshore, we can process them into higher value products, such as processing minerals into battery-grade lithium hydroxide, lithium carbonate and nickel sulphate. Such expertise has led to three of the four largest lithium producers in the world considering projects in Western Australia. That could bring \$2 billion worth of investment to WA. It would also mean 1 000 jobs being created during the construction phase and 800 jobs during the production phase of those projects.

Western Australia also has the very best industry practice when it comes to protecting and preserving our environment. It is important that all development and economic activity in WA is conducted sustainably and ethically, while fulfilling the growing need into the future. The McGowan Labor government will leverage on those unique advantages to attract investment into WA. It especially wants to attract investment in the battery-value chain in Western Australia—upstream in mining and processing raw materials, midstream by refining the precursor anodes and cathodes, and downstream in battery cell production and battery assembly. Western Australia has the capacity to refine lithium and nickel. There is also a company in this state that assembles batteries. We can and will do more to attract investment in the midstream and downstream activities of the battery-value chain. The government will help to fulfil current and future skill gaps in these activities. Having access to today’s technology is very important, but leading in the technology race and winning tomorrow is more important. That is why the McGowan government is helping in the bid to host the Future Battery Industries Cooperative Research Centre in Western Australia. The government will commit \$6 million if we are successful in that bid. If, unfortunately, we are not successful, the government will look at developing a state-based battery industry research priority hub. The government will also facilitate access to infrastructure and funding for small and medium-sized technology enterprises. The Labor government will also work with the federal government on research and development tax incentives.

The McGowan Labor government is always looking to do more to benefit Western Australia and the people of Western Australia. This government is proactive, progressive and hardworking. I commend the government for its effort.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [11.47 am]: I thank Hon Pierre Yang for raising this incredibly important and exciting issue for Western Australia. I know how strongly committed Hon Pierre Yang is to creating a vibrant Western Australian economy into the twenty-first century. Western Australia finds itself in a very fortunate position. Its geophysics once again are bringing home the bacon for this state. In the first instance, after the first pretty sad 70 years of European settlement on this continent, we were rescued by the fortunes of the neutron stars that landed and created gold deposits on our continent. The gold industry drove us. Then there was the great iron ore boom that began in the 1960s. Now Hon Pierre Yang, and indeed the McGowan Labor government, believes that it is the age of lithium and what I like to call the “tech metals”. As Hon Pierre Yang said, we have some of the largest deposits in the world of rock spodumene. Those deposits are probably bigger than Chile’s, because most of Chile’s product is extracted from brine. The quality of the resource here is high, and the extraordinary fact is it is being found right across the state. It is being found in the Pilbara at the Pilgangoora mine and the Mineral Resources Wodgina mine. We have Neometals at Mt Marion in the goldfields and, of course, Greenbushes in the south west. As Hon Pierre Yang said, we also have deposits of all the other things we need to drive the lithium battery industry including cobalt, nickel and, perhaps less widely understood, high-purity aluminium. That is found around Meckering and throughout the wheatbelt in particular. All over the state, we have this prospectivity. We are very proud that we are absolutely determined it is not going to be an exercise in just digging it up and shipping it out this time. We are working incredibly hard as a government to take this unique opportunity that the geophysical resources in our state offer us to make sure that we become technology-makers, not just technology-takers and that we can move to downstream processing. When the Tianqi Lithium refinery opens in Kwinana, it will be the world’s largest refinery. Shortly after, when the Albemarle Kemerton Plant opens in the south west, that will take over as the world’s largest lithium refinery. Under the leadership of Premier Mark McGowan and Minister Bill Johnston, who have been driving the lithium task force, we have made it very clear we do not want to just stop there. We want to move through the full four stages of battery production.

Hon Pierre Yang referred to something that I think is very important; that is, the fact we have put up almost \$6 million as part of our bid to host the Future Battery Industries Cooperative Research Centre in this state. I think all sides of Parliament need to get behind this bid. It would be an absolute disgrace if this cooperative research centre went anywhere other than Western Australia. Only Western Australia has all the attributes. We are clearly head and shoulders beyond the other states in our capability to drive this industry. We do not get our fair share from Canberra for these research centres. Very few CRCs are headquartered in Western Australia. I think we have the one for honeybees and one of the mining ones. Many more cooperative research centres should be headquartered here and it would be a great travesty if Western Australia was not successful in this bid, but it will certainly not be for lack of trying on the government's part. We have been absolutely clear that this industry has to be an essential driver of our economy.

I also want to do a shout-out for some of the other tech metals, which are perhaps not as well known. We have the lanthanides. The Northern Minerals Browns Range mine is extracting many of these different lanthanides including dysprosium, neodymium and praseodymium. They have applications in a raft of twenty-first century technologies including MRIs and other diagnostic equipment, as well as wind turbines and other battery technologies. We also have superb quantities of very accessible vanadium, which will help to ensure we are not singularly locked into the lithium battery industry but can also contribute to the redox batteries that are being developed. We have real opportunities there with vanadium. This is an enormously exciting time, particularly for regional Western Australia. We have these extraordinary elements scattered right across the state and we are determined, as a government, to take the opportunity to turn this into something more than, "Dig it up and ship it out." We look forward to support and I think we have support from across the chamber to ensure that Western Australia gets all the support it needs to drive forward this new industry.

HON ROBIN SCOTT (Mining and Pastoral) [11.55 am]: I would like nothing more than to support Hon Pierre Yang's motion but, unfortunately, I cannot. I will get back to his future battery industry strategy in a minute. Regarding creating jobs, to understand my contribution members will have to take their minds east of Midland as far out as Southern Cross. I remind the chamber that the Mineral Resources mine in the Yilgarn was refused two open-cut mines in the Helena and Aurora Ranges—the Jackson Five and Bungalbin East mines. Because of that failure, 450 jobs were lost and, not only that, the royalties to the state government and the rates to the local shire were lost as well. It was all for troglofauna, which is prolific throughout the whole state. That decision was made by the Environmental Protection Authority.

At Mt Holland, just south of Southern Cross, the joint venture with Covalent Lithium could be in jeopardy due to the EPA's discovery of some malleefowl and chuditch, better known as a western quoll. If the project does not go ahead, 200 jobs will be lost and again the royalties to the state will be lost and rates to the local shire will also suffer.

A little bit closer to Perth, but still in the land of Mordor, the Edna May goldmine is run by Ramelius Resources in Westonia. It has requested to extend an existing open-cut goldmine. While waiting for a decision from the government, 70 jobs have already been lost. The Shire of Westonia is pleading for this mine to go ahead. It is a historic mine in the middle of the wheatbelt, which they need to keep on going. The reason for the hold-up is that the plant *Eremophila resinosa* was discovered in the area where the new open-cut mine is proposed. Four plants were discovered but, unfortunately, one has already died.

Although Collie is the powerhouse of Western Australia, the government is allowing the town to die by allowing the coal industry to die. We will need coal for the new battery industry strategy. We will not be able to build batteries without coal-fired power stations. It is a bit like: which comes first, the chicken or the egg? We will rely on coal-fired power stations for a long time and the future of battery production here in Western Australia will not go forward unless Collie keeps going and the coalmines there keep producing coal.

Regarding jobs, looking back over the last 21 months I have been here, we have had the disaster with the gold tax. How many jobs would we have lost there? Closing the Schools of the Air would have meant the loss of hundreds of jobs. There was another government backdown over Moora Residential College. The most recent backdown was the western rock lobster debacle. That could have destroyed one of the strongest resource industries we have in Western Australia. To repeat, there is no way I would support Hon Pierre Yang's motion.

HON MARTIN PRITCHARD (North Metropolitan) [12 noon]: I commend Hon Pierre Yang for bringing forward this motion. Battery storage is very important to all of us. We would all have one, two or three batteries close to us at all times to ensure we have enough storage for our devices. I also commend Hon Bill Johnston, Minister for Mines and Petroleum; Energy, and the McGowan Labor government for putting together the future battery industry strategy for Western Australia. It provides a great opportunity to not only diversify the economy of this state, but also help develop the regions. I understand that Hon Robin Scott is passionate about the issues that he raised in his contribution to this debate. I understand there may be disappointments associated with the development and closure of iron ore mines and goldmines from time to time. However, this is a new industry, and one that we should be encouraging. We all need to be enthusiastic about a future battery industry in WA because it will provide many advantages for this state.

This motion has given me the opportunity to read up on batteries, which I had not done before, so I thank Hon Pierre Yang for encouraging me to do that. In my opinion, we need to understand how batteries work in order to understand the advantages that I will be talking about in my contribution. The world's first battery was invented by Alessandro Volta in 1780. Batteries basically have a negative electrode, which in his case was zinc, and a positive electrode, which in his case was silver, and the electrons move from the negative to the positive and then disperse in a chemical medium called electrolyte, which in his case was paper and cloth soaked in salt water, to provide electrical energy. In his case, the batteries were stacked to increase the energy output.

The major elements to be considered when we look at batteries are the voltage, force of the current, workload of the battery, and energy density, which determines the storage capacity of the battery and for how long it can last. Different materials can be used to make a battery, and over the years this has led to improvements in the output of batteries. We might want a battery to provide a burst of power to operate a flash camera, and a certain type of material is used for that. We might want a battery that trickles the power out slowly and lasts for a long time, such as for a smoke detector. Batteries also have downsides. People who carry a walkman would not want the battery to produce too much heat, because that would be detrimental.

The most commonly used battery at the moment is the alkaline battery, such as the AA, AAA and C batteries that are used in most devices. That is because they are versatile and can be stacked to produce more energy. In alkaline batteries, zinc is the negative electrode and manganese is the positive electrode, and the electrolyte is potassium hydroxide. Alkaline batteries cannot be used for every type of job. We would not use an alkaline battery in our car, because a car battery needs to produce a small burst of energy and last for a long time. We would not want to try to start our car and have a flat battery.

Alkaline batteries are fast being overtaken by lithium-ion batteries, which are commonly used in laptops and phones today because they are lighter and can hold a charge for longer. This state has huge lithium deposits. We are currently the largest producer of lithium in the world. We need to build on that advantage. As previous speakers have said, this state has a lot of materials that are used in the production of batteries, such as nickel, cobalt and manganese. We also have large deposits of rare earths. China is currently the only country that produces rare earths in any quantity. We have the potential to take over from China in that area. That provides a great opportunity for value-adding. We need to draw on the raw materials in our state and become the world leader in making batteries. The six stages in the production of batteries are mining and processing, refining, precursors, making the anodes and cathodes, cell production, and assembly. Battery production in this state currently goes to only the third stage. That is fine if we want to continue to be a state that just digs up stuff and sends it to other people to get the real money out of it. This future battery strategy is about making sure we get the full benefit of our resources and go to the sixth stage of actually building batteries in this state, because if we are not building batteries, we are selling the people of Western Australia short.

It is very important that we put out a positive and collegiate message on this issue. I understand that at times we get despondent because of what is happening to the price of materials such as iron ore. However, this provides an opportunity in other areas in which there may not be a lot of mining, such as in the south west, and we need to grab that opportunity with both hands. The advantages are obvious—income to the state, jobs, and diversification of our economy so that we are not so reliant on iron ore and gold and do not continue to fall into the boom–bust cycle that we tend to fall into.

We should all be very enthusiastic about this future battery industry strategy. The Chief Scientist of Western Australia, Professor Peter Klinken, wrote in his foreword to the strategy —

There are few times in a person's life when they find themselves at the epicenter of worldwide technological interest. With the advent of new battery technologies, Western Australians now find themselves precisely in that position.

The minister wrote in his foreword —

Western Australia is uniquely placed to become a world leader in the future battery industry. We have the minerals, the technology and the expertise to seize this once in a lifetime opportunity to transform our economy. The State Government is committed to this vision, which will deliver jobs, skills, economic diversification and regional benefits across the State.

I hope everyone in this chamber and in the other place, and throughout Western Australia, will read this strategy. It is of the utmost importance. Irrespective of whatever else may happen in this state, this is a great opportunity for Western Australia and we need to grab it with both hands.

HON TIM CLIFFORD (East Metropolitan) [12.10 pm]: I thank Hon Pierre Yang for moving this motion today because it highlights not only a few issues that we might be facing, but also that economies are moving away from fossil fuels. The lithium industry is looking to export in the coming years, which highlights that coal is on the way

out and renewable technology is on the way in. In many places in the world, it is already happening and has been implemented. I have concerns over the lack of policy development for a local renewable energy project and the lack of a renewable energy target. It is heartening that we have heard a lot of announcements around battery storage and how that can be implemented, and that battery life spans are increasing due to a lot of great technologies coming on board. However, we have ageing infrastructure, which was highlighted more recently in a report that Collie's coal-fired power station will possibly close by 2025. That leaves a lot of people raising concerns about what that means for our grid. Looking forward, I am hoping to see comprehensive energy reforms come into play by the end of this term at least and battery storage become accessible to people across the grid regardless of whether they are from a low-income or high-income family. We have seen that with the subsidies for solar PV. No-one could have foreseen the uptake of solar PV in the way that it was taken up under the previous subsidy scheme. I would like to see this government put forward a subsidy to show that it is serious about battery technology and how it can be applied to our grid.

Last week I went to a forum near Victoria Park and a lot of people came up to me and asked me about whether the government will be looking at implementing reforms that might cater to their energy needs because of cost-reflective prices hitting a lot of people's hip-pockets. Unfortunately, I did not really have many answers for them. I said that although I have asked many questions in this place about what these energy reforms will look like and when they will come on board, so far I have not heard anything from the government, which is very, very disappointing in that space.

A lot of car manufacturers have recently announced that they are moving away from fossil fuels and investing billions of dollars into technology for hybrid vehicles and full electric vehicles. In the next three years, more fast-charging stations will be rolled out across the globe, which is fantastic, and people will not have to wait as long to charge batteries. Closer to home, local governments are looking to be more active in that space. Late last year, I saw the unveiling of Bassendean's first recharge station. That goes only part of the way. We need to look at how we can make these recharge stations accessible to the broader public. Fuel stations are the most obvious places to start. In that space, I would like to see the government put forward policies around supporting that infrastructure and the transition so that people can access electric vehicles. As I have alluded to before in this place, I believe that that really begins with fixing our fleet. The government fleet has thousands of vehicles, and to penetrate the second-hand market we need to lead by example and ensure that our fleet can be moving in that space to hybrids to full 100 per cent electric vehicles. We also need to work with the car retailers because it will take a bit of prompting for them to move. It is very hard for them to shift a vehicle if the everyday community has barriers in place, whether that is the cost of importing an electric vehicle, licensing and insurance costs or range anxiety. It takes a conversation through the government and car dealerships to reassure the public that when they purchase a vehicle, it will be seamless and will cater for their everyday needs just as their petrol or diesel vehicle does.

The public transport system is a mechanism for implementing electric vehicles. The majority of our vehicles are diesel and gas buses. I have been looking at other jurisdictions around the world, as well as locally, and there are some policies around to ensure that we can transition our buses from fossil fuels to electric. I know that the up-front costs might be expensive, but the dividends that will pay off in the future will be dramatic. The Victorian government has already implemented a number of different policies to transition away from fossil fuels on the energy grid and mechanisms to support the community. It already has policies that allow for subsidies for battery storage in houses and a rebate system so that it can be economically viable for those people. In short, there are already policies working in this country and we need the state government to move and start talking with these other jurisdictions to make sure that we can have these policies implemented here in WA. The Collie coal-fired power station is being retired. Coal is on the way out. We need battery storage to ensure peer-to-peer trading so that every house has its own small power station, which will allow for reliability in the grid and energy costs for many people across the state of WA. It would also reduce emissions. We are really lacking in that space and we need to make sure that our grid will not be relying on dirty coal, because, as we know, dirty coal is one of the major driving factors of climate change.

In summary, I am looking forward to seeing the lithium extraction and the industry being supported in WA. I would like to see some of the revenue from that industry being reinvested in renewables on our grid domestically and support mechanisms to help us make EVs accessible for everyone. That cannot come at the expense of people or country. We need to ensure that any lithium mining in this state comes with oversight and regulations to ensure that the environment is not damaged in that process and the communities that own these resources get the revenue that they deserve. We have seen major companies in the gas industry not paying their fair share in royalties back to the state.

In closing, I support and I welcome the conversation started by the honourable member, but we need to make sure that we keep this conversation going and the government stays true to what it is saying to benefit the community and not just big industry.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [12.19 pm]: I would like to make a few comments on the motion and then on the strategy. I thank Hon Pierre Yang for bringing the motion to the house. As I have said before, I am a fan of Hon Pierre Yang. I have told him that behind the Chair and I hope he understands that. Having said that, I think there are some issues with the motion, to be honest. I have no problems with battery storage and the lithium industry. They are both very exciting prospects and I wish the government well in both areas. However, if the government relies on this strategy to expand the battery and lithium industries, it will fall short.

I take on board the comments made by Hon Martin Pritchard, but I read the strategy from front to back. I was disappointed. I do not see anything in this strategy that identifies specific strategies to develop battery storage or the lithium industry—nothing at all. It is full of motherhood statements and graphics, but there is very little on an actual strategy. It is good for an announcement and a media release, but I would like to think the government will be a little more forensic in its strategies than what has been delivered in this document.

Interestingly enough, when the Minister for Regional Development made her quite informed response, she did not mention the strategy at all. It just reminds me of the jobs policy. The government has to be careful. I am not going to tell the Labor Party how to suck eggs—it is in government—but its jobs plan had a nice big graphic. It was a very similar situation—it was a 138-page plan. Out of those 138 pages, there was a cover page, 10 pages were left intentionally blank, there was a contents page, an introduction page with a picture of Mark McGowan, a 16-page executive summary that repeated the contents of the document, 11 full-page chapter covers without any content, one full-page breakout quote with another photo of Mark McGowan, and finally there was a back cover. When all that stuff was taken out, we were left with very little.

I have been through the “Future Battery Industry Strategy Western Australia” and it is very similar. There is a cover page, a back page, a contents page, the minister’s foreword, the Chief Scientist’s foreword and an acknowledgements page, and there are seven graphics pages—that is 13 pages out of 20. Out of the seven left, at best there is half a page of content. If the government is to have a strategy, there is nothing in here that indicates where the jobs will come from, how the industry will be engaged or how government will be engaged. Unless anyone else wants to speak, I want to take members through a couple of things.

Hon Martin Aldridge: Hon Laurie Graham does.

Hon Laurie Graham: I will only be short.

Hon PETER COLLIER: No worries.

The minister’s foreword states, in part —

Our ambition goes beyond mining. The State can build on its strong industrial base to attract more investment into diversifying mineral production and increasing the scale of domestic processing activities. Establishing strong foundations at the precursor stages of the supply chain will create favourable conditions for further downstream manufacturing activities.

Yes, it is great, but it is a motherhood statement. There is nothing in there at all. The minister states —

The Western Australian *Future Battery Industry Strategy* showcases the State’s competitive advantages and provides a framework for Government leadership and clear, practical actions to deliver our vision for the Western Australian industry.

I guess I am being a little cynical, but I cannot see any clear actions that come from this strategy. If members look at the graphics under “Future Battery Industry Strategy” and “Vision”, it states —

In 2025, Western Australia has a world leading, sustainable, value-adding future battery industry that provides local jobs, contributes to skill development and economic diversification and benefits regional communities.

Yes, that is great; that is a good vision—I understand that. In the graphic, it says —

Improve the competitiveness of Western Australia’s future battery minerals and materials industry.

That is a motherhood strategy; that is not a strategy. It does not say how the government will do anything. It also states —

Expand the range of future battery minerals extracted and processed in Western Australia.

Again, it is not a strategy. Each one of these titles throughout the strategy are very similar; they are just motherhood statements. If anyone involved in the lithium industry or the battery storage industry saw this as the panacea for what the government will deliver over the next two years, I reckon they would be disappointed.

I will provide another example. Under “Why a Future Battery Industry Strategy?”, it says —

Western Australia needs a dedicated strategy to grow the industry and reap the full potential of its battery minerals, processing and manufacturing capacity, technical expertise and research capability.

I tried to find the most specific thing that actually provides some sort of substance, not a motherhood statement. This quote is as good as it got —

Western Australia is well placed to seize this opportunity. It has the minerals, the expertise, the standards, the infrastructure and the research capability to become a key player of the global battery value chain. However, it is unlikely that Western Australia will move into further processing, the manufacturing of battery components and the assembly of energy storage systems without leadership from the State Government.

That is what we want—we want some leadership. I want to see some specifics with regard to the strategy, but there is nothing. Again, there is just a graphic with lines going everywhere. It does not state anything. Under “Western Australia’s comparative advantages”, it tells everyone how good Western Australia is and how much lithium it has, and cobalt and nickel et cetera. That is great, but there is no strategy involved. It says that Western Australia has industry-leading and value-adding expertise. It also states —

Western Australia can build on this strong industrial base to attract more investment into diversifying the State’s mineral production and increasing the scale of domestic processing and manufacturing activities.

And so on. I am not being selective. This is coming from the content of the strategy. It continues —

Western Australia has world-class industrial and export infrastructure.

It offers project-ready strategic industrial areas that can facilitate the colocation of battery-related projects and the creation of industry-driven industrial hubs.

The next page has a map showing where all the various minerals are located. Under “Government approach”, it states —

The strategy considers opportunities across the breadth of the battery value chain. It aims at establishing strong foundations at the precursor stages of the global battery supply chain to create favourable conditions for further downstream manufacturing activities. It also aims to build on the State’s expertise in battery-based energy storage systems.

I will finish in a minute because I want to allow Hon Laurie Graham to comment and, ideally, Hon Pierre Yang to respond. My point, Hon Pierre Yang, is not necessarily to be critical as the Leader of the Opposition but to offer practical suggestions. I am very supportive of battery storage and the lithium industry—no worries at all. This document does not give me comfort that the government really has a strategy because it is full of motherhood statements. It does not show me or give me confidence that the government has anything of a tangible or practical nature that will enhance the battery storage industry.

HON LAURIE GRAHAM (Agricultural) [12.26 pm]: I will make some brief comments on this motion moved today by my colleague Hon Pierre Yang. It is a very good motion, and very timely. I will limit my comments mainly to the lithium side. I fully support the broader thrust for the other metals, particularly when one looks at the opportunities that exist at Esperance with the unfortunate loss of its nickel mine. The nickel from Esperance is very good and very suitable for battery technology.

If I stay back at the rural level, there is great optimism. I have a friend who is very close to this industry and who works very hard. I gave him a brief look at this document. After looking at it for a few minutes, I asked him what he thought. He is involved in the planning for a number of these mines and deals with companies. He is very satisfied. He thinks the best thing government can do is to stay out of the way and let private industry get the opportunity, so if government does provide service sites, it will be the best opportunity for this industry to get up to the maximum level.

The raw product, spodumene, is very low in percentage terms. It is something like 2.5 per cent in the Greenbushes deposit and more likely one to 1.5 per cent elsewhere in the state where it is in other forms. That percentage is very low. I wonder how that can be doing. At least from an operational point of view, the jobs to do the initial separation of that material and the mining of that material are in regional Western Australia, but it would be great to see a lot more of these projects centred in regional WA. The one based on the Greenbushes mine will get up, but it would be great to see one in the midwest, the Pilbara and even in the Esperance area, where there are ore bodies that people believe have some opportunity to become fully operational and not just stay in the exploration phase.

I have said that the initial separation is occurring in Western Australia, and it is great to see the jobs that is generating. The value of the raw product is very considerable. The same friend who looked at the report for me also commented, “Laurie, we have recently done an exercise for a group that has looked at exporting the ore unprocessed.” It believes that the 100 per cent of the ore could go out. Instead of 98.5 per cent staying in WA for separation, the group believed it could be viable to send the whole lot out and process it overseas. When he looked at that he said the first numbers did not stack up, but he said it was interesting that someone felt it necessary to look at that. The government has to be very proactive and embrace every opportunity to ensure that the separation and processing of the spodumene into lithium stays on shore.

I have commented on the Esperance nickel situation. I will now spend a couple of seconds talking about battery costs, how things have changed and why we need to embrace this technology for cars and households. The battery in a \$40 000 Toyota hybrid used to cost \$8 000. Those batteries are now being replaced for \$2 500 to \$3 000, and

the trade-in value of the battery that used to cost \$8 000 is \$3 000. The problem is that the next generation of battery that costs \$2 500 will cost only a small amount to replace, and limited people in WA can fix it. I understand that currently only one person in WA can repair batteries. It would be great to see that industry build. I believe there is one gentleman working in the Mandurah area who can fix these batteries, but with up to 32 cells in the battery and costing something in the order of \$1 000-plus if there are a couple of errors in the battery, it is unfortunately more viable at the moment to put in a new overseas-manufactured battery. We could use the same technology in our households. If lithium is processed here and creates battery technology in Australia, we would hope to see household storage batteries that currently cost \$7 500 to \$8 000 drop to the same value range as those for cars. With those words, I will leave it to my colleague to sum up.

HON PIERRE YANG (South Metropolitan) [12.32 pm] — in reply: I will make some very short remarks about the contributions made by my colleagues in this place. I thank Hon Alannah MacTiernan for her kind words. I agree with the sentiment that we should be the technology makers, rather than the technology takers. I think it is critical that we have the Future Battery Industries Cooperative Research Centre in Western Australia. I encourage honourable members of this place of all political persuasions to work with the state government to lobby their federal colleagues and the federal government to bring that cooperative research centre to Western Australia. The minister correctly pointed out that we do not have our fair share of CRCs, and if we can bring the future battery industries CRC into Western Australia, that would certainly be very good for the future of our state.

I also thank Hon Robin Scott for his contribution. I agree with Hon Tim Clifford's observation that fossil fuels are on the way out and renewables are on the way in. It is important that this state establishes more environmentally friendly technologies. These will be the technologies of the future, and if we can capture them, they will bring a lot of benefit to our state. Thanks to Hon Martin Pritchard for educating me about how the batteries work. I am not a person of science or technology, but I think I have learnt a little more. I thank Hon Laurie Graham for his kind contribution. I will use the next 10 seconds to thank Hon Peter Collier for his remarks. I respectfully disagree with the sentiment; I think the industry will be happy to see the government taking an interest.

Motion lapsed, pursuant to standing orders.

DISALLOWANCE MOTIONS

Discharge of Order

Hon Robin Chapple reported that the concerns of the Joint Standing Committee on Delegated Legislation had been addressed on the following disallowance motions, and on his motions without notice it was resolved —

That the following orders of the day be discharged from the notice paper —

1. City of Mandurah Cemeteries Amendment Local Law 2018 — Disallowance.
2. Shire of Mount Magnet Activities in Thoroughfares and Public Places and Trading Local Law 2018 — Disallowance.
3. Shire of Mount Magnet Animals, Environment and Nuisance Local Law 2018 — Disallowance.
4. Shire of Mount Magnet Cats Local Law 2018 — Disallowance.
5. Shire of Mount Magnet Cemeteries Local Law 2018 — Disallowance.
6. Shire of Mount Magnet Dogs Local Law 2018 — Disallowance.
7. Shire of Mount Magnet Extractive Industries Local Law 2018 — Disallowance.
8. Shire of Mount Magnet Fencing Local Law 2018 — Disallowance.
9. Shire of Mount Magnet Health Local Law 2018 — Disallowance.
10. Shire of Mount Magnet Standing Orders Local Law 2018 — Disallowance.

PORTS LEGISLATION AMENDMENT BILL 2017

Committee

Resumed from 13 February. The Deputy Chair of Committees (Hon Dr Steve Thomas) in the chair; Hon Alannah MacTiernan (Minister for Ports) in charge of the bill.

Clause 47: Section 60 amended —

Progress was reported after the clause had been partly considered.

The DEPUTY CHAIR: I understand that when progress was reported last night, the minister was in the middle of an explanation that she might want to continue.

Hon ALANNAH MacTIERNAN: Basically, the advice is that this is not a required provision. These sorts of mechanisms are now included in regulations for the ports generally. This was designed to ensure that there was third party access, but those provisions already exist elsewhere.

Hon SIMON O'BRIEN: I thank the minister for that explanation.

Clause put and passed.

Clauses 48 to 50 put and passed.

Clause 51: Schedule 8 Division 2 inserted —

Hon SIMON O'BRIEN: I just want to get a point of clarification for the benefit of the Committee of the Whole. We are considering clause 51, which, if passed, will insert division 2 into schedule 8 of the Port Authorities Act 1999. It continues for about three pages. Under "Subdivision 1 — Preliminary" is proposed clause 52, "Terms used". Is it just coincidental that, in contemplating clause 51 of the bill, we are now contemplating a new part of that division numbered 52?

Hon ALANNAH MacTIERNAN: My advice is that it is just a coincidence.

Hon SIMON O'BRIEN: I actually did read it correctly in my own mind, so I am not losing my marbles, which is probably an observation best thought about rather than expressed publicly! It is considerably more than the three pages that I initially alluded to, but I just wanted to make sure that what I thought was the case is the case, because this is a very substantial part of the machinery that is before us at the moment. Having said that, I have already indicated the opposition's support for the way the machinery is constructed, and this is what gives it effect. Therefore, we agree with clause 51.

Clause put and passed.**Clause 52: Schedule 8 amended —**

Hon SIMON O'BRIEN: Clause 52, on page 57 of the bill, inserts some significant matters. In particular, it will insert into schedule 8 of the act proposed clause 66A, "Port of Derby: special provisions". That continues in some detail right through to about halfway down page 63 of the bill. During the course of discussions with departmental officers and our contemplation of the future of the port of Derby, I started to form the view that because of the effluxion of time since the bill as it is before us was first drafted, the entirety of this material might not now be required. If it is the case that proposed clause 66A, "Port of Derby: special provisions", is no longer required and therefore redundant, I ask the minister whether it would be better to delete proposed clause 66A from the bill as it stands now because otherwise it will be present in the act into perpetuity and serve no purpose.

Hon ALANNAH MacTIERNAN: As I canvassed in the second reading debate, it is correct that now an agreement has been signed by the Shire of Derby–West Kimberley, these provisions are no longer required. These provisions were put in when the old pre-existing agreement was in place and these amendments were necessary. I agree with the member. I have canvassed the advisers extensively about whether there would be any scenario in which we would require these provisions, but because that agreement has been superseded already, they are not required. My instincts are probably the same as the member's. Although it is going to be a pain to have to send this bill back to the other place, I do not think we should have otiose provisions in the bill, particularly given that they are so extensive. Therefore, I suggest that we do not pass this provision. I am going to seek guidance from the Chair as to how we might, if there is a general agreement, not proceed with this clause.

The DEPUTY CHAIR (Hon Dr Steve Thomas): Is that clause 52 in its entirety?

Hon ALANNAH MacTIERNAN: Yes.

The DEPUTY CHAIR: If the chamber votes against the clause, that will remove the clause.

Hon SIMON O'BRIEN: I thank the minister for that clarification. We are contemplating negating the entirety of clause 52. There is something in clause 52 before proposed clause 66A, but that is —

Hon Alannah MacTiernan: That is just the mechanism to insert it.

Hon SIMON O'BRIEN: Yes. It is almost a Clerk's amendment just to make it fit on the end. I thank the minister for that. Governments do not like to amend clauses in their legislation unless it is unavoidable and they do not like to transmit a message to another place inviting agreement to an amendment. I get that as well. I make it clear that we do not want to insist either way and it would be —

Hon Alannah MacTiernan: Let's vote against it. You're right. Otherwise, it will make the legislation more difficult.

Hon SIMON O'BRIEN: The minister has obviously checked. While she is getting a little more advice, I will add that we do not want to delete the clause and then find out at length that there was a bit of it that might still be applicable. However, it seems to me that all that has been covered.

Hon Alannah MacTiernan: We have absolutely workshopped that, member.

Hon SIMON O'BRIEN: We will vote against this clause. In doing so, we will not be opposing the bill or the government's intentions in any way; we are just trying to make a better, and at least a briefer, piece of legislation.

Clause put and negated.**Clauses 53 to 65 put and passed.****Title put and passed.***Report*

Bill reported, with an amendment, and, by leave, the report adopted.

As to Third Reading — Standing Orders Suspension — Motion

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

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

Third Reading

Bill read a third time, on motion by **Hon Alannah MacTiernan (Minister for Ports)**, and returned to the Assembly with an amendment.

Sitting suspended from 1.01 to 2.00 pm

CORRUPTION, CRIME AND MISCONDUCT AMENDMENT BILL 2017*Second Reading*

Resumed from 12 February.

HON MARTIN ALDRIDGE (Agricultural) [2.00 pm]: Although it is a pleasure to resume my comments from earlier in the week, I had only just started to talk about some of the history to this point. It is a relatively recent history from 2014, when the amendments were made to the Corruption, Crime and Misconduct Act, to the amendments now before us in the Corruption, Crime and Misconduct Amendment Bill 2017. On the last occasion I spoke, I drew some comments from the Corruption and Crime Commissioner's speech of 7 March to Curtin University as part of its Eminent Speaker Series, titled "The role of a corruption commission within the Constitution". That speech was made only a few days prior to the 2017 general election when we were only a few days away from a change of government and in caretaker mode. Later in that same month, there was a front-page story in *The West Australian* of 20 March 2017, which I think was largely borne from the commissioner's speech. It was titled "Untouchables — State MPs grant themselves 'immunity' from corruption investigations". It was an exclusive in *The West Australian* and its author was Daniel Emerson. I want to reference some of the quotes from this article, which states —

Under its original model, if the CCC received a complaint about an MP it would refer it to the Speaker or President who would notify the relevant procedure and privileges committee, which would send it back to the CCC for investigation.

But under the 2015 structural reform aimed primarily at transferring low-level misconduct from the CCC to the Public Sector Commission, Parliament "reaffirmed exclusive jurisdiction over its own".

He said MPs were protected from scrutiny unless Parliament made a referral to a privileges committee, which lacked the CCC's full suite of powers, including covert operations.

The article went on to say —

Mr McKechnie cited a recent example in which the CCC, while investigating former treasurer Troy Buswell's traffic crashes, uncovered false answers to the Legislative Council prepared by former government staffers Rachael Turnseck and Stephen Home.

Despite being unaware of the breach and handing contempt findings to the staff, Parliament took the CCC to task in November for straying outside its jurisdiction after a committee decided the answers had been covered by parliamentary privilege.

"I will adopt a prudent, some might say timorous course in future on any matter which could conceivably fall within parliamentary privilege," Mr McKechnie said.

This article raised much concern and I think it did a pretty good job at sensationalising the issue. Of course, the article failed to recognise that matters of these substances could still be referred to the Western Australia Police Force. It also made incorrect reference to the Corruption and Crime Commission providing its report to Parliament, which is not factually correct. It provided its report to the executive and the executive tabled that report in Parliament, which is an interesting turn of events. Nevertheless, the story was run on the front page of *The West Australian*. I was in this place in 2014. I was involved with the forty-fourth report of the Standing Committee on Procedure and Privileges, which was about a matter of privilege raised by Hon Sue Ellery. I do not recall a time during the course of the debate on the 2014 bill, or indeed any time since, apart from the two speeches that I have referenced, when the Corruption and Crime Commissioner formally engaged in any way with me or, indeed, the Parliament. Perhaps there was some formal engagement with the government and perhaps there was some formal engagement with the Joint Standing Committee on the Corruption and Crime Commission. Perhaps those sorts of things will be worthy of further examination when we get to clause 1 of the bill. Nevertheless, it seems to me that if there was such a concern and such an issue, there would have been greater direct engagement with the Parliament on these matters.

The commissioner in his speech of 7 March 2017 stated —

However, the Commission is restrained from reporting about members of parliament. Members of parliament are public officers as defined in the Criminal Code. However, members of parliament are not subject to investigation by the Commission or anyone else in respect of minor misconduct.

Nor can members of parliament be subject to investigation for serious misconduct. Such an investigation may offend the principles of parliamentary privilege, in particular Article 9 of the *Bill of Rights 1688* (UK):

‘the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament’.

I take issue with some of those comments. Obviously, the CCC is not the only investigatory body in Western Australia. We have the WA police and we have the Parliament itself. Members of this house have raised matters of privilege that have been investigated and reported and, at times, members of the public and members of Parliament have been sanctioned in various ways for their actions. Although I do not think it is fair to say that members of Parliament are not subject to investigation, it would appear to be the case that they were not subject to investigation by the commission with respect to serious misconduct. The commissioner talked about minor misconduct in his speech. Interestingly, this bill before us does not address the issue of minor misconduct investigations because the 2014 bill, which transferred matters of minor misconduct to the Public Sector Commission, specifically excluded the clerks, as well as members of Parliament, from investigation for minor misconduct by the Public Sector Commission. I do not know whether that remains a concern or whether it is even a concern of the Corruption and Crime Commissioner, but it is not something that is being addressed in the bill before us.

I want to point out another interesting matter from that quote because I think it is accurate. Again, I emphasise that the commissioner said —

Nor can members of parliament be subject to investigation for serious misconduct. Such an investigation may offend the principles of parliamentary privilege, in particular Article 9 of the *Bill of Rights 1688* (UK):

That is not changing. If the commissioner in his speech was arguing that members of Parliament cannot be investigated for serious misconduct because of parliamentary privilege, that will not change, and the report has confirmed that. In fact, the only finding of the PPC’s inquiry into this bill was that it will not diminish parliamentary privilege. If we take at face value the commissioner’s concern that parliamentary privilege is a barrier for him to investigate serious misconduct, it will continue to be so with the passage of this bill. As I said the forty-eighth report of the Standing Committee on Procedure and Privileges found that to be the case. I think that was the primary concern for referring this Corruption, Crime and Misconduct Amendment Bill, quite rightly, for further examination to the Standing Committee on Procedure and Privileges. Unfortunately, a motion in the other house moved by my colleague the member for Moore did not achieve that same outcome, but I am fortunate that this house saw the way to have that bill referred to the Standing Committee on Procedure and Privileges, which found —

The Bill will not result in a diminution in the scope or operation of parliamentary privilege.

This bill will reinstate the Corruption and Crime Commission’s powers or at least confirm those powers when that concurrent jurisdiction exists. However, it does not allow the CCC to interfere with the privileges of this house. I think the PPC has done an excellent job at confirming those issues concerning privilege and in setting out what I think will be a very good guide into the future for members to understand what parliamentary privilege is and how it operates.

What I think the report of the PPC, of which I was a member, does not achieve is setting out how a member of Parliament or, indeed, a member of the public, interacts with investigatory bodies such as the CCC, which is obviously the matter before us, but it could be police or other investigatory bodies. It could be the federal police or the security and intelligence agencies of the federal government. These bodies have extensive, coercive and at times covert powers to access and uncover information, with good intent, I might add. They have a lawful reason for doing this and, in the case of the CCC, to investigate matters of serious misconduct in the public sector and all matters of misconduct with respect to police.

I ask members of this place to reflect on what they would do if the Western Australia Police Force, the CCC or the federal police were to execute a lawful search warrant on their electorate office or their home or to search their car as they departed the parliamentary precinct, whatever that is, this afternoon. What is the likelihood of an officer of the executive having even a basic understanding of parliamentary privilege, let alone the detail contained within the forty-eighth report of the standing committee?

I draw members’ attention, firstly, to section 100 in division 2, “Entry, search and related matters”, of the Corruption Crime and Misconduct Act 2003 as it stands today. For the benefit of members who think they have the protection at least of judicial oversight, and believe that surely the CCC cannot wake up one day, break down the doors and take their filing cabinets and computers from their electorate office, section 100, “Power to enter and search premises of public authority or officer”, states —

- (1) An officer of the Commission authorised in writing by the Commission may, at any time without a warrant —
 - (a) enter and inspect any premises occupied or used by a public authority or public officer in that capacity; and
 - (b) inspect any document or other thing in or on the premises; and
 - (c) take copies of any document in or on the premises.

That is without a warrant. Obviously, other things would lead to the Corruption and Crime Commissioner exercising those powers, but if we think about some of the things that have happened in other jurisdictions, it would be only a matter of time before we have to contemplate this in Western Australia. I think it is far better to get ahead of that occurring, and make sure that it occurs properly. The flipside is to make sure that people do not conceal themselves behind privilege for the purpose of concealing criminality. That is equally as important.

We have seen, federally, cases in which the federal police have stormed the Senate and confiscated servers and documents. Indeed, if we think of recent months here, if I were to give some similar examples, I contend there are some fairly significant leaks from the government. We have seen information about some very sensitive negotiations that have occurred between the state of Western Australia and BHP end up in the media. We have seen information about sensitive and commercial negotiations between the state and John Holland end up in the media. If it has not already, how long before the state refers those matters to the CCC for investigation? How long will it be until perhaps the media, the opposition or, indeed, the Parliament itself have the CCC or another investigatory body turn up with or without a warrant to search?

I draw members' attention to a question on notice that I became aware of in the other place. It is certainly something that rang alarm bells for me and it was asked by the member for Dawesville on 8 August 2017. It states —

I refer to the provision of IT services for Members of Parliament by the Department of Premier and Cabinet and ask:

- (a) Does any officer within the Department have access to the network storage or email systems of Members of Parliament:
 - (i) If so, since 17 March 2017 how many times have these networks been accessed by the Department of Premier and Cabinet and what Member of Parliament's system was access and why;

The answer was —

- (a) Yes. Senior IT support staff responsible for the management of the email and storage systems have administrative access to these systems.
However it is important to note that Parliamentary Electorate Office (PEO) network storage is not retained on any Departmental servers and is stored at the Electorate Office.
 - (i) Five times. Access was required in each instance following a request by the Member for assistance in resolving IT issues with the account. It is not appropriate to identify specific Members without their permission.

Part (b) of the question was —

Given the Department hosts the network storage and email systems of Members of Parliament, who is considered the ultimate owner of the information contained or transmitted; ...

The answer states —

- (b) The network storage is not hosted nor is backup provided by the Department.
The Department considers the Member to be the ultimate owner of the information.

The final part of the question states —

- (c) If the Director General received subpoena to grant lawful access to the network storage or email system of a Member of Parliament, would access to this information be granted:
 - (i) If so, would the Director General be obliged under any policy or procedure to inform the Member of Parliament subject to the subpoena?

The answer states —

- (c) Yes.
In such circumstances the Director General would seek legal advice relevant to the specific subpoena and the circumstances of the individual.
 - (i) No.

I think that is a very interesting question for the Parliament to consider because I think over many, many decades, we have seen, increasingly, executive government providing more and more services to members of Parliament, whereby in other jurisdictions, it might be more reasonably expected that Parliament would provide those services directly to members. If I were to make a distinction between those two things—this is not to reflect poorly on the Department of the Premier and Cabinet—I do not think the Department of the Premier and Cabinet is as concerned about parliamentary privilege as perhaps the houses of Parliament would be if they were to receive a subpoena or a warrant or even a request from the CCC to search.

Given that these days we all have new devices—when they work—increasingly more and more information is stored on them. The number of us who are storing papers in filing cabinets and archive boxes in our electorate offices is probably diminishing. More and more of our documents and communications are in written electronic form, and would be retained in offices owned and controlled by the executive, in devices owned and controlled by the executive and on networks owned and controlled by the executive. Therefore, that parliamentary question, which was asked at the end of 2017, gives me no confidence that we are adequately prepared to deal with the circumstances that will inevitably arise in this state; or, conversely, to ensure that members of Parliament do not conceal criminality under the excuse of parliamentary privilege.

The forty-fourth report of the Standing Committee on Procedure and Privileges recommend that a memorandum of understanding be established between the houses of Parliament and the Corruption and Crime Commission. As I said, I was a member of the committee that made that recommendation. I note that on Tuesday this week, Hon Alison Xamon asked a question without notice about recommendation 5 of that report. In hindsight, I do not think that recommendation went far enough, nor was it the right solution. It has been two years since that report was tabled in this house, and that MOU has not progressed. In defence of the CCC, as we learnt from the question asked by Hon Alison Xamon on Tuesday, the CCC is yet to receive a draft MOU for it to consider. I do not think that a non-binding agreement with an executive agency is the right form; it is grossly inadequate to think that it would be. I also believe that although it might be ideal, it is most unlikely that the Council and the Assembly would agree to the application of privilege at all times and on all matters.

I appreciate that this will probably add complexity for investigators, particularly when investigating a matter that may involve both houses of this Parliament or members of both houses. There is no doubt in my mind that the CCC breached parliamentary privilege in its investigation of Ms Turnseck and Mr Home. The committee in its report fell short of finding Ms Turnseck and Mr Home in contempt of this house by reason of two facts. It acknowledged, first, that were it not for the CCC investigation, the information would not have been known to us—although that is certainly no excuse. It also acknowledged, more importantly, that the impact of that breach of privilege was relatively insignificant with respect to the other matters that had been raised; or, as perhaps a better way of expressing it, that that breach of privilege did not have a significant impact on the operation of the Parliament.

I turn now to paragraph 9.11 of the forty-fourth report. It states —

Notwithstanding the breach by the CCC of one of the Legislative Council's important and necessary immunities, the Committee has found that, on this particular occasion, the actions of the CCC did not substantially obstruct the Council, its committees, Members or others involved in parliamentary proceedings in the performance of their functions or have a tendency to do so. The actions by the CCC in assisting the Committee with its inquiry have had a contrary effect to obstruction and its findings of fact relating to Ms Turnseck accord with those of this Committee. However, the Committee notes that the immunity provided by Article 9 of the *Bill of Rights 1688* (UK) is absolute and it is irrelevant whether or not the opinion formed or findings of fact made by the CCC accord with that of this Committee or the Legislative Council. The Committee is of the view that the CCC investigation of this matter should not be treated as precedent. The transgression by the CCC of parliamentary privilege must be avoided in all future investigations by that body.

That was in November 2016. In considering the matter that is before the Council today, namely, how the operations of the CCC intersect with investigations and parliamentary privilege, no more recent report comes to my mind than the forty-fourth report of the procedure and privileges committee.

I now turn to the second reading speech delivered by Hon Sue Ellery on 28 November 2017. I want members to recognise that I am quoting directly from *Hansard*, not the document that is available at the back of the chamber or online. The minister states in the first paragraph of her speech —

The proposed amendment was previously put before Parliament in the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017, which was debated in the September sittings of the Legislative Assembly. In the course of the debate on that bill, it became clear that the proposed amendment, which now forms the current bill, was required to be considered in greater detail than the more substantive sections of the bill dealing with powers in relation to unexplained wealth. For that reason, on Wednesday, 7 September 2017, I moved to split the bill in order that the most pressing amendments could be passed without referral to a committee, on the understanding that the amendment now before the house would be introduced in a separate bill.

I raised that so that the record will reflect it. I urge ministers and parliamentary secretaries, in particular those who represent ministers in the other house, to pay far more care and attention to the speeches they provide in this house, especially second reading speeches on bills. This section of the minister's speech does not reflect the facts, nor the actions of the minister who delivered it. I would encourage greater caution in the delivery of second reading speeches in the future. The executive, courts and future Parliaments will try to interpret our intent, our motivations and our actions according to the words said in this place, and we must get them right. This house has just spent

considerable time looking at the intent of the Parliament in 2014 in passing amendments to this act. Imagine if members had to go back in 20, 30 or 50 years and reflect on the words used in this place at this time without the benefit of knowledge about the history around this legislation.

This bill adds one word—“exclusively”. This word was removed as a result of amendments to the act in 2014 aimed at moving responsibility for minor misconduct investigations to the Public Sector Commission, allowing the CCC to focus on major misconduct and police misconduct.

Section 8 of the Parliamentary Privileges Act 1891 sets out a number of offences whereby the houses of this Parliament are empowered to punish summarily for contempt. These are —

- (a) disobedience to any order of either House or of any Committee duly authorised in that behalf to attend to or produce papers, books, records, or other documents, before the House or such Committee, unless excused by the House in manner aforesaid;
- (b) refusing to be examined before, or to answer any lawful and relevant question put by the House or any such Committee, unless excused by the House in manner aforesaid;
- (c) assaulting, obstructing, or insulting any member in his coming to or going from the House, or on account of his behaviour in Parliament or endeavouring to compel any member by force, insult, or menace to declare himself in favour of or against any proposition or matter depending or expected to be brought before either House;

That is interesting. I have been insulted a few times by some of my constituents, and next time I might remind my foes that I could raise a matter of privilege. It continues —

- (d) sending to a member any threatening letter on account of his behaviour in Parliament;
- (e) sending a challenge to fight a member;

We saw a bit of that in the federal Parliament today. It continues —

- (f) offering a bribe to, or attempting to bribe a member;
- (g) creating or joining in any disturbance in the House, or in the vicinity of the House while the same is sitting, whereby the proceedings of such House may be interrupted.

Several of these offences in section 8 of the Parliamentary Privileges Act 1891 reflect similar provisions in the Criminal Code. The committee’s report on pages 2 and 3 outlines some of those. They are section 55, “Interfering with legislature”; section 56, “Disturbing Parliament”; section 57, “False evidence before Parliament”; section 58, “Threatening witness before Parliament”; section 59, “Witness not attending or giving evidence before Parliament”; section 60, “Member of Parliament receiving a bribe”; and section 61, “Bribery of member of Parliament”. The intersection of these offences results in what the committee report describes as “concurrent jurisdiction” between the Corruption and Crime Commission, police and the Parliament. At least, that was before “exclusively” was removed.

As I said earlier in my contribution, although the CCC lost jurisdiction of these matters as a result of that 2014 amendment—that is what the committee report found and that was also the advice of the Solicitor-General and the expert advice sought by the committee in its investigation—it does not take away from the fact that those things could still be investigated by the Western Australia Police Force. The 2014 amendments to the CCM act did not impact on the police powers of investigation. I was a member of the house in 2014 and I must say that I did not take an active interest in the passage of this bill, but I have reflected on many of the contributions of members, including Hon Adele Farina; Hon Nick Goiran; the shadow Attorney General, Hon Michael Mischin; and others, on the passage of amendments in 2014. I agree with the reference at page 57 of the forty-eighth report, which states —

It appears to have been the clear intention of the Parliament that from 2014 onwards the Parliament alone would have the power to investigate matters to which parliamentary privilege applied, and that the WA Police alone would be responsible for investigating the Criminal Code offences to the extent which that could be practically done—implied waiver of privilege or not.

I am quite confident that that conclusion is right. When the 2014 bill passed through both houses of Parliament, the explanatory memorandum for the Corruption and Crime Commission Amendment (Misconduct) Bill 2014 referred to clause 6 of the bill, which amended section 3 of the act. A paragraph on section 3(2) states —

Subsection (2) is amended by deleting the words “exclusively” and “unless that House so resolves”. The existing provisions of subsection 3(2) of the Act have been virtually ineffectual in defining the scope of the CCC’s jurisdiction with respect to allegations of misconduct against Members of Parliament. This is because, despite the *Parliamentary Privileges Act 1891* and the *Parliamentary Papers Act 1891*, there currently exists overlapping regulation of unacceptable activities in Parliament through various offences under the Criminal Code. The current provisions also wrongly imply that Parliament can waive all privilege by resolution.

In my mind, regardless of whether there was awareness of the impact of that provision at the time, I think the explanatory memorandum set out that it was, by design, to clear up the concurrent jurisdiction between the WA police, the CCC and Parliament. Explanations were made during the course of the debate in both houses of Parliament. Certainly, a statement was made in the other place by the then Premier, Hon Colin Barnett, who had carriage of the bill, and the then Attorney General in this place repeated that statement. Part of that statement with respect to section 3(2) states —

The amendments proposed by clause 6 to section 3(2) have two legal consequences. First, they further clarify and ensure that in relation to matters over which the Parliament has authority pursuant to its privileges, the CCC has no jurisdiction. Second, as a more general principle of statutory interpretation, they clearly place on the public record that this Parliament intends that its privileges are not to be affected by its legislation unless the Parliament itself decides to do so by express words or necessary implication. As honourable members will appreciate, this is very important because parliamentary privilege provides, for example, the capacity for members of Parliament and witnesses before Parliament to say what they think needs to be said in parliamentary proceedings without being questioned in any court or place out of Parliament. This is an essential element of our representative parliamentary democracy.

This bill has certainly had a longer gestation than I am sure the government would have liked, but I thank the former Solicitor-General and now Chief Justice of the Supreme Court of Western Australia, Peter Quinlan, SC, for his briefing. I acknowledge that he, acting on behalf of the government, released his legal opinion on this matter, which goes to show that when the government is willing, it will provide us with legal advice. The legal advice provided by the then State Solicitor, Peter Quinlan, SC, concurs with the expert advice of Mr Bret Walker, SC, whose opinion was sought by the Standing Committee on Procedure and Privileges for the forty-eighth report and played a significant role in determining the findings of the committee.

On page 69 of the report is some of the key advice from Mr Walker, and I will quote from paragraphs 10 and 11. Mr Walker said —

I agree with the opinion of the Solicitor General that, whether intended or not, whilst the word “exclusively” does not appear in s 3(2) of the CCC Act, the CCC is precluded from inquiring into those *Criminal Code* offences that are congruent with the ‘contempt’ offences listed in s 8 of the *Parliamentary Privileges Act 1891*. This is necessarily the case as the investigation of a Criminal Code offence that was similar to a *Parliamentary Privileges Act 1891* offence would plainly relate to a matter “determinable by a house of Parliament”.

In my view clause 3(2) of the CCC Act preserves parliamentary privilege and the proposed amendment will not alter this position. The only likely impact on parliamentary privilege of the proposed amendment is that it will give rise to some incidental issues relating to the identification of parliamentary privilege and the proper use of evidence in the course of the CCC’s exercise of its investigative function.

That is where I started, or restarted, my contribution earlier this afternoon. It is with some concern about that latter part. I know that amendments are foreshadowed on the supplementary notice paper for when we get to the committee stage of this bill. I think some further work is being done behind the Chair with the government and across Parliament to try to map a way through an amendment that might be acceptable to the government and to the house.

Earlier today, it was certainly my intention to ask a question without notice of which some notice had been given, because I thought that it would be relevant when we reached the committee stage of the bill. Unfortunately, I will now have to defer those considerations to the committee stage of the bill. At 96 minutes before today’s deadline for submitting questions without notice of which some notice is given, we received advice that the Attorney General would be travelling on parliamentary business and therefore would be unavailable to provide any answers to questions without notice today. I am not sure how far we will be able to progress this bill today if the Attorney General is not able to provide answers.

Hon Sue Ellery: Do you know there has been a discussion behind the Chair that I might not give my reply today, to allow those discussions behind the Chair to continue?

Hon MARTIN ALDRIDGE: I was not aware of that, but I thank the Leader of the House for clarifying that. Some of the questions I seek answers to, if not through question time on Tuesday, through the committee stage of the bill, include: If this matter is such a gross error and of such significant urgency, on how many occasions since the passage of amendments to the act in 2014 has the commission received an allegation against a public officer but has been prevented from commencing an investigation due to the removal of the word “exclusively” from section 3(2)? When exercising the commission’s power to enter and search a premise, with or without a warrant, if it is likely to encounter material subject to parliamentary privilege, what is the commission’s procedures or guidelines with respect to notification of persons and with respect to the conduct of the search? When a claim of parliamentary privilege is made in the course of a lawful search undertaken by the commission, what procedures or guidelines are relevant in determining such a claim so as to avoid a contempt of Parliament? They are key questions that need to be answered as we navigate potential amendments, or the bill unamended.

I notice other jurisdictions have some greater clarity on these matters, and I think that has been through necessity. Other jurisdictions have already encountered the circumstances that I described earlier; that is, they have not been able to avoid the issue because there has been some type of search undertaken by the executive, whether it is police or some type of corruption commission, and when parliamentary privilege has been encountered. I ask members to keep in mind that the forty-fourth report of the Standing Committee on Procedure and Privileges sets out very clearly that it is not just members of Parliament who possess privileged material, it is the Parliament itself—its committees, its staff and its clerks. It is the executive. The executive contain quite significant privileged materials; materials protected by the privileges of the houses, as we have found in the forty-fourth report. Obviously members can see from that very significant report that there was clearly a difference in view between that of the Corruption and Crime Commission and that of the Legislative Council about what materials were and were not protected by parliamentary privilege. There is no better illustration of the need to ensure that we improve those circumstances.

I turn now to the *New South Wales Legislative Council Practice*. I want to read from a particular section. As I said, other jurisdictions have learnt the hard way because they have had to react to a situation rather than anticipate a situation occurring. In Hon Adele Farina's contribution to the 2014 amendments, she basically said that Parliament needs to hurry up and get organised because this is coming. I think her comments related to establishing a parliamentary precinct, which, as I understand it, has not progressed as well as the memorandum of understanding. Nevertheless, on page 73 of the *New South Wales Legislative Council Practice* there is a section related to the execution of search warrants. Obviously, parliamentary privilege is quite wide and varied, but I am focusing at the moment on searches because the CCC has some quite extraordinary powers, and powers which, if members thought it had judicial oversight in convincing a judicial officer of the necessity to search, they would be wrong. A member of Parliament is a public officer for the purposes of section 1 of the Criminal Code; therefore, a member is a public officer for the purposes of the Corruption, Crime and Misconduct Act. Under the heading "The execution of search warrants", it is stated —

A different, yet related, issue is the statutory power of law enforcement and investigative agencies to conduct searches of members' offices at Parliament House.

Keep in mind that the New South Wales upper house does not have electoral offices; it has only a parliamentary office within the parliamentary precinct. There is a distinction. The paragraph continues —

Generally, the execution of a search warrant by enforcement and investigative agencies within the precincts of Parliament only occurs with the consent of the relevant Presiding Officer.

On 3 October 2003 officers of the Independent Commission Against Corruption executed a search warrant at the Parliament House office of the Hon Peter Breen, a member of the Council. During the execution of the warrant, the officers seized a quantity of documents, as well as two computer hard drives and Mr Breen's laptop computer. It became evident later that, despite section 122 of the *Independent Commission Against Corruption Act 1988* which expressly preserves parliamentary privilege, and assurances from the officers themselves that they would respect that privilege, some of the material seized was outside the authorisation of the warrant and some was immune from seizure by virtue of parliamentary privilege. This included at least one document, as well as Mr Breen's laptop and desktop computer hard drives, which it later transpired had been 'imaged' by the Independent Commission Against Corruption.

Following recommendations of the Standing Committee on Parliamentary Privilege and Ethics which inquired into the incident, the House adopted a resolution to resolve the matter to the following effect:

- The seized material was to be returned to the President of the House, and retained in the possession of the Clerk, until the issue of parliamentary privilege had been determined.
- The member, the Clerk of the House, and a representative of the Commission were to 'jointly be present at' the examination of the material.
- The member and the Clerk were to identify any items claimed to be within the scope of 'proceedings in Parliament', according to a definition of that expression which was stated in the resolution, in the same terms as the definition contained in the *Parliamentary Privileges Act 1987* (Cth).
- The Commission was to have the right to dispute any such claims, and to provide reasons; the member was to have the right to provide reasons in support of any disputed claim.
- Any items that the House determined as within the scope of 'proceedings in Parliament' were to remain in the custody of the Clerk until the House otherwise decided, with a copy to be made available to the member.
- Any items that the House determined were not privileged, or in respect of which a claim of privilege was not made, were to be returned to the Commission.

This episode highlighted the difficulty of an investigating body such as the Independent Commission Against Corruption, with extensive statutory powers of entry, inspection and subsequent seizure of documents, in dealing with parliamentary privilege.

The procedure followed in the Breen case differs from the procedure followed in similar cases in the Australian Senate, where an independent ‘legal arbiter’ has been appointed to review material seized under warrant, and make an assessment as to whether any of the material was immune from seizure. In particular, the procedure in the Breen case included steps to enable the particular documents in dispute to be identified, allowing undisputed documents to be returned to the Commission at an early stage, and provided for the question of immunity from seizure to be determined by the House itself rather than an agent.

The question of the protection afforded by parliamentary privilege to documents seized under the authority of a search warrant has not been clearly established at law. In *Crane v Gething* in 2000, the question of the application of parliamentary privilege was not ultimately decided, although French J was of the view that the issuing of a search warrant, authorising a search of Senator Crane’s home, parliamentary and electoral offices, was an administrative or executive act in aid of an executive investigation, not a judicial one ... From this he concluded that it ‘is not, in the ordinary course, for the courts to decide questions of privilege as between the executive and the parliament in litigation between the subject and the executive’.

In another incident in 2002, the Queensland Police executed a search of Senator Harris’s electoral office, impounding documents, but providing the Senator with an opportunity to identify those documents he claimed were immune from seizure by virtue of parliamentary privilege. The Senator declined the offer, leaving the matter to be resolved, following the precedent in *Crane v Gething*, by the Senate itself.

There is no settled law in the case of the seizure of members’ documents under search warrant. However, as the procedure followed in the Breen case suggests, material cannot be seized if it is covered by parliamentary privilege, although not every document or item in a member’s office is necessarily covered by parliamentary privilege.

That was a very lengthy quote and I apologise to members for that, but I think all of that quote from the *New South Wales Legislative Council Practice* is relevant to the matter before us and the future actions of the Corruption and Crime Commission.

We know from the recent case referred to in the forty-fourth report that, clearly, there were breaches of parliamentary privilege, yet still to this day we have not advanced an improvement of that situation; nor do we have a better understanding of how the CCC’s practices may have changed in respect of the intersect with parliamentary privilege and whether it exists within Parliament, the executive or another place.

I also want to touch on another example from the Australian Capital Territory that I have become aware of. It has more explicitly placed references in the Integrity Commission Act 2018. Section 3(2) of our act states —

Nothing in this Act affects, or is intended to affect, the operation of the *Parliamentary Privileges Act 1891* or the *Parliamentary Papers Act 1891* and a power, right or function conferred under this Act is not to be exercised if, or to the extent, that the exercise would relate to a matter determinable by a House of Parliament.

Obviously, that is one section of this voluminous act that we are amending by adding one word, “exclusively”. I am not sure whether this 2018 vintage act of the ACT is the newest corruption and crime act in Australia, but I would say that it would be close. In that act, section 7, “Application of Act—Parliamentary privilege”, states —

- (1) This Act does not affect the law relating to the privileges of—
 - (a) the Legislative Assembly; or
 - (b) any Australian Parliament; or
 - (c) any house of any Australian Parliament.
- (2) This section is subject to section 178 (Parliamentary privilege—taken to be waived for MLAs’ declarations of interests etc).

Interestingly, similarly to us, it establishes early on in that act that there is no impact on parliamentary privilege, but an exception is made in relation to the statements of pecuniary interest that we make to this house on an annual basis, which of course is a document of the house and is therefore subject to parliamentary privilege. Later on in that act, section 177, “Parliamentary privilege”, states —

- (1) This section applies if, in the exercise of the commission’s functions, a claim of parliamentary privilege is made.
- (2) The claim of parliamentary privilege must be dealt with by the Legislative Assembly.

I think the provision in the ACT act is a superior provision. It spells out the way in which claims of parliamentary privilege can be made and how they will be dealt with, which is that each house of Parliament has exclusive jurisdiction over matters of privilege; it is not something that can be decided by anybody else. Interestingly, to accompany that statutory provision in the ACT, it has a continuing resolution 4A, “Claims of Parliamentary Privilege that Arise During the Exercise of the Act: Integrity Commission’s Powers and Functions”. I am not suggesting that we should take a cookie-cutter approach to what the ACT has done, but that we should merely observe what it and other jurisdictions have done, because at the moment I think we are starting from a fairly low bar. The Legislative Assembly of the ACT has quite a significant continuing resolution, keeping in mind that it is a unicameral Parliament. This resolution specifically relates to the powers and functions of the Independent Commission Against Corruption and the intersect with parliamentary privilege. I will not go through this because it is quite a significant document, but it has a preamble that sets out and affirms the right of the Legislative Assembly of the ACT to determine matters of privilege. It establishes procedures for the compulsory production of documents by ICAC. It refers to the examination or questioning of members by ICAC. It refers to making determinations of privileges. It steps through a process of determining whether privilege applies or does not apply. It refers to appointing an independent legal arbiter, which is a similar provision to the case I referred to earlier in the Australian Senate, whereby it appoints an independent legal arbiter to determine the application of privilege. I want to quote a short paragraph from that resolution. It states —

The Independent Legal Arbiter must be a Queen’s Counsel, Senior Counsel, or a retired judge or justice of the Supreme, Federal or High Court and the Speaker must consult with the Standing Committee on Administration and Procedure prior to making an appointment. The Arbiter will be paid a fee approved by the Speaker.

Obviously, it may not be everybody’s cup of tea that we head down the path of appointing independent legal advisers to determine the privileges of this house; in fact, I am pretty sure that notion would sink faster than a lead balloon. I am merely reflecting on examples in other jurisdictions. There is a paragraph on a memorandum of understanding and it states —

For the purposes of facilitating the effective administration of this resolution, the Speaker may enter into a memorandum of understanding with the Integrity Commissioner in relation to parliamentary privilege and the exercise of the Commission’s powers. A memorandum of understanding must not be inconsistent with this resolution and must be tabled in the Assembly on the first available sitting day following its finalisation.

The last part of the continuing resolution refers to the recusal of the Speaker or a member of the standing committee on a relevant matter. Obviously, that is a new act in the ACT and I have not checked whether any provision contained therein has been tested since it came into force. I think the resolution was agreed to by the Assembly in the ACT only on 29 November 2018—so, very recently.

Nevertheless, Parliaments in other parts of Australia have given this greater consideration. Unfortunately, we have a lot more work to do on the intrusive powers of the executive more generally. There is a moment in time for us now to consider the intrusive powers of the Corruption and Crime Commission because there is a bill before the house. At some stage, there needs to be some greater examination of the intrusive powers of the executive on the Parliament to make sure that we maintain our sovereignty and our independence from the executive and from investigations of the executive in the right circumstances. At the same time and with equal measure, we must make sure that when a member amongst our ranks has done the wrong thing, they are brought to justice in the same way that we would expect any member of the public to be brought to justice.

I want to turn briefly to the amendment that has been circulated. As I said, there will be ongoing discussion about this as we move forward. I see there is a second supplementary notice paper. I am not sure whether it has been succeeded by another while I have been speaking for the last hour. I am working on issue 2 of supplementary notice paper 41.

Hon Sue Ellery: There isn’t a replacement yet. I expect on Tuesday there probably will be.

Hon MARTIN ALDRIDGE: The Leader of the House just indicated that this is the current supplementary notice paper and that further amendments may be placed on the notice paper between now and the next sitting of the house on Tuesday next week. I foreshadow that there are some amendments—one from Hon Alison Xamon and one from the government—in regard to allegations about members of Parliament. I understand what Hon Alison Xamon is attempting to achieve, although I am not really that familiar with the operations of the Corruption and Crime Commission. Obviously, some members of this house sit on the Joint Standing Committee on the Corruption and Crime Commission and would be much more conversant with the operations of the CCC and, indeed, would be able to inform the house of the importance of having the Parliamentary Inspector of the Corruption and Crime Commission informed of an allegation against a member of Parliament. Similarly, it will be interesting to get an answer to the question that I earlier foreshadowed I will ask the Attorney General on the number of allegations received in the last few years about public officers—largely, members of Parliament—that he has been unable to investigate as a result of the removal of the word “exclusively”.

The second part of Hon Alison Xamon's amendment refers to the memorandum of understanding. As I said in my earlier remarks, my thinking has moved on a little from the memorandum of understanding. I think the government is somewhat cautious about giving statutory recognition to a non-binding agreement that does not exist, and I share that view. It is our right, and our right alone, to determine our privilege and how our privilege is interacted with by investigations of the executive. In hindsight, I think an MOU is not strong enough. I like the approach taken in other jurisdictions that have set out, by resolution of the house, the way in which investigatory bodies will engage with investigations of members of Parliament or other public officers when parliamentary privilege exists. I think it is better to do this in advance of there being a problem, because investigatory bodies have covert powers. We only know what we know. If someone turns up at our door wanting to conduct a lawful search, we obviously know that they are there and what they want to obtain, but members should keep in mind that some of these investigatory bodies, like the CCC, have significant covert powers, such as the ability to intercept telecommunications and access the servers of the DPC. As we know from the answer provided by the Premier in August 2017, the department will provide access when a lawful request is made, and without notification. That is a concern. Obviously, if we were to adopt a different approach, perhaps by form of a resolution setting out the way in which claims of parliamentary privilege are made and how they are assessed and determined, and some sort of right of appeal to those determinations, that would provide a much stronger position from which this house could protect itself from actions of investigative bodies, which are lawful, but which at times could be motivated by other things.

The second amendment on the supplementary notice paper is from the government. The government is working in good faith with all parties in this house to try to find an acceptable outcome. There have been some discussions behind the Chair on this amendment, and I am sure they will continue over the coming days. There is limited time left in the debate today and before we enter the committee stage, which will most likely happen next week. If I am not mistaken, the Leader of the House has already indicated that she intends to defer her reply to the second reading debate until the next sitting of the house.

Some questions need to be answered during the committee stage of the bill, if not through the minister's reply to the second reading. I think some improvements could be made to certain aspects of this bill. I certainly do not accept that members of Parliament are untouchable, as *The West Australian* described us in March 2017. This bill will reinstate the CCC's powers and re-establish concurrent jurisdiction for the police, Parliament and the CCC on matters relating to section 8 offences in the Parliamentary Privileges Act and similar offences contained within the Criminal Code. We need to make sure that we are prepared for those circumstances arising. Something we may further consider in the committee stage is that the other place is already dealing with some of those challenges with respect to a Procedure and Privileges Committee report and the referral of matters to police arising from the investigation of the former member for Darling Range. Those are some of the issues that could be examined in terms of how the CCC was constrained or how the executive is now constrained in fully pursuing the alleged criminality of Mr Urban, and the application of parliamentary privilege. That is worthy of further consideration at some stage. As I said in the beginning, the National Party has provided in-principle support for the bill. We look forward to the committee stage, when we can examine some of these things more carefully.

HON NICK GOIRAN (South Metropolitan) [3.06 pm]: I seek to contribute to the consideration of the Corruption, Crime and Misconduct Amendment Bill 2017 as a former Chairman of the Joint Standing Committee on the Corruption and Crime Commission. Indeed, I chaired that committee for eight years over two consecutive Parliaments. It is in that context that I wish to make a few remarks this afternoon.

As has already been indicated by my learned friend the shadow Attorney General, Hon Michael Mischin, the opposition supports the Corruption, Crime and Misconduct Amendment Bill 2017. As best as I can recall, this is the fourth bill brought on by the government so far this year. The top priority for the government was the Gender Reassignment Amendment Bill. The second priority for the government was the Residential Parks (Long-stay Tenants) Amendment Bill 2018, which has been now sent to the committee chaired by Hon Dr Sally Talbot. I am looking forward to serving on that committee with the honourable member. That was an interesting foray by the government. The government could have sent that bill to the committee prior to the summer recess, but left it until this week to do so. The third bill that the government brought on for debate was the Ports Legislation Amendment Bill, which I understand was third read earlier today. Now we are dealing with the fourth piece of legislation, the Corruption, Crime and Misconduct Amendment Bill 2017. This is the fourth priority of the government this year. Despite the fact that the government has brought this bill on for debate today, I understand that it is not ready to conclude proceedings.

Hon Sue Ellery: That is not true; we are trying to be helpful to other people.

Hon NICK GOIRAN: I understood from an earlier interjection that the Leader of the House is busy working with her colleagues to prepare another amendment that might find its way onto the supplementary notice paper. I heard the Leader of the House indicate that she is not preparing to give her reply this afternoon, so the government is not ready to deal with this bill today.

Point of Order

Hon SUE ELLERY: I think that is deliberately disingenuous. I appreciate that the honourable member has not been party to the discussions behind the Chair, but there has been genuine willingness to meet. Indeed, the Attorney General and the Solicitor-General joined the meeting by phone from the eastern states. I was asked by the Liberal Party's lead speaker to consider not giving my reply today to enable those discussions and negotiations to continue. I think it is quite disingenuous of Hon Nick Goiran to try to have the record show that the government is not ready when, in fact, as is not uncommon, we are actually trying to reach agreement.

The ACTING PRESIDENT (Hon Martin Aldridge): I think that there is a difference in view amongst members but there is no point of order.

Several members interjected.

The ACTING PRESIDENT: Order, members! Hon Nick Goiran has the call.

Debate Resumed

Hon NICK GOIRAN: As I said, the government is not prepared for this legislation today. If it was prepared, we would be going into Committee of the Whole House. The Leader of the House is unable to give her reply today and has indicated that she is busy working on amendments.

Hon Alannah MacTiernan interjected.

The ACTING PRESIDENT: Order, member!

Hon NICK GOIRAN: What is interesting is that this is actually quite typical for this government. It is even typical behaviour related to this bill itself. Let us look at the chronology of this bill as it has progressed through the Parliament. On 18 October 2017—no, I have not misspoken, Mr Acting President. Some members opposite might not realise it but we are now in 2019. On 18 October 2017, the bill was introduced into the Legislative Assembly. One month later, on 28 November 2017—not to be confused with 2018—it was transmitted from the other place to this chamber and it languished on the notice paper at the will of the Leader of the House until 20 March last year. From 28 November 2017 until 20 March 2018, it languished on the notice paper and at that time, on 20 March 2018, Hon Sue Ellery moved a motion to refer the bill to the Standing Committee on Procedure and Privileges. That committee reported on 10 May last year. What has happened to the bill since? It has been languishing on the *Daily Notice Paper*. Time and again, the Clerk and the Clerk's assistants have to tediously type into the *Daily Notice Paper* "Corruption, Crime and Misconduct Amendment Bill 2017". We are wasting their time with more printing while it continues to languish on the notice paper, and all because the Leader of the House and her team are not ready to debate the bill. If they were ready, they would have brought it on sometime since 10 May last year. But here we are on 14 February and they are still not ready.

In an interjection earlier this afternoon, we were told that apparently more work is being done on the supplementary notice paper. Why would that be the case? Hon Alison Xamon put her amendment on the supplementary notice paper many moons ago, but it is only now, after the summer recess, that the government has decided to wake up and say, "We'd better have a look at what Hon Alison Xamon has had to say. She's intending to insert new clause 5. Far out! It looks like there's a bit of support for Hon Alison Xamon and her amendment."

The government might not have the numbers, which it is obsessed about, so it has said that it is apparently not ready and will not deal with it in committee today. How much more time does it need to deal with a simple bill? I have heard speech after speech on this bill from members on both sides of the chamber about how we are inserting only one word into the act. Earlier this week, the top priority of this government was the Gender Reassignment Amendment Bill 2018. I said that one would be battling to find a simpler bill. Well, this one is right up there! If there was ever going to be a bill that can compete with the gender reassignment bill for simplicity and conciseness, it would be this one. The main content of it fits on one page, but the government apparently needs years to progress this bill through the Parliament. Remember, it was introduced into the other place not last year but on 18 October 2017. It has been languishing on our notice paper ever since 10 May 2018, not through the fault of the Standing Committee on Procedure and Privileges. It reported in a very timely fashion and it provided us with a very useful report, which I would like to speak on in a moment. It is not the committee's fault. It has done its work in a timely fashion. But the Leader of the House, the most experienced member opposite, has decided, week in and week out, to make sure that this bill gets buried. Since May, this bill has been buried at the will of the Leader of the House and today when it has finally been brought on for debate, the Leader of the House is still not ready: "I'm not going to give my reply. We're not going into Committee of the Whole House." It is her prerogative to do so, but she should expect me to criticise her each and every time she mismanages the house like that.

This bill simply allows the Corruption and Crime Commission to rejoin the Western Australia Police Force as investigators into members of Parliament. That has been totally missed in the public debate on this. There is some kind of suggestion that MPs are above the law and can escape any investigation. That is utter rubbish. The former member for Darling Range knows that full well, as do members opposite, because the police have every ability to investigate members of Parliament. What police cannot do during the course of their investigations and what they

will never be able to do, and what the CCC will still never be able to do, is impinge upon parliamentary privilege—none of that changes. All we are doing is adding another group as investigators once again, which is apparently the will of the government. The opposition has indicated that we will support that.

I was grateful that, on this occasion, this bill had made its way to a committee for an inquiry. I have said repeatedly, both when I was in government and now in opposition, that it is my view that the default position should be that bills go to committees for inquiry. It should be the responsibility of the government of the day to make a case about why a bill should not go to a committee. But we do things the opposite way in this house. The approach taken requires people to make a case about why the bill needs to go to a committee. I think it should be the opposite. In any event, in March last year, Hon Sue Ellery decided to move a motion to refer the bill to the Standing Committee on Procedure and Privileges. That referral was supported and the committee reported on 10 May 2018. Members would be aware, if they have had the opportunity to peruse and consider the report, that at page 7 the committee sets out its finding —

The Bill will not result in a diminution in the scope or operation of parliamentary privilege.

The committee has appended to its report the legal advice of the now Chief Justice, but at the time Solicitor-General, Mr Quinlan. Interestingly enough, I constantly ask the Leader of the House during Committee of the Whole House to reveal legal advice, and time and again she says, “No. You know we can’t do that.” But she did it on this occasion. We will make sure that we keep reminding the Leader of the House about that. Her Attorney General released the advice on this occasion, and do members know what? It was not only appropriate, but also helpful. That piece of advice in the form of a briefing note is found at page 61 in appendix 1 of the report. It is an excellent opinion of Mr Quinlan dated 25 August 2017. The one part that I would like to quote from in his opinion is found at paragraph 16, which states —

The amendment would leave the powers and privileges of Parliament unaffected. Indeed, the broader purpose of s 3(2) of the *CCM Act* is to ensure that the privileges of Parliament are not affected by the *CCM Act*.

That is entirely correct, and given that that advice had been provided to the government, the committee has quite appropriately sought its own independent advice from Mr Bret Walker, SC, whom the committee customarily approaches for legal advice on complex matters. Members will find his opinion at appendix 2 of the report starting at page 66. Again I would like to briefly quote his opinion on page 69, where he states —

10. I agree with the opinion of the Solicitor General that, whether intended or not, whilst the word “*exclusively*” does not appear in s 3(2) of the CCC Act, the CCC is precluded from inquiring into those *Criminal Code* offences that are congruent with the ‘contempt’ offences listed in s 8 of the *Parliamentary Privileges Act 1891*. This is necessarily the case as the investigation of a *Criminal Code* offence that was similar to a *Parliamentary Privileges Act 1891* offence, would plainly relate to a matter “*determinable by a house of Parliament*”.
11. In my view clause 3(2) of the CCC Act preserves parliamentary privilege and the proposed amendment will not alter this position. The only likely impact on parliamentary privilege of the proposed amendment is that it will give rise to some incidental issues relating to the identification of parliamentary privilege and the proper use of evidence in the course of the CCC’s exercise of its investigative function.

Very interestingly, members may be very quick to say that the Solicitor-General and the independent senior counsel have agreed that parliamentary privilege is preserved. That is true, but let us not forget what Bret Walker, SC, has said; that is, it will give rise to some incidental issues relating to the identification of parliamentary privilege and the proper use of evidence in the course of the CCC’s exercise of its investigative function. That is the very thing Hon Alison Xamon seeks to cure by her amendment, which has been on the notice paper for a very long time and which the government is still not ready to deal with. That is the amendment that is before us, and it is important for us to consider it due to what Mr Walker, SC, has said. I am in broad support of what Hon Alison Xamon has proposed in principle, albeit I think there can be some modifications in the drafting, because I remind members that the Corruption and Crime Commission does not have entirely the best track record when it comes to matters of privilege.

I will give members two examples. One has already been touched on by members regarding the Turnseck inquiry. The first one I want to bring to members’ attention is the twenty-first report that was tabled by the Joint Standing Committee on the Corruption and Crime Commission in the thirty-eighth Parliament. That report was tabled by me in this house and in the other place by the then member for Perth, John Hyde, on 24 November 2011. The report is entitled, “Parliamentary Inspector’s Report Concerning Telecommunication Interceptions and Legal Professional Privilege”. I refer members to the chairman’s foreword of that report and I will quote a few paragraphs. It states —

The report arose out of an inquiry commenced by the Parliamentary Inspector in March 2010. On 4 March 2010 an article published in *The West Australian* newspaper referred to evidence given in the Perth Magistrates Court by a CCC investigator in criminal proceedings against Mr Brian Burke. The

article reported that the CCC investigator had given evidence that the CCC had intercepted and listened to telephone conversations between Mr Burke and his lawyer, Mr Grant Donaldson. After reading the article, the Parliamentary Inspector obtained a copy of the transcript of evidence of the proceedings, and confirmed that the article was broadly accurate.

This gave the Parliamentary Inspector cause for concern about the procedures adopted by the CCC in dealing with intercepted telephone conversations that are the subject of legal professional privilege, and he duly launched his inquiry.

Legal professional privilege protects two kinds of confidential communications between a client and her or his lawyer: Where the communications are confidential and made for the purposes of seeking or being provided with legal advice, and where the communications are made for the purpose of existing or reasonably contemplated judicial or quasi-judicial proceedings. As the Parliamentary Inspector states in his report, “LPP has been described as ‘a fundamental and general principle of the common law,’ and it exists to protect ‘a very important entitlement in our society by which anyone may seek, and obtain, legal counsel in the confidence that communications with a lawyer, and documents produced for or in consequence of such communications, will not normally be disclosed without the affected client’s consent.’”

Notwithstanding the importance of LPP, the *Telecommunications (Interception and Access) Act 1979* (Cth) allows Commission officers executing a warrant to make a record of, communicate to another person and make use of any lawfully intercepted information for a permitted purpose, including the investigation of misconduct. This power extends to conversations that may attract LPP. As such, the CCC state that:

A permitted purpose includes an investigation of misconduct under our Act. Thus, if we intercept material that might be protected by legal professional privilege, that material can be listened to, recorded, transcribed and communicated to an officer of the Commission (including an investigator). However, we may not be able to use it in evidence during court proceedings.

In his report, however, the Parliamentary Inspector contends that while the use of such information may be lawful, the CCC has not in the past properly considered the appropriateness of using privileged material in its investigations:

This shows a serious misconception by the Commission of its responsibilities concerning privileged material. That interception of information subject to LPP is lawful, and that its communication to someone other than an authorised recipient is lawful if made for a permitted purpose, does not answer the question whether the use is appropriate in the circumstances.

Accordingly, in his report the Parliamentary Inspector essentially recommends that the CCC take a more measured approach to dealing with material that may be covered by LPP than has up until now been the case.

Though it is no doubt well understood by a number of the citizens of Western Australia, it bears mentioning that not every conversation between a lawyer and her or his client will necessarily attract LPP. As such, this is an extremely complex issue: put simply, it is impossible for the CCC to determine whether or not intercepted material would be covered by LPP without a CCC officer first having listened to it in order to make this determination. This fact is perhaps best encapsulated by Mr Peter Hastings QC in the Memorandum of Advice he prepared for the CCC on 9 August 2011 at the CCC’s request:

It should not be overlooked that it is not always clear that legal professional privilege is applicable, even though communications may be between a person and his or her lawyer. As the Federal Court pointed out in Carmody v MacKellar, one of the reasons for concluding that telephone interception warrants were not limited by legal professional privilege was that it will often be impossible to ascertain with any degree of assurance whether a particular conversation is or is not privileged while it is taking place, because even a conversation which bears the appearance of a privileged communication may not be privileged. If the lawyer is engaged in a criminal enterprise, the communication may not be privileged because it is made in furtherance of an illegal purpose.

The same position may exist while a matter is still being investigated, and it may not be until the investigation is complete that it becomes clear whether the communication was privileged. That is a further reason why it seems to me that there is no restriction upon using information in an investigation by providing summaries of intercepted telecommunications to Counsel Assisting. Whether the information can then be used in the examination will depend whether it can be demonstrated that the communication was in furtherance of a crime of fraud or dishonesty.

In this respect, the CCC’s investigation into the City of Stirling is instructive: As a derivative to that investigation, an intercepted conversation between a lawyer and his client saw criminal charges being laid against the lawyer.

Importantly, the Parliamentary Inspector found that there was no misconduct by any officer of the CCC as a result of his inquiry into this issue. Rather, he identified ways that the CCC might enhance its future handling of intercepted material that may be the subject of LPP. The Committee notes that the CCC have already taken steps to improve its processes in this regard, and regards this as an excellent outcome of the Parliamentary Inspector's inquiry.

As members can see, the Corruption and Crime Commission already had bad form on the issue of legal professional privilege and had to improve its processes as a result of this report in 2011 in the thirty-eighth Parliament. The CCC also does not have a wonderful track record on legal professional privilege and has struggled on at least one occasion with that issue. I refer members to the forty-eighth report of the Standing Committee on Procedure and Privileges, which was presented by the President, Hon Kate Doust, in May last year. The report sets out in chapter 8 a summary of the events that took place in what is referred to as the Turnseck investigation. The report states at page 58 —

On occasion, the demarcation of the jurisdictions of the Parliament and of investigative bodies such as the CCC may be difficult to discern. It is not always a bright line of separation. However, in this instance, there was such a clear bright line. The evidence relied on by the CCC to form its adverse opinion about Ms Turnseck's conduct was so closely and directly connected to actions occurring in the Legislative Council as to make it obvious that this evidence constituted a proceeding in Parliament. The Committee would have expected the CCC to have known that using such materials to form an opinion on the conduct of a public officer in these circumstances would breach the immunity provided by Article 9.

By adopting the findings and recommendations of this Committee and enforcing any related orders, the Legislative Council will remind all those involved in parliamentary proceedings to conduct themselves with honesty, fairness and impartiality when carrying out their official duties. This task falls squarely within the exclusive jurisdiction of the Houses of Parliament. The CCC has no concurrent or 'shared' jurisdiction with the Parliament to investigate and pursue matters of this nature.

The Legislative Council, as in the past, will welcome any assistance that the CCC may provide to enable the House to determine whether a contempt or breach of its privileges has occurred. However, the CCC is not empowered by its statute to intrude upon the privileges of the Legislative Council. The Houses of Parliament, when first enacting the *Corruption and Crime Commission Act 2003* and recent amendments made to it by the *Corruption and Crime Commission Amendment (Misconduct) Act 2014* were careful to ensure that Parliamentary Privilege was expressly preserved. Section 3(2) of the Corruption, Crime and Misconduct Act 2003 is a clear expression of both the Parliament's will and the law of this State in this regard.

The report at page 59 makes the following important observations —

The Committee is concerned by the decision of the Commissioner of the CCC to provide this part of the CCC report to the Premier rather than to the Parliament. If it were not for the actions of the Premier in making the CCC report public by tabling it in the Legislative Assembly on 16 March 2016, the Legislative Council would have remained unaware of the possible contempts committed against it. This aspect of the CCC report was not a matter solely for the Premier as the Minister responsible for the Department of Premier and Cabinet and the employer of Mr Home and Ms Turnseck. It was a matter that concerned the integrity of Question Time, one of the important mechanisms of the Legislature for obtaining information from the Executive and bringing it to account as an incidence of democratic governance in Western Australia. It was therefore also a matter that the Commissioner should have brought to the attention of the Legislative Council.

The Committee therefore strongly disagrees with the view expressed by the CCC in its report that there is no particular public interest in a report to Parliament on the conduct of Ms Turnseck when this conduct resulted in an incomplete, misleading and ultimately false answer to a parliamentary question being provided to the Legislative Council. Where such conduct directly affects the integrity of a parliamentary proceeding, the CCC should advise the relevant House of the Legislature and, where practicable, provide it with all relevant evidence that it has obtained. This will enable the relevant House to deal with the matter under its inquiry and contempt powers as it has done in this particular case.

Those are two examples of how the CCC has had difficulty and has struggled with not only legal professional privilege but also parliamentary privilege. It is because of that track record that I have some sympathy for the amendment that has been foreshadowed by Hon Alison Xamon. The government is not willing to deal with that amendment today. It has had months and months to consider it. I fail to understand in any way, shape or form what the government was doing during the summer recess that prohibited it from getting across its brief on this bill. Perhaps it was too busy dealing with the lobster fiasco. It is now 14 February 2019 and the government is more concerned with Valentine's Day than with progressing this piece of legislation. I indicate to members that this bill has my support. I also have a great deal of sympathy for the amendment. However, I would like to see some tweaking of the amendment, and I encourage those members who are involved in that exercise to continue that process to ensure that all members are satisfied with it.

The second limb of the amendment as drafted by Hon Alison Xamon refers to a memorandum of understanding. The member who spoke in this debate immediately prior to me, indicated that no progress has been made on the MOU. I was a member of the committee that looked into the Turnseck matter, as it is referred to, and made those observations, findings and recommendations. It is troubling that although that was quite some time ago, in the previous Parliament, no progress has been made on the memorandum of understanding and we are in the same position we were in back then. That is undesirable. I would support either the amendment as foreshadowed by Hon Alison Xamon or any amendment to that amendment that would provide an imperative for the relevant individuals to bring that memorandum of understanding to a conclusion. The CCC already has a track record of indiscretion when it comes to matters of privilege, and we cannot have that repeated.

Indeed, the Standing Committee on Procedure and Privileges, on which I served, in that inquiry went to great lengths to say that this can never happen again. We cannot have a situation in which the Corruption and Crime Commission intrudes upon the privileges of the Legislative Council. That simply can never happen again. I draw members' attention to page 5 of the report that has been tabled by the President. In particular, for those who have the forty-eighth report available to them, I draw their attention to paragraph 1.18, which states —

The Committee notes that a memorandum of understanding to give effect to Recommendation 5 of Report 44 has yet to be finalised. It is anticipated that the memorandum of understanding will cover issues such as early notification of investigations and evidence sharing. The Committee further notes that this memorandum of understanding will not cover wider issues relating to the execution of CCC search warrants on parliamentary or electorate offices or the CCC's ability to use proceedings of the Parliament as evidence in its investigations.

There we have it from our own Standing Committee on Procedure and Privileges; it indicates that the memorandum of understanding is yet to be finalised. Whatever the reason for the hold-up, it needs to be brought to a conclusion. It would not shock me if this were the case, but if the two houses are unable to come to a conclusion on what might be in the memorandum of understanding, from my perspective, I see no barrier to the Legislative Council and its Standing Committee on Procedure and Privileges going it alone. It is not my desired outcome. I would rather that the way privileges are dealt with in this state is identical between the two houses. That would be my aspiration. However, if that is unable to be achieved, do not let us have nothing in place. Let us at least continue to have something in place because, at the end of the day, whatever the other place might or might not want to do with its privileges is really a matter for it. When there is an investigation, we do not investigate its members and it does not investigate our members. If needs be, our Standing Committee on Procedure and Privileges and our house should go it alone and enter into a memorandum of understanding with the Corruption and Crime Commission. Another approach might be for us to simply set out a directive on how these matters are to be dealt with.

In the end, as has been identified in the cases involving legal professional privilege, the CCC has had a torturous history of having to have some of its officers listen to the material, contemplate whether legal professional privilege has been impinged and then make a determination, and that material is then made available to others. Will that be an acceptable approach for the Legislative Council and the privileges of this place? We should obviously provide some direction to the Corruption and Crime Commission.

As a result of that last episode, it appears that the CCC has taken a very—to use its language—“timorous” approach to these matters. I note that towards the end of the report tabled by the committee in May last year, the very final paragraph, paragraph 8.4, on page 60 of the report, in chapter 8, states —

Mr McKechnie went on to recount that the CCC had been taken “to task” by the Parliament for straying outside its jurisdiction in investigating government officials involved in the preparing of answers to questions asked in the Parliament. He stated that:

The committee then quotes from an online piece in *The West Australian* of 20 March 2017, titled “MPs exempt from CCC probe”. The commissioner is quoted as saying —

I will adopt a prudent, some might say timorous course in future on any matter which could conceivably fall within parliamentary privilege.

That is good. Equally, if matters need to be brought to the attention of the Legislative Council because the CCC has been made aware of some breach, it should bring it to our attention. I would not want this approach that has been taken to be so mild that it means that there is no communication. There should still be a healthy relationship between the Corruption and Crime Commission, its commissioner and the Presiding Officers of this Parliament, and certainly the Presiding Officer of this chamber. That is crucial.

I think that the Standing Committee on Procedure and Privileges has a useful role to play to facilitate that. For example, why could a meeting not be convened between the Corruption and Crime Commissioner and perhaps his chief legal adviser and the Standing Committee on Procedure and Privileges to start to progress this matter forward? Maybe those meetings have already taken place. I am not a member of that committee in this current Parliament, but it would be good for somebody to provide a more comprehensive update to the house on the progress of that memorandum of understanding than the one at paragraph 1.18 of the report, which simply notes that the memorandum of understanding is yet to be finalised. It is yet to be finalised, but what steps have been taken over the

past few years to facilitate that process? There does not seem to be a need for any secrecy in that process. I think it would be useful for us, particularly in the course of this debate. Eventually, when the Parliament is ready to continue the debate, it would be useful to have that information available. So, if it is available to a member, it would be good if that could be provided for the benefit of all 35 members who are voting on this bill that is before the house.

In summary, I indicate my dismay that this bill has taken so long to come to this house. It has languished on the notice paper for such an incredibly long time that the government is still not ready to deal with it. I am dismayed by that. But I am pleased that it is before us now. I am pleased by the expressions of support that have been articulated by members who have contributed in the course of this debate. In particular, I thank Hon Alison Xamon for her studious approach to this bill in giving a massive amount of notice for her amendment. I only wish that the supplementary notice paper—maybe this is a possible improvement for the future—listed the date on which these amendments were brought forward. When I look at supplementary notice paper 41, issue 2, which was issued yesterday, it is not immediately apparent to me when exactly Hon Alison Xamon submitted her amendment. To the best of my recollection, it was sitting in my file last year well before we rose for the summer recess. I do not know for how many months it was there in my file. Maybe the relevant government member has lost their copy. I am not sure, but it is very disappointing that after the member was so courteous to give so much notice that the government is so ill-prepared and ill-equipped to deal with it after the long recess. It is the longest recess that we have in the year, yet it seems to have been the period that has created the least amount of work within government. Maybe the government has had other distractions.

Be that as it may, the bill is now finally before us. I can only hope that whenever the government next decides to bring on this matter, these four clauses can be efficiently dealt with. Let us remember that the bill proposes to insert one word. Although Hon Alison Xamon's proposed amendment is far more comprehensive than the entirety of the bill itself, she is not bringing a complex matter to our attention. She is merely asking that the Corruption and Crime Commission be required to inform the Parliamentary Inspector of the Corruption and Crime Commission, in the event that it is delving into an investigation into a member of Parliament, why that is. Why would it be appropriate to have that extra level of oversight? Let us not forget the past indiscretions of the CCC and also let us not forget that it is the Parliament that ultimately oversees the Corruption and Crime Commission. Two members from this place, at the very least, serve on the Joint Standing Committee on the Corruption and Crime Commission which oversees the CCC. There is an awkwardness, or a tension, by which somebody who oversees another person is now potentially being investigated by that same person. If we are going to have that type of regime, at the very least we need to have the parliamentary inspector overseeing that entire process. That would be a far more palatable outcome.

I congratulate Hon Alison Xamon for bringing that to the attention of the government, which is now familiar with it. As for the second limb of her amendment, I think some words are missing that could be added. Overall, the bill has my support.

Debate adjourned, on motion by **Hon Pierre Yang**.

HUMAN REPRODUCTIVE TECHNOLOGY AND SURROGACY LEGISLATION AMENDMENT BILL 2018

Second Reading

Resumed from 10 October 2018.

HON NICK GOIRAN (South Metropolitan) [3.52 pm]: I am pleased to rise as the opposition's lead speaker to contribute to the Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018. I indicate at the outset that, although I am the lead speaker for the opposition on this bill, it is a bill that I understand from conversations with members has attracted a conscience vote for all 35 members. If that is not correct, no doubt somebody will clarify that later, but that is my understanding. Each and every member of this place will be able to exercise their vote in accordance with their conscience. That does not happen very often at all. Although I am the lead speaker for the opposition, I indicate that my remarks are my personal remarks. They may well be agreed to by one or more of my colleagues, who may or may not express that at a subsequent time. I will say this at the outset: I would encourage members to cherish their conscience vote. Members of the Liberal Party are in the privileged position of always being able to take a position contrary to the position of their party on any bill.

Hon Alannah MacTiernan: It is just by coincidence you always agree with each other!

Hon NICK GOIRAN: Mr Acting President, we have not gone a couple of minutes into this very important debate and we have already got an idiotic interjection by the member opposite.

Withdrawal of Remark

Hon SUE ELLERY: That was clearly unparliamentary language.

Hon Nick Goiran: It was an idiotic interjection.

Hon SUE ELLERY: I am speaking on a point of order. That is unparliamentary language, Mr Acting President, and I ask you to draw the member's attention to it.

Several members interjected.

The ACTING PRESIDENT (Hon Martin Aldridge): Order, members! There is a point of order before the Chair. I am getting advice from the clerks at the table. My understanding is that Hon Nick Goiran was reflecting on the comments made by the Minister for Regional Development and not making a personal reflection on the Minister for Regional Development; therefore, there is no point of order.

Hon Sue Ellery: No!

Hon Nick Goiran: Yes!

Hon Sue Ellery: If I may seek advice.

Hon Nick Goiran: Move a motion of dissent then.

Hon Sue Ellery: If I may seek advice.

Hon Nick Goiran: No, you can't seek advice.

Hon Sue Ellery: Are you in the chair?

Hon Nick Goiran: No.

Hon Sue Ellery: Exactly.

The ACTING PRESIDENT: The Leader of the House.

Hon SUE ELLERY: My point of order related to unparliamentary language; it was not about a personal reflection on a member.

Hon Peter Collier: He has made a ruling.

Hon SUE ELLERY: I have just asked for further advice.

The ACTING PRESIDENT: Members, my ruling was that from what I heard, Hon Nick Goiran made a reflection on an interjection made by the Minister for Regional Development and that interjection was "idiotic". I did not hear Hon Nick Goiran make a reflection on the Minister for Regional Development being idiotic; it related to the interjection that she had made to him. There is no point of order.

Debate Resumed

Hon NICK GOIRAN: If I might continue without interjections from members opposite: I am appalled, at the start of this debate on this matter, that the Minister for Regional Development has already asserted that somehow Liberal members always vote the same way. Unfortunately, that demonstrates the minister is a poor student of history. Whilst that member was out and about in other jurisdictions over previous Parliaments, I was here on more than one occasion taking a different position to my government. I said that the interjection was idiotic because if the minister had been a good student of history, she would know that of all people that could not be said about me. Nevertheless, that has so far been the contribution by the Minister for Regional Development to the bill before the house, the Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018. I might indicate to the Minister for Regional Development that it will help me to get through my contribution in a more efficient fashion if she would just restrain herself from providing interjections that I will then feel the need to respond to.

I was saying with all sincerity that I would encourage members to cherish their conscience vote. I was simply making the observation that Liberal Party members are in the privileged position of being able to take a different position from that of their party. However, there is a convention and an understanding within our party that we alert our colleagues before we go and do those things. We are in that privileged position. I understand—I make no disparaging remarks whatsoever—that that is not the same position held by the Labor Party. That has been its longstanding convention and that is fine; it is quite entitled to determine its own rules. It is not for me to tell it how to run its party. I am simply saying that I encourage members to cherish their conscience votes because it happens rarely. It tends to happen on matters dealing with either the creation of life or the taking of life. They tend to be the two types of matters on which conscience votes are allowed by parties in general, including on this bill, given that quite clearly the Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018 will, if it is passed, facilitate the creation of new life. That brings about various ethical considerations and matters of conscience for members, so I encourage them to cherish their vote in this debate. That is all I was saying, Minister for Regional Development.

Having said that, I indicate to members that I have significant and serious concerns about the bill before the house. The Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018 has a number of policy and technical flaws that I will spend some time outlining to members during my second reading contribution. Before I do that, I want to say that it has previously been my position, and it remains my position, that those who want to change the law have the onus to persuade. I have said that before and I say the same on this bill: the onus is on those who want to change the law to persuade the rest of members why the change is necessary. I have previously given examples of that when I believed the law needed to change. At the moment in Western Australia, at least 27 babies have been born alive and left to die, and that state of affairs is untenable from my point of view. The onus is on me to persuade others to join me in changing that situation. If I cannot do that, the law will not

change. Equally, in this situation with the Human Reproductive Technology and Surrogacy Legislation Amendment Bill, which seeks to do a number of things, including allowing single men to enter into a surrogacy arrangement, the onus is on those who want the law changed to allow single men to access a surrogacy arrangement to persuade the rest of us to vote for the bill. It is not the responsibility of those of us who have concerns to explain why the bill should not be supported. That is not how law reform works and it is not how it ought to work. I encourage those who hold the view that this bill should be supported to make their case so that other members are in a position to indicate whether that onus has been discharged.

At present, the only information we have at our disposal is, of course, as is customary, the second reading speech provided by the government that explains why it says the law should change. Having read the second reading speech on the bill given by the government's representative in this place, I am not at all persuaded that the onus has been discharged. Indeed, I note that the arguments that have been presented for the change to the legislation have shifted from those proposed in the other place, and I will spend some time outlining that in due course.

To give members and, in particular, the hardworking Parliamentary Secretary to the Minister for Health an indication of the various topics that I would like to cover during the consideration of this bill, I would like to spend some time considering the genesis of the act that we are being asked to amend. In particular, I intend to assess some of the concerns that were raised when this legislation was first enacted 10 years ago. Surrogacy has been in place in Western Australia for approximately 10 years. During the debate in 2008—I remember the debate—concerns were raised about where things would be going, so I would like to look at that. I remember that debate quite well. The debate took place after the Liberal Party had won the election in 2008. Members might recall that there was an early election in 2008. It was the last election called prior to the fixing of election terms. It was in September 2008. During that period at the end of 2008, this legislation was handled by Parliament. I was elected at the September 2008 election, but I was not at that stage a member of Parliament, because, as members in this place will appreciate, the change does not happen in our chamber until 22 May every four years. I was sworn in only on 22 May 2009, whereas the debate took place between September 2008 and when I started in May 2009. I watched with interest, because, as an enthusiastic member-elect, I was waiting for the day to be sworn in. In the meantime, this conscience vote was taking place in both chambers. It was a little frustrating because, obviously, I would have liked to participate but I could not. I remember that debate quite well. It is one of the few times that I can say I watched Parliament with keen interest from my home office. I would like to spend some time on that.

During the passage of that legislation, it was helpfully assessed by the Standing Committee on Legislation. The Standing Committee on Legislation, on which I now serve as the deputy chair, had a look at that piece of legislation. We often talk about the need for and the importance of committees. It just rolls off the tongue for members, but when the rubber hits the road, 10 years on we want to know what the committee said then that is relevant to this legislation.

I would also like to spend some time looking at what has happened in practice in Western Australia since surrogacy has been permitted over the past 10 years, what has been the uptake, what has been the process with applications and the like. I would also like to spend some time considering the annual reports tabled by the Western Australian Reproductive Technology Council during that time. The Reproductive Technology Council is, in effect, the overseer of the operation of this legislation and has been for the past 10 years. What has it said in its annual reports over the past 10 years that would be instructive to members on the passage of this legislation, which seeks to extend the categories of individuals who can apply for surrogacy arrangements? I would also like to spend some time comparing and contrasting our legislation with that in other jurisdictions. Over the past 10 years, what have other jurisdictions done in this area? Of course, Western Australia is not the only state with surrogacy laws, so what is the situation in the Australian Capital Territory, New South Wales, the Northern Territory, Queensland, South Australia, Tasmania and Victoria? What lessons can we learn and what improvements can we make to our legislation? What has been their experience that would inform us when we consider the bill before us? Indeed, what statistics have come from those jurisdictions?

I will also spend some time making the case for why criminal record checks are needed. That is based on the Victorian model, which has been in place for quite some time. Members may be aware of this and, if not, I draw it to their attention, particularly government members, because I note that on the last bill we dealt with, many months after notice was given of an amendment by a member, the government was not ready to deal with it.

I will indicate to members that, in fairness, given that this was the very first week that the government indicated this bill would come on for debate, I did provide to the Clerk a series of amendments, which are found on issue 1 of supplementary notice paper 88 that was distributed this week on Monday, 11 February. I draw that to the attention of members and, in particular, the government and ask that they consider that. One of the amendments found on the supplementary notice paper is about criminal record checks. I will spend some time explaining why that is necessary and why it would be appropriate for us to follow the Victorian model. Although I am not supportive of increasing the category of individuals who can access surrogacy arrangements, if that is ultimately the will of the house, we need to give serious consideration to pinching the best bits from legislation in other jurisdictions. In the Victorian legislation, I can find no better example of that than the criminal record check system, which I will spend

some time outlining. I want to spend some time having a look at a report on the South Australian act that was authored by Professor Sonia Allan in 2017, and what she says about the South Australian legislation and the welfare of children that will help us when we consider the bill before us and whether any changes are needed, particularly for child protection orders and criminal record checks. Then, naturally, I will spend a little time looking at the Victorian legislation on which my amendment is based.

I would also like to spend some time considering ways in which we can safeguard against commercial surrogacy happening in secret. Commercial surrogacy is not permitted in Western Australia. Indeed, it is not permitted in Australia. But to the extent that it goes on in secret, we need to consider what safeguards could be implemented. That will be an important matter for members to consider. I would simply flag at this early stage that there is a need for a statutory declaration to be provided to the Western Australian Reproductive Technology Council when an application is first made to confirm that those who are entering into a surrogacy arrangement are not doing so on a commercial basis. There is a certain gravity to providing a statutory declaration and that would be a useful tool at the outset of the arrangement to provide to the Reproductive Technology Council. There is a case for saying that an affidavit for obtaining a parentage order should be required when the matter is before the Family Court. I would like to explore that at a later stage.

One of my amendments that I would like to foreshadow in these introductory remarks deals with the extraterritoriality of our laws. This is something that I have borrowed, if you like, from Queensland, the Australian Capital Territory and New South Wales. If our citizens should not be infringing our laws here in Western Australia, I would like us to consider whether the same standards should apply when they are overseas. I will spend some time looking at that. It will be important for us as members considering this substantive legislation to contemplate the departmental review that was undertaken into the Surrogacy Act 2008. Some members may not be aware that a Department of Health review was conducted that I think was finalised in November 2014. It will be important for us to consider the outcomes and the recommendations of that particular review and to what extent that informs us in our debate on the bill before us. I want to pose the question: to what extent is altruistic surrogacy different from commercial surrogacy? I will then spend some time going through the various clauses of the bill and, in particular, the highlights of the bill regarding the major policy changes that the government is seeking at this point in time.

Debate interrupted, pursuant to standing orders.

[Continued on page 359.]

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

WESTERN ROCK LOBSTER FISHERY

43. Hon PETER COLLIER to the minister representing the Minister for Fisheries:

I refer to the McGowan Labor government's original decision in relation to the western rock lobster fishery package.

- (1) Did the minister take the package to cabinet; and, if yes, on what date; and, if not, why not?
- (2) Will the minister confirm that he will not seek to nationalise any part of the western rock lobster fishery or any other fishery into the future?
- (3) In the meeting with the Premier and the western rock lobster industry, did the government commit to providing rock lobster fishers with property rights?
- (4) If yes to (3), was this a commitment in writing?
- (5) If yes to (4), will he table that correspondence; and, if not, why not?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information has been provided to me by the Minister for Fisheries.

- (1) Cabinet discussions are confidential.
- (2) The agreement reached with the Western Rock Lobster Council in December 2018 did not constitute nationalisation of the western rock lobster industry. Fish stocks have always been and will always remain the property of the community. I have confirmed to the Western Australian Fishing Industry Council that the proposed changes to the western rock lobster industry were specific to that fishery and set no precedent for any other fishery in the state.
- (3)–(5) It was agreed that an independently chaired working group of industry and government representatives will be convened to examine further opportunities to grow the industry. This includes Indigenous participation, growing the industry, providing a better economic return to the state, improving security of access rights and increasing community donations.

MINISTER FOR WATER — STAFF

44. Hon PETER COLLIER to the Leader of the House representing the Premier:

- (1) Have any claims of harassment or bullying been made to the Department of the Premier and Cabinet by any staff members of the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science?
- (2) If yes to (1), how many claims have been made and on what date were the claims made?
- (3) How many staff members have ceased working in the minister's office since March 2017?
- (4) Do any staff members from the minister's office referred to in part (1) work from home during normal office hours; and, if yes, on what days and which staff?

Hon SUE ELLERY replied:

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

- (1) No.
- (2) Not applicable.
- (3) Twelve staff members have ceased working in the minister's office. Two permanent public servants accepted voluntary severance as part of the voluntary targeted separation scheme; two employees on placements ended and returned to their home agency; two permanent public servants resigned from the public service; four permanent public servants seconded to the ministerial office, two of which were for a short term, returned to their home agency; one employee transferred to the department; and one was a short-term contractor.
- (4) Not applicable.

CORRECTIVE SERVICES — JUVENILE OFFENDERS

45. Hon MICHAEL MISCHIN to the minister representing the Minister for Corrective Services:

I am aware that my question may be required to be put on notice; nevertheless, I will ask it.

For each of the years 2014 to date, how many juveniles for each of the age groups 10 to 18 years have been held in custody, on remand or otherwise, and for what reason and offence or offences and for what length of time?

Hon STEPHEN DAWSON replied:

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

Given the detail required, the information is unable to be provided in the time frame available. I ask that the member place this question on notice. Having said that, I said to the member behind the Chair that I would endeavour to see whether an answer could be provided sometime next week.

WESTERN AUSTRALIAN WOMEN'S PLAN

46. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Women's Interests:

I refer to the answer given to question without notice 1241 asked on 28 November 2018 regarding the 10-year women's strategy and specifically the statement —

Planning for the strategy includes an open consultation process. Members of the community, not-for-profits, private sector and government can contribute.

- (1) Will the minister table all written communications by the minister and/or the Department of Communities to stakeholders informing them of the strategy and the consultation process?
- (2) Will the minister list the stakeholders who have contributed to the strategy to date?
- (3) Will the minister outline the process by which a submission can be made on the strategy?
- (4) What is the closing date for submissions?

Hon SUE ELLERY replied:

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

- (1)–(4) Yesterday, 13 February 2019, the minister announced the launch of consultations for the women's plan in a brief ministerial statement and a media release, and encouraged everyone to have their say to improve gender equality in Western Australia. Communications to stakeholders are currently underway and I will table the attached, which is a copy of the template letter to stakeholders, the consultation kit and the discussion paper. The minister welcomes any suggestions for stakeholders that the member may have. Submissions can be made through the Department of Communities' dedicated women's plan webpage where an online survey is also available. More than 55 anonymous survey responses have been received

since yesterday's launch. Western Australians can also provide in-depth contributions to the women's plan through a range of community consultation events that will be held statewide by stakeholder organisations. Submissions can be made up to 30 June 2019.

[See paper 2401.]

END-OF-LIFE CHOICES LEGISLATION

47. Hon NICK GOIRAN to the parliamentary secretary representing the Minister for Health:

I refer to the minister's ministerial statement delivered on 12 February 2019 in which he asserts that there is now "ample evidence" that it is possible to provide for safe assisted suicide legislation, which he states exists in 14 jurisdictions around the world.

- (1) Is the minister aware that the Joint Select Committee on End of Life Choices did not inquire into any of the wrongful deaths that have occurred in those jurisdictions?
- (2) Will he table the ample evidence that he is referring to?

Hon ALANNA CLOHESY replied:

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

- (1) The Joint Select Committee on End of Life Choices was made up of cross-party membership and undertook an inquiry over 12 months. In the report, "My Life, My Choice", the committee considered and reported on the international experience. I draw the honourable member's attention to finding 42 —

Having weighed the evidence, the committee concurs with findings by similar parliamentary inquiries in Victoria and Canada that risks can be guarded against and vulnerable people can be protected.

The Minister for Health has appointed an expert panel to provide government with advice in relation to the introduction of a voluntary assisted dying bill with safe and robust oversight mechanisms.

- (2) There is ample evidence, from a number of jurisdictions, including over 20 years of data from Oregon. The Oregon Health Authority's public health division has been publishing annual data on the Oregon Death with Dignity Act since 1997. The Oregon Health Authority is required by the act to develop and maintain a reporting system for monitoring and collecting information on participation in the DWD act. The authority uses a system involving physician and pharmacist compliance reports, death certificate reviews and follow-up questionnaires from physicians to review compliance with the act. An annual data summary is publicly available through the Oregon Health Authority's public health division.

The Netherlands euthanasia act came into effect in 2002. Under the act, the Netherlands euthanasia commission has published annual reports of deaths that have occurred since 2003. The Netherlands government has also established regional euthanasia review committees. The committees' annual report shows figures relating to assisted dying notifications received in the year in question and outlines how the committees review the actions of physicians who have notified them of cases of assisted dying. The annual report is publicly available.

Voluntary assisted dying legislation will come into effect in Victoria on 19 June this year. Victoria has established the Voluntary Assisted Dying Review Board to ensure the safe operation of VAD in that state. The board's powers include monitoring matters related to VAD, reviewing any function or power under the act, collecting data and reporting to Parliament on the operation of the act, recommending any improvements, promoting compliance with the act and promoting continuous improvement in quality and safety. The board has the power to refer matters to the appropriate agencies such as the Australian Health Practitioner Regulation Agency, the police and the coroner.

STEP-UP, STEP-DOWN MENTAL HEALTH FACILITY — KARRATHA

48. Hon JACQUI BOYDELL to the parliamentary secretary representing the Minister for Mental Health:

I refer to the proposed Karratha step-up, step-down mental health facility.

- (1) Can the minister provide an update on the progress of planning and building this facility?
- (2) Has a location for the facility been identified?
- (3) Is it still estimated that practical completion will occur in June 2020?

Hon ALANNA CLOHESY replied:

I thank the member for some notice of the question.

- (1) The schematic design has been developed for the proposed facility. It is anticipated that the design development phase will be completed by the end of March 2019.
- (2) The preferred location for the facility is lot 502 Gregory Way, Bulgarra, Karratha. The Mental Health Commission is currently negotiating with the City of Karratha on the purchase of the site.
- (3) It is currently estimated that practical completion will occur in late 2020.

STEP-UP, STEP-DOWN MENTAL HEALTH FACILITY — GERALDTON

49. Hon MARTIN ALDRIDGE to the parliamentary secretary representing the Minister for Health:

I refer to the \$5.93 million business case for the Geraldton community mental health step-up, step-down facility.

- (1) For what reason have the sites at lots 2469 and 2470 Quarry Street, Geraldton, identified in the business case, not progressed?
- (2) What is the land-use zoning for the former sobering-up centre site chosen by the government on Larkin Street, Geraldton?
- (3) Will the buildings on the site be demolished or form part of the redevelopment?
- (4) Given the light industrial area in which the former sobering-up centre site is located, is the minister satisfied that the site will offer community-based care in proximity to services such as public transport and supermarkets, or access to medical services such as a GP?

Hon ALANNA CLOHESY replied:

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

- (1) The sites at lots 2469 and 2470 Quarry Street, Geraldton, were initially identified as potential land options. Following further investigation and consultation with the Department of Communities, it was found that the former land options have had multiple native title claims, which were likely to take several or more years of negotiation.
- (2) The land zoning is service commercial. The City of Greater Geraldton has been consulted and is supportive of using the site for a step-up, step-down service.
- (3) Design options regarding the buildings on site are currently being considered, including whether the buildings are demolished or redeveloped.
- (4) Yes. Whilst the site is located on the edge of a light industrial estate, it is adjacent to residential dwellings and community facilities, and therefore retains a residential–community feel. The location is also a short distance from community services, including shops and recreation facilities.

DEPARTMENT OF FIRE AND EMERGENCY SERVICES — COMMUNICATIONS CENTRE

50. Hon RICK MAZZA to the minister representing the Minister for Emergency Services:

I refer to fire-related incidents called through to the Department of Fire and Emergency Services' communications centre, known as Comcen, on the 000 number.

- (1) Can a breakdown be given of how many fire-related incidents on state land have been notified to Comcen over the last five years?
- (2) Can a breakdown be given of how many of these incidents over the last five years were tasked to the Department of Biodiversity, Conservation and Attractions, formerly the Department of Parks and Wildlife, as the primary responder?
- (3) How many of these incidents were attended by Department of Fire and Emergency Services personnel?
- (4) Has there been a policy change as to which department is called out as the primary responder to bushfire-related incidents?

Hon STEPHEN DAWSON replied:

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

Given the detail required, the information is unable to be provided in the time frame available. I ask the member to place this question on notice. I indicate to the member that I will see whether there is a way in which we can get an answer for him for some time next week.

MEDITERRANEAN FRUIT FLY

51. Hon ROBIN SCOTT to the Minister for Agriculture and Food:

I refer to a communication signed by 118 persons, stating —

We the undersigned growers in the Carnarvon Horticultural precinct oppose the Fruit Fly eradication programme in its current form, and request that the Minister for Agriculture and Food and the Carnarvon Growers Association discontinue the trial. The levy and the compliance issues are unfair and too heavy a burden for the industry to carry and we demand that both be scrapped immediately.

- (1) Will the minister confirm that in November 2018, she received that communication signed by 118 persons?
- (2) Will the minister confirm that she has since received a similar communication signed by 119 persons?
- (3) What action has the minister taken to respond to the concerns of the signatories of these communications?
- (4) Has the fruit fly eradication program been discontinued or suspended; and, if not, why not?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. Member, some people are going to accuse me of setting up a dorothy dixer on this one.

- (1)–(4) Yes, I did receive that first petition that the member mentioned. As a result of that petition, I took myself into the Carnarvon region, where I had a public meeting with the growers to talk about this concern. I must admit that I think one of the fantastic things is that my good friend the member for that region, Vince Catania, and I are on a unity ticket on this one. I think Hon Ken Baston might have been the minister at the time this program was started. This is unashamedly a very, very good program. It is aimed at getting rid of Mediterranean fruit fly in Carnarvon, which is incredibly important for the continuation of that region. However, there were legitimate concerns about the way in which the levy was being applied.

As a result of that meeting, I made a number of propositions. The first was that I would put in a substitute rate and commence that process to ensure that every commercial operator was rated, because around 14 operators were not being rated. The second was that we would take on for this year an additional expense of providing all the sterile fruit flies to reduce the total amount. The third was that we would relate the charge to the size of the property, not the value of the property. That is now out for formal consultation, and that period will close around mid-February.

I really urge everyone to get behind the program. We should have an absolutely tripartisan view on the need to eradicate fruit fly in Carnarvon.

TELLUS HOLDINGS — SANDY RIDGE PROJECT**52. Hon ROBIN CHAPPLE to the parliamentary secretary representing the Minister for Health:**

I refer to Tellus Holdings Ltd's Sandy Ridge project.

- (1) Why is the Tellus waste acceptance criterion 100 000 becquerels per gram for uranium-238, when the laws of physics dictate that the highest possible value for pure metallic uranium-238 is around 12 400 becquerels per gram?
- (2) Did Tellus do a full radiological characterisation of the site?
- (3) If no to (2), why not?
- (4) Did Tellus measure the concentrations of all relevant radionuclides in the soil, water and air on site?
- (5) If no to (4), why not?

Hon ALANNA CLOHESY replied:

I thank the honourable member for some notice of the question. I am advised as follows.

- (1) The waste acceptance criteria are currently under review and yet to be fully assessed. Any issues identified in the current criteria will be addressed during the review and assessment process.
- (2) The extensive documentation provided by Tellus is yet to be fully reviewed and will be subject to review by not only the Radiological Council and its officers but also independent experts.
- (3)–(5) Refer to (2).

PUBLIC HOUSING — SOLAR PHOTOVOLTAIC SYSTEMS**53. Hon TIM CLIFFORD to the minister representing the Minister for Housing:**

I thank the minister for his response to the question yesterday regarding solar photovoltaic systems on public housing. I remain concerned about energy poverty and, therefore, would like some further information and clarification from the minister regarding his response.

- (1) Could the minister please provide details of the energy subsidies provided by the Department of Communities and, in particular —
 - (a) what is the source of funding for the subsidy;
 - (b) what is the total funded amount annually of this funding for the years 2015, 2016, 2017 and 2018;
 - (c) are the subsidies provided as a one-off payment or ongoing payments; and
 - (d) what is the eligibility for this subsidy?
- (2) Will the minister advise how many public housing properties do not have ceiling insulation? Please provide this information including a breakdown of dwelling type—for example, apartments and freestanding dwellings.

Hon STEPHEN DAWSON replied:

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

- (1) (a)–(d) The Department of Communities does not provide energy subsidies exclusively for social housing tenants. The Department of Communities manages the hardship utility grant scheme, which assists people in financial hardship who are at risk of having their essential utilities—electricity, gas and water—disconnected. HUGS is a grants scheme, not a subsidy. Questions regarding HUGS will need to be referred to the Minister for Community Services.
- (2) The Department of Communities is unable to provide data on the number of insulated public housing properties. The Department of Communities owns more than 36 000 properties and information regarding insulation is held on an individual property basis; it is not aggregated.

The Department of Communities has a climate control policy in place and will install insulation at any public housing property where a tenant or their partner is aged 80 years or over. Tenants under the age of 80 years who require insulation due to a medical condition or disability, who supply supporting medical evidence, may apply to the Department of Communities to have insulation installed.

Insulation is installed in all new properties built by the Department of Communities. The Department of Communities adheres to the Australian Standards outlined in the Building Code of Australia, part of the National Construction Code, produced and maintained by the Australian Building Codes Board.

SHARKS — HAZARD MITIGATION — DRUM LINE TRIAL**54. Hon JIM CHOWN to the minister representing the Minister for Fisheries:**

I refer to the minister's announcement on 27 January 2019, "Non-lethal SMART drumline trial to start next month".

- (1) What selection criteria were used to assess applicants against the tender?
- (2) On what date was Fairfield Pty Ltd formally advised that it was successful in its tender?
- (3) Was Fairfield Pty Ltd informally or verbally advised it had been successful in its tender prior to receiving formal notification; and, if yes, on what date?
- (4) Are the proprietor or proprietors of Fairfield Pty Ltd members of the Western Australian Labor Party?
- (5) Did the minister or his office have any influence over the outcome of the tender?

The PRESIDENT: Minister for Regional Development, I think you should not answer part (5). The minister does not have any capacity to answer that part of the question.

Hon ALANNAH MacTIERNAN replied:

Thank you, Madam President. I will take that advice. The following information has been provided to me by the Minister for Fisheries.

- (1) The criteria were provided in the request document for the provision of a nonlethal Shark-Management-Alert-in-Real-Time drum line service released on the Tenders WA website on 16 November 2018. I table a copy of the request document.

[See paper 2402.]

- (2) It was 24 January 2019.
- (3) No.
- (4) I was not involved in the tendering process and I am unaware of the private membership details of any of the applicants.

PREMIER — INTERSTATE TRAVEL — NOVEMBER 2018**55. Hon TJORN SIBMA to the Leader of the House representing the Premier:**

I refer to the Premier's \$12 351.70 travel bill incurred as a result of his visit to Sydney in November 2018.

- (1) Will the Premier advise the full details of his appointment schedule while in Sydney for the dates 22 to 24 November 2018 inclusive?
- (2) If not, why not?

Hon SUE ELLERY replied:

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

- (1)–(2) I refer the member to my answers to questions without notice 19 and 37.

Several members interjected.

The PRESIDENT: Order! I am trying to give the call to Hon Colin de Grussa.

LIVE EXPORT — MEMBERS OF PARLIAMENT — VESSEL TOUR

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

Recently, a number of members of Parliament were extended an invitation to tour a live export vessel in Fremantle, and I note that the minister was not in attendance.

- (1) Was the minister invited to attend this tour?
- (2) If yes to (1), why was the minister unable to attend?
- (3) Did the minister send a representative to attend the tour?
- (4) Has the minister received any further invitations to tour a live export vessel?
- (5) If yes to (4), has the minister committed to undertake a tour of a live export vessel?

Hon ALANNAH MacTIERNAN replied:

I thank the member for this question.

- (1)–(5) Yes, I was invited to the tour about four days before the event was due to take place. I do not know what the ministers were like when members opposite were in government—I am sure they were firing on all four—but we certainly do not have days unfilled to drop everything and go to a particular event.

In any event, the invitation was from Emanuel Exports. Emanuel is a company that is not an exporter of live sheep. Indeed, the federal government and the National Party's Minister for Agriculture and Water Resources saw fit to cancel Emanuel's licence. I wonder about the position and standing of Emanuel to invite members of Parliament to such a meeting. Indeed, I think it calls into question, given that the federal government made a decision that in order—I quote the minister—"to protect Australia's high standards of animal welfare and health" he had to cancel its licence, that you thought it was appropriate to go down there. I wonder what sort of message that sends. I am talking to those people who are actually accredited by the federal government to export sheep. I am happy to go down, as I have said to them, and inspect a vessel with a properly accredited licensed exporter.

Several members interjected.

The PRESIDENT: When members are ready, Hon Colin Tincknell has the call.

DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION —
COST RECOVERY DISCUSSION PAPER**57. Hon COLIN TINCKNELL to the minister representing Minister for Water:**

I refer to submissions to the Department of Water and Environmental Regulation on the discussion paper on cost recovery for the Department of Water and Environmental Regulation. In an answer to question without notice 1293 asked on 4 December 2018, the Minister for Water said that the Department of Water and Environmental Regulation would publish the submissions on its website.

- (1) Has the Department of Water and Environmental Regulation published the submissions?
- (2) If yes to (1), can the minister please provide the URL link to the submissions?
- (3) If the submissions have not been published, why not; and, can we expect them to be published?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The minister has provided me the following answer.

- (1) No.
- (2) Not applicable. The Department of Water and Environmental Regulation is still analysing the submissions and finalising its consultation summary report.
- (3) The submissions will be published when the analysis has been completed.

HOSPITALS — BED CAPACITY

58. Hon CHARLES SMITH to the parliamentary secretary representing the Minister for Health:

I refer to the recent media article "Hospital overcrowding a matter of life and death". How does the state government intend to remedy this dire situation—that is, the lowest number of beds per capita in the country—when it is reducing real health funding in per capita terms and is further crush-loading our hospitals through rapid, immigration-fuelled population growth?

Hon ALANNA CLOHESY replied:

I thank the honourable member for some notice of the question. There is no official definition of "hospital overcrowding". Demand management strategies are actively pursued to ensure appropriate standards of safety and quality are maintained in our hospitals. The WA public health system provides world-class care. It continues to lead the nation in key indicators, including emergency department waiting times and elective surgery.

WAGE THEFT INQUIRY

59. Hon ALISON XAMON to the minister representing the Minister for Industrial Relations:

I refer to the government's inquiry into wage theft that is commencing in February 2019.

- (1) Does the inquiry include provisions for seeking public submissions?
- (2) If yes to (1), through what methods?
- (3) If no to (1), will the government consider seeking public submissions?
- (4) Is the minister considering introducing legislation as a way of combating wage theft?
- (5) If yes to (4), when is it anticipated any legislation would be introduced?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Industrial Relations has provided the following answer.

- (1) Yes. The inquiry into wage theft in Western Australia includes provisions for seeking public submissions.
- (2) Public submissions will be able to be provided to the inquiry via email to wagetheftinquiry@dmirs.wa.gov.au or by post. In addition, an online survey form on the inquiry website will allow workers to provide details of their experiences of wage theft.
- (3) Not applicable.
- (4) Once the inquiry has been completed, the government will consider the findings and any recommendations made by the inquiry.
- (5) Not applicable.

WESTERN AUSTRALIAN PLANNING COMMISSION —
CITY OF ALBANY LOCAL PLANNING SCHEME 1

60. Hon DIANE EVERS to the minister representing the Minister for Planning:

I refer to omnibus amendment 29 to the City of Albany's local planning scheme 1 and the State Administrative Tribunal's decision on Robertson and City of Albany [2019] WASAT 3 delivered on 10 January 2019.

- (1) When did the Western Australian Planning Commission receive the amendment for consideration and on what date was it considered?
- (2) When did the WAPC make recommendations to the minister and what were the recommendations?
- (3) Has the minister made a decision on the amendment; if yes, please advise the outcome; and, if not, why not?
- (4) Is it common practice for the minister to await SAT determinations prior to approving amendments; and, if not, why did the minister wait for the SAT determination in this case?
- (5) Does the WAPC have any guidelines or policies that govern the time taken to progress these amendments; and, if not, why not?

Hon STEPHEN DAWSON replied:

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

- (1) The Western Australian Planning Commission received the amendment for consideration on 23 April 2018 and considered it on 14 August 2018.
- (2) WAPC provided its recommendations to the minister on 20 August 2018. The recommendations were that the minister: determines the submissions in accordance with the schedule of submissions; notes that the modifications to the amendment are not so significant as to warrant readvertising pursuant to regulation 56(1) of part 5, division 3, of the Planning and Development (Local Planning Schemes) Regulations 2015; requires the council to modify the amendment documents in accordance with the schedule of modifications before final approval is given; and advises the council that the preparation of a new local planning scheme be a priority after the endorsement of the new local planning strategy with an emphasis on reviewing provisions that may need modification to be consistent and up to date with the current planning framework.
- (3) The minister has required the amendment to be modified in accordance with section 87(2)(b) of the Planning and Development Act 2005 before it is resubmitted under section 87(1) of the act.
- (4) It is the minister's prerogative to consider all relevant factors, including State Administrative Tribunal determinations.
- (5) Part 5 of the Planning and Development Act 2005 and part 5 of the Planning and Development (Local Planning Schemes) Regulations 2015 stipulate the statutory time frames for the lodgement and assessment of local planning scheme amendments by the local government and the WAPC.

SHIPPING CONTAINERS — NORTH WHARF, FREMANTLE

61. Hon SIMON O'BRIEN to the Minister for Ports:

My question without notice is in two parts.

- (1) What is the expected number of shipping containers—twenty-foot equivalent units—expected to pass over North Wharf, Fremantle, this year?
- (2) Does the government anticipate any difficulty meeting the container road transport task on Stirling Highway; and, if so, what is being done to overcome those difficulties?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. As he has not provided any notice, I ask that the question be put on notice.

KOOMBANA CAR PARK PROJECT

62. Hon Dr STEVE THOMAS to the Minister for Regional Development:

I refer to the Koombana car park project in Bunbury and the story in the *South Western Times* on 21 December 2017 that quotes the minister as confirming that the \$11.5 million budget included \$3.5 million for an accessible toilet block.

- (1) Has a toilet block been built on this site?
- (2) If no to (1), will a toilet block be constructed, and at what cost?
- (3) If no to (1), what savings have been made on this project and where has that money gone?
- (4) What has the subcommittee of the Bunbury Development Committee recommended for the toilet proposed for this site?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. I know the member is very concerned that we do not build singing toilets.

- (1) No.
- (2) Yes. The Department of Biodiversity, Conservation and Attractions, through Building Management and Works, has commenced detailed design work for the stage 2 works. These works include an accessible toilet block, nature playground, interpretive signage, landscaping and shade structures. BMW is preparing estimates for this work, which will be available in approximately six weeks.
- (3) Not applicable.
- (4) The subcommittee of the Bunbury Development Committee has been briefed on the toilet block and supports the proposal.

PUBLIC HOUSING — SOLAR PHOTOVOLTAIC SYSTEMS

Question without Notice 39 — Correction of Answer

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.05 pm]: I wish to clarify my response yesterday to part (4) of question without notice 39. In my response, I stated —

The Department of Communities is funded to provide safe and affordable housing and, when appropriate, the provision of energy subsidies for the most vulnerable members of our community.

The use of the term “subsidies” was incorrect. The Department of Communities provides energy “grants” for the most vulnerable members of our community. I apologise for the incorrect advice provided yesterday.

DEPARTMENT OF JOBS, TOURISM, SCIENCE AND INNOVATION — EXPENDITURE

Question on Notice 1779 — Answer Advice

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.05 pm]: Pursuant to standing order 108(2), I inform the house that the answer to question on notice 1779, asked by Hon Robin Chapple on 20 November 2018 to me as minister representing the Minister for Innovation and ICT, will be provided on 21 February 2019.

QUESTION ON NOTICE 1793

Paper Tabled

A paper relating to an answer to question on notice 1793 was tabled by **Hon Alannah MacTiernan (Minister for Regional Development)**.

**HUMAN REPRODUCTIVE TECHNOLOGY AND SURROGACY
LEGISLATION AMENDMENT BILL 2018**

Second Reading

Resumed from an earlier stage of the sitting.

HON NICK GOIRAN (South Metropolitan) [5.06 pm]: Prior to the interruption of debate for the taking of questions without notice, I had commenced my remarks on the Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018. I was setting out the various areas that I propose to address during my contribution to the second reading debate. I had touched on the necessity to look at the genesis of the very legislation we are seeking to amend. I also touched on the necessity to look at what has happened over the last 10 years in Western Australia since this legislation first came into effect. Thirdly, I think it is important for us to compare and contrast what has happened in other jurisdictions and see what lessons can be learnt to improve our own legislation, including statistics and the like. Fourthly, I would like to make a case, as has been foreshadowed on the supplementary notice paper, for the implementation of criminal record checks for all those who apply for surrogacy, as is and has been the case in Victoria for many years. I will set out some information in respect of those matters, and then I want to spend some time looking at ways in which we might be able to safeguard against commercial surrogacy that occurs in secret and the various safeguarding mechanisms that might be implemented, including the amendment I have on the supplementary notice paper with regard to applying our offences extra-territorially.

Prior to the interruption, I was about to set out a few other areas, including looking at the different provisions of the bill before us, which seeks to extend to single men the scope of individuals who can apply for surrogacy arrangements. I want to make a few remarks on that and look at the different research that has been undertaken in respect of that particular issue. In doing so, it is my intention to have members once again consider whose rights ultimately have the highest ranking in our consideration of this legislation. Is it the rights of adults or is it the rights of children? I note that in the preamble of one of the pieces of legislation that we are looking at, the primacy of children's interests is made paramount.

I would also like to spend some time looking at the extent to which there could be a distinction between surrogacy, adoption and fostering—these various things that the state has an interest in and is involved in. In particular, do different rights apply to the biological mother as opposed to the gestational mother? If we are to look at the so-called rights of adults and the claimed rights of adults, and in some respects I might say the invented rights of adults, we should ensure that, at the very least, we look at the rights of the biological mother and the gestational mother.

Another area that I will look at as we consider this bill is the discrimination that, ironically, the bill will create, notwithstanding the fact that the government says that one of the imperatives of the legislation is to remove the discrimination that it says still exists. I will spend some time outlining why I say that that is not correct and why there is no discrimination against men in the legislation. Nevertheless, I will spend some time highlighting how the government's bill will, ironically, create discrimination between men and women.

In the lead-up to this legislation, some remarks were made by the Minister for Health that there is a growing body of research. He referred to that research with regard to the wellbeing of children and parenting. Given the minister's assertions, I intend to spend some time tackling that to determine what this body of research is that the honourable Minister Cook says exists. Is it indeed true that there is a growing body of research; and, if there is, what is this famous research that he has referred to? In particular, I will spend quite some time going through the research that sets out the complete opposite of what the minister has said and the research that demonstrates and supports the view that male and female biological parents are the best outcome for children.

I will then conclude my assessment of the legislation by giving some consideration to the Professor Sonia Allan review. Even though I will touch on that towards the end of my contribution, I mention it now because I think it will be a good thing for members to contemplate as, in the not-too-distant future, we will recess until next week. The Professor Sonia Allan review was commissioned by the McGowan Labor government. The Professor Sonia Allan review of the two acts that we are being asked to amend has been kept secret by this government. Members may not be aware that the report of the review by Sonia Allan has been kept secret by the government.

Hon Alanna Clohesy: It has not.

Hon NICK GOIRAN: Where is it? Have you tabled it?

Hon Alanna Clohesy: Has it been finished?

Hon NICK GOIRAN: Good question. What is happening with it?

Hon Alanna Clohesy: Keep going. Pop any question. Keep going. Pop any question.

Hon NICK GOIRAN: This was a very helpful interjection by the parliamentary secretary.

Hon Alanna Clohesy: Yes, I'm sure it was. Yes, but it's not being kept secret, and that's misleading and you know it is. You know it is misleading.

Hon NICK GOIRAN: Well, I do not know that. The information I had is that the government has had the report in its possession since January. We are in February now. That information I received from a source is true or not, but if it is incorrect then the parliamentary secretary can correct me and tell me where the report is. Has the government had it since January? If it has had it since January —

Hon Alanna Clohesy: You're just trying to mislead.

Hon NICK GOIRAN: No, I am not—not at all. Far from it.

Hon Alanna Clohesy: Yes, you are.

Hon NICK GOIRAN: Far from it.

Hon Alanna Clohesy: You're just trying to mislead and cause trouble. That's what you're trying to do. That's all you're trying to do.

Hon NICK GOIRAN: Parliamentary secretary, with all due respect to you, I am asserting in the house that I have been told by a source that the government has had the report since January. I am not making that up—a source told me that.

Hon Alanna Clohesy: No; what you asserted was that the government was keeping it secret. That's what you asserted!

Hon NICK GOIRAN: Well, it is secret. If the government has had it since January, it is keeping it secret!

Hon Alanna Clohesy: No, no! What you asserted was that the government was keeping it secret, which is very different from what you are now saying.

Hon NICK GOIRAN: What is interesting to me, parliamentary secretary, is that you cannot confirm to the house whether you have the report. Now, that information alone you are keeping secret. Do you have the report, or do you not have the report? No, do not answer the question—I know you are not going to. Why? Because you are going to keep it secret again. So you either have the report or —

Hon Alanna Clohesy: I am not going to keep it secret, and you know that. You're just trying to be misleading —

The PRESIDENT: Order! No need for any interjections; no need to encourage interjections. You have only a few minutes before we finish today. I suggest you plough on.

Hon NICK GOIRAN: All I was saying is that it would be helpful for the efficient passage of the Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018 that the report by Sonia Allan be released and tabled in this place. Now, we can have a debate between me and the parliamentary secretary on whether it is being kept secret or not—really that is probably —

Hon Alanna Clohesy: And mischievous.

Hon NICK GOIRAN: It is perhaps not crucial. What is actually crucial is where is the report at the moment. I can tell members that it is not on the table of this chamber. I think at least one thing the parliamentary secretary and I can agree on is that when I look at the table in front of us, I cannot see the Sonia Allan review there. Maybe the parliamentary secretary can see it, but I would encourage all other members to look at the table in front of us and they will see there is no review report by Sonia Allan.

Hon Alanna Clohesy: And mischievous; deliberately misleading.

Hon NICK GOIRAN: Given that the government appointed this expert, it would assist us if that report was released. But if the government wants to keep it secret—it was identified earlier today by my friend Hon Tjorn Sibma that there is a transparency and accountability issue with regard to this government—and it wants to do it that way, well, unfortunately this debate will take more time because there are plenty of things that the Sonia Allan review will have addressed that I will want to know the answer to, but I cannot find the answer to them if the report is being kept secret.

So I encourage the government to contemplate that as we have a very short recess for a few days before we resume next week, so that we can move this bill with some expediency. Otherwise, I fear that it will take a longer time than would otherwise be necessary only because of the stubbornness of the government in keeping a report secret. Now, if it is the case that the government does not have a report at all, which I think is what the parliamentary secretary is saying —

Hon Alanna Clohesy: Think on, think on.

Hon NICK GOIRAN: — that there is no report, well then the question is: why not? Because in an answer to a question that I asked last year, the parliamentary secretary said to us that we would have the report before now. So I draw the member's attention —

Hon Alanna Clohesy: You're just being mischievous.

The PRESIDENT: Order! Order!

Hon NICK GOIRAN: Parliamentary secretary, it is your answer to Parliament, not mine.

The PRESIDENT: Look, we are dealing with a really contentious bill—a piece of legislation that has a conscience vote attached to it. It will become, I imagine, a warm debate. People need to listen and apply respect. Each member will have an opportunity to speak on this bill in due course. You may not like what you are hearing, but I ask that you listen to it quietly and not interrupt the debate.

Hon NICK GOIRAN: I will just draw to members' attention the answer from the parliamentary secretary on 18 October last year, which was —

The report of the review of the Human Reproductive Technology Act 1991 will be provided to the Department of Health no later —

No later —

than 31 December 2018.

According to my watch, it is 14 February 2019. That is a date after 31 December 2018, so the parliamentary secretary either has the review, as she promised on 18 October 2018, or she does not. If she does not have it, she should explain to the Parliament why —

Hon Alanna Clohesy: I will be explaining to the Parliament where the report is and what is happening to it.

Hon NICK GOIRAN: When will she do that? After the debate has finished? After the bill has already passed? We need the information now so that we can progress this bill. If the parliamentary secretary is hiding it, it is not going to help.

Hon Alanna Clohesy interjected.

The PRESIDENT: All right! Obviously, people are not listening to me, so, noting the time, I am going to interrupt the debate and call for members' statements, and we will revisit this next week.

Debate adjourned, pursuant to standing orders.

HON KYLE MCGINN — MARRIAGE

Statement

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [5.20 pm]: I will be very brief. I simply want to draw the attention of members to the fact that one of our fellow members, Hon Kyle McGinn, is being married on Saturday. I would simply like to congratulate him and his bride-to-be, Rebecca Sullivan, and wish them the best for their nuptials and their future together. I invite members to join me in congratulating them.

Members: Hear, hear!

SEVENOAKS SENIOR COLLEGE — SANTA'S WORKSHOP

Statement

HON SIMON O'BRIEN (South Metropolitan) [5.20 pm]: The house should not adjourn today until it hears about something that I think will gain the support and certainly the empathy and interest of members from all parties. I refer to Santa's Workshop. Members may disagree with me on a number of matters of policy —

Hon Michael Mischin: So he does exist.

Hon SIMON O'BRIEN: Indeed he does, honourable member. Santa's Workshop is a group that last year celebrated 20 years in operation. It was conceived some time ago to meet a need, which was to provide toys and Christmas presents for the children of prisoners who might otherwise miss out on those celebrations that other children take for granted. Some wonderfully keen and enthusiastic volunteers have been doing just that these last 20 years or more. It has been of huge benefit to some very disadvantaged families and children, and in providing these good things, it has also provided a really useful outlet to some wonderful people in their retirement years. It is a marvellous story and it has been backed over many years. The operation has been run as a successful liaison with Outcare. Many members, like me, are former members or associate members and supporters of Outcare. Outcare was able to provide some administrative support to assist the workshop in getting grants for equipment and so on over the years. Unfortunately, Outcare is now no longer providing related services, having failed to retain contracts to do so from the state government in recent times. Nonetheless, Santa's Workshop has in all this time grown and gone from strength to strength. I refer to the number of participants involved and the number of beneficiaries, because it has now expanded well beyond the children of prisoners. I have a list here running into four pages of groups, government and private, that go to Santa's Workshop seeking its assistance every year, and Santa's Workshop is able to provide it. Last year it serviced 2 700 families in this way.

I am sure that we all support and applaud that, but the workshop's future is uncertain. The workshop moved into premises provided by Sevenoaks Senior College in Cannington 14 years ago. Truth be known, I am not so sure that that is the right place to put an organisation like this. However, the then executive officer at Outcare knew the then principal at Sevenoaks college, or whatever it was called in those days, and they came to an arrangement and managed to find some synergies. The workshop has been there ever since and it has also grown, along with the

number of beneficiaries and participants. It has grown and grown and it has buildings—plural—set up there, now containing all sorts of equipment. Before Christmas, I went there to have a look at all the stock waiting to be distributed. It did indeed look like an Aladdin's cave or, as it is called, Santa's workshop. Although it is well established, and has been supported by successive governments over the years—I have seen pictures of both government and opposition members happily handing over Lotterywest cheques for quite large sums to buy the equipment that is now in situ—the trouble is that they have been told to get out of Sevenoaks Senior College. As I said, the arrangement entered into in the first place was probably unlikely, and I would like to follow up some issues about that in due course, relating to some arrangements. It seemed to be a good arrangement, nonetheless, but the volunteers have been given their marching orders from Sevenoaks Senior College, and I am not sure why. If that is what it is, then that is what it is.

Post Outcare, Santa's Workshop has had to set itself up as its own legal entity. It has obtained charity status, and it has a relatively new president—a chap called Martin Dorman, with whom I have been working. He is a retired successful businessman around this town. Perhaps some of us have had built-in wardrobes made by one of his companies. He is determined to make sure that Santa's Workshop is not allowed to die. A lot of participants and others are beneficiaries. I have been working with him, and it is a hard thing to find somewhere to accommodate this operation, which goes on all the time even though it has peaks of demand. We are looking at a range of options, but these things cannot be done overnight. There has been public investment, including a lot of Lotterywest money, into the assets that Santa's Workshop has there now, that really belong to Outcare, which is no longer in that business.

The current state of play is that the premises at Sevenoaks are vacant of Santa's Workshop, but its equipment is still there, for now. In due course, what will happen to it all? It will be scrapped, unless it has somewhere to go. An operation like that cannot be mothballed, because all the volunteers will be gone. They will not just hang around. We must maintain continuity. I am pledging to use my best endeavours to work with people such as the Canning Agricultural Society, and with Arthur Kyron and the people at the City of Canning, to look at a range of options. I am working with Martin Dorman and others. However, the idea that it can be mothballed for now and that a place will be found sometime, somewhere, somehow, is a nonsense. Santa's Workshop is in danger of being no more, and I think that is an awful thing. I do not know how many groups of beneficiaries I have listed on the four pages in front of me, but an awful lot of people will be sold short of a benefit that they can get for free.

How many members do we see going around, getting their pictures in the papers and handing over Lotterywest cheques for millions, for things like men's sheds? What is the difference? The same sorts of benefits, if not more, are provided by Santa's Workshop volunteers, and they produced a product, as I said, for 2 700 families last Christmas. It would be terrible if we allowed that to wither on the vine, but that is what it is confronted with because the workers cannot work where they are now.

Hon Sue Ellery interjected.

Hon SIMON O'BRIEN: I will conclude in just a moment, but there was something I wanted to say directly to the Minister for Education and Training.

I have pledged to the volunteers that I will do my best—I have been working on it—to find some new accommodation so that we can have a transition and then an ongoing operation. That will be beaut! But in the meantime, Santa's Workshop does not have a substantial home at Sevenoaks Senior College. It has been kicked out and all its assets will basically be scrapped and not available. The organisation is in a very precarious situation. It has some very dinkum volunteers, but I do not know whether they are in a position to start again from scratch and I do not see that they should have to.

I am very glad to see my colleague the Minister for Education and Training listening to this because I would like to work together, and with any member who is interested, to see whether we can find a way ahead. In the first instance, Santa's Workshop has been operating at Sevenoaks Senior College for 14 years. I do not see why that cannot maybe continue for another year or two while I and other like-minded members find a new place for them to be. It is all there. The kids know them; the school community reckon they love them. Hell, who does not love something called Santa's Workshop? They even have old blokes with white whiskers and everything.

I think I have made my point clear. I seek assistance in the first instance from the minister, so perhaps we could have a dialogue out of the chamber and progress the matter.

Statement

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [5.30 pm]: I want to respond to Hon Simon O'Brien's statement. The honourable member flagged to me behind the Chair that he was going to raise an issue and I am happy to undertake to look into it. However, I make this point: if he had told me an hour ago what it was about, I probably would have responded now. But in any event, I will undertake to do that. I did try just then to see whether I could get something quickly out of my office, but if I had had more time, I would have been able to respond to the member. I am happy to look into the matter and get back to him.

STATE PARLIAMENTARY LIBERAL PARTY — ALBANY CONFERENCE*Statement*

HON DR STEVE THOMAS (South West) [5.31 pm]: I would like to take this opportunity to pass on my thanks to the community of Albany for its hospitality last week. The state Parliamentary Liberal Party took itself down to Albany for its annual summer conference, where some of that time was spend on internal discussion. The community of Albany was incredibly welcoming of all members of Parliament from the state opposition. The state opposition took great advantage of that and spread about throughout the community to learn more about the great southern and the town of Albany. There were some great examples of this. There was a focus on learning more about that lovely part of the world that I am privileged to represent. We sent Hon Jim Chown, for example, to the Shire of Plantagenet to the talk about tourism and regional infrastructure. Hon Tjorn Sibma went to look at the Great Southern Highway and the issues that relate to that. I know that Hon Simon O'Brien is a passionate advocate of motorsports and he looked at that. Hon Donna Faragher visited the local TAFE. Hon Nick Goiran spoke to a number of community groups. Hon Michael Mischin and I spoke to groups about Albany's main street industry and development, particularly on the foreshore. Although he has been called away on urgent parliamentary business, Hon Ken Baston visited the major agricultural industries in the great southern.

The Liberal Party spent some fantastic time meeting and talking to the Albany community. In particular, the Leader of the Opposition, as would be appropriate, met with the Mayor of the City of Albany; and the shadow Treasurer met with the Albany Chamber of Commerce and Industry to make sure that the Liberal Party was exposed to those issues down there on the south coast and around Albany.

Hon Simon O'Brien: It's just a courtesy anyway.

Hon Dr STEVE THOMAS: It is just a courtesy. Members would have thought that would have been a really obvious reason to take the conference out of the metropolitan area and into a region. I would have thought that would have been the first thing a political party would have planned. It would have tried to fit its various party machinations—let us call it that, for want of a better word—around that consultation with the community. It is immensely important. It is a wonderful area of the south coast where there is potential for massive growth. The future growth will be fantastic. Imagine my surprise when I realised that although we were down there last week for our conference, we were not the only political party there. The state Parliamentary Labor Party also gathered en masse in Albany in the same week. I thought that would be a problem because I thought that the Labor Party and the Liberal Party would be in fierce competition over the same week trying to get access to the various community groups and we would be fighting our way through. I even suggested to a couple of members on the other side—I will not name them for fear of embarrassment—that we might end up at the same cafe at a breakout lunch at some point. That was always a possibility with both parties in the same town in the same week. Luckily for the state Parliamentary Liberal Party, we did not have to worry because only the state Parliamentary Liberal Party bothered to go out and meet with the community.

Several members interjected.

The PRESIDENT: Order! Hansard cannot hear what Hon Dr Steve Thomas is saying and neither can I, so please listen to him in silence.

Hon Dr STEVE THOMAS: Thank you, Madam President. I thought that there would be a little competition and I was a little surprised to find that there was none. In fact, we have commented on this recently. We took whatever opportunity was presented. Members on the other side might be surprised to realise that there was a joint Denmark Chamber of Commerce and Albany Chamber of Commerce sundowner—what is called the business after hours. I am not sure whether anyone is aware that that exists. Those business after hours events are a really good way to get to know local businesses. Eleven MPs from the state Parliamentary Liberal Party met with over 100 local business leaders and businesspeople from Albany and Denmark, which was an excellent outing. I allowed only the first 10 people who asked to come along. I turned Liberal members away because I did not want to flood that organisation, of which I am a member, with MPs.

Hon Alannah MacTiernan: What day was it?

Hon Dr STEVE THOMAS: It was a Thursday.

Several members interjected.

The PRESIDENT: Order! People need to listen actively. I am not seeing that being demonstrated right now.

Hon Dr STEVE THOMAS: Thank you, Madam President.

Hon Alannah MacTiernan interjected.

The PRESIDENT: Minister!

Hon Dr STEVE THOMAS: Eleven members of the state Parliamentary Liberal Party attended that event. In fact, the federal member, the member for O'Connor, Rick Wilson, was there as well, so we were well represented.

I thought that we would be again in competition, but, unfortunately, I do not think anyone from the Labor Party was aware that it was going on. I was particularly interested in this because we made some comments in the media in Albany that we were very surprised that the Labor Party did not take the opportunity to get to know the locals. A response was given by the Office of the Premier as follows —

However, a spokesperson for the State Government —

That could be anybody —

said last week's visit by Mr McGowan and many of his Ministers was not for a regional community Cabinet meeting. "There were no formalities held such as a Town Hall event which would normally facilitate briefings from local council, business or community organisations," ...

I would have thought that was an acknowledgment that they did not talk to the locals and that it was an immensely wasted opportunity. I do not understand why a conference would be held in a regional area without anyone talking to the people in the area they were going to. It makes absolutely no sense.

The member for Albany, the current Speaker of the place that shall not be named, must be furious. I consider Hon Peter Watson to be a friend, despite his being on the other side. Hon Peter Watson, the Speaker, must be beside himself because 24 members of the Liberal Party turned up and dispersed throughout the community. How many members of the Parliamentary Liberal Party went to the conference? There are 50-something members, are there not? Twice as many members turn up and there is absolute silence. The Speaker of the Legislative Assembly and member for Albany must be absolutely devastated that the Labor Party had no interest in engaging with that local community. I can only say that I am glad that you guys went first so that the Liberal Party could come along and pick up the pieces.

House adjourned at 5.39 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

FIRE AND EMERGENCY SERVICES — ASSET REPLACEMENT PERIODS

1793. Hon Colin de Grussa to the minister representing the Minister for Emergency Services:

I refer to the Department of Fire and Emergency Services *Annual Report 2017–18* and specifically the key performance indicator “proportion of assets within specified replacement period parameters,” and I ask:

- (a) can the Minister please table a list of assets which are outside their specified replacement period parameters, the location of these assets and date at which replacement period expired;
- (b) can the Minister please provide a list of the standard replacement periods for various asset classes; and
- (c) what are the requirements for assets to remain in use beyond their replacement periods?

Hon Stephen Dawson replied:

- (a) Yes. [See tabled paper no 2403.]
- (b) Yes.

Fleet Assets – appliance/vehicle standard replacement period:

| | |
|----------------------|------------|
| Light tanker | 5–10 Years |
| Large Tanker | 16 Years |
| Bulk Water Tanker | 20 Years |
| Pumper | 15 Years |
| Specialised Trailer | 20 Years |
| Specialised Truck | 20 Years |
| Personnel Carrier | 10 Years |
| All Terrain Utility | 16 Years |
| Flood Boat & Trailer | 20 Years |

DFES Building Assets – standard replacement period:

| | |
|--------------------------------|----------|
| CFRS | 40 Years |
| VFRS/VFES – Brick Construction | 50 Years |
| VFRS/VFES – Metal Construction | 25 Years |

- (c) DFES Fleet Assets

DFES uses these standard replacement periods as a guideline to assess future operational service capability; to optimise the whole-of-life value of the fleet where the fleet is fit-for-purpose and remains operationally safe and effective. Any asset or appliance that is no longer fit-for-purpose is replaced. The key factor is that the asset can continue to perform to its operational and functional purpose and that retention of the asset provides value for money.

DFES Building Assets

Biennial building condition assessment programs are undertaken to assess facilities as being safe and operationally fit-for-purpose. Regular preventative maintenance programs are in place. Cost effective refurbishment programs, where practicable, can also extend the life of fire stations for a further 10–20 years.

Note: Local Government Facility Maintenance and Modifications

While funded through the Local Government Grants Scheme new replacement facilities and modifications to existing facilities are based on Local Governments making application for funding to DFES for that purpose.

