Parliamentary Debates
(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2018

LEGISLATIVE COUNCIL

Wednesday, 13 June 2018

Legislative Council

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

PAPERS TABLED

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

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Standing Orders Review — Notice of Motion

Hon Sue Ellery (Leader of the House) gave notice that at the next sitting of the house she would move —

(1) That the Standing Committee on Procedure and Privileges undertake a review of the standing orders relating to motions on notice with a view to modernising the procedures of the house.

(2) That the committee is to report to the house no later than Thursday, 20 September 2018.

SELECT COMMITTEE INTO THE GOVERNMENT'S LOCAL PROJECTS, LOCAL JOBS PROGRAM

Establishment — Notice of Motion

Hon Tjorn Sibma gave notice that at the next sitting of the house he would move —

(1) A select committee into the government's Local Projects, Local Jobs program is established.

(2) The select committee is to inquire into the Local Projects, Local Jobs program, "the program", with particular reference to —

- (a) how each project was developed, evaluated and selected for funding;
- (b) how payments were made and acquitted under each project to ensure financial probity and accountability;
- (c) how actual or perceived conflicts of interest were declared and managed under each project;
- (d) the number of projects funded and, for each project, the amount of funding provided and number of jobs created;
- (e) whether community, education, arts and sporting groups within the state were afforded an equal opportunity to access the program;
- (f) whether funding to the program affected the quantum of funds available for grants or other funding sources for community, education, arts and sporting groups within the state; and, if so, in what way; and
- (g) any other related matter.

(3) The select committee shall consist of five members.

(4) The select committee is to report no later than 12 months after the committee has been established.

RURAL FIRE SERVICE — ESTABLISHMENT

Motion

Resumed from 16 May on the following motion moved by Hon Rick Mazza —

That this house supports —

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

HON RICK MAZZA (Agricultural) [1.06 pm]: Given the limited amount of time available to me, I will not revise the remarks I made during the last sitting week but I want to try to cover four main points in the time I have left. The first one is the emergency services levy, the second is the cultural differences between the Department of Fire and Emergency Services' career firefighters and the volunteers, the third is the minister's claim that everybody is happy with the new rural fire division, and the fourth is the fire summit and the need for an inquiry. We have been told that the ESL will raise about $128 million to go towards the rural fire division. The media that has been put out by the government suggests that a further $28 a year will be raised from metropolitan households and a further $17 a year across the four regional categories to fund the new division. Something that has not really been covered is the cost to commercial and industrial owners. The increase in the ESL levy was gazetted on 29 May, which shows that for commercial and industrial properties in category 1, the cap will be increased from $225 000 to $245 000. The $168 000 for vacant land in category 2 will increase to $183 000—an increase of $15 000. There is the potential for commercial and industrial landholders to pay up to another $20 000 a year in the ESL, which is a significant amount of money. That has not been reported or put out there by the government. It is not just an increase of $28 or $17; it could be up to $20 000.

The media put out by the government also said that the ESL had to be increased to fund the rural fire division. Some notes that were given to me on a slide from Treasury in a briefing I had on the state budget suggest that not all of that $128.5 million that is being raised will go to the rural fire division. There has not been transparency in this. The media release stated it was to fund the rural fire division. We are finding that $80.3 million of the $128.5 million is going to the rural fire division. It is broken down into $34.6 million for bushfire mitigation, $15 million from royalties for regions, $18.1 million to establish the Bushfire Centre of Excellence and $15 million for the bushfire risk management planning program. The balance of the money—$19.5 million—is being used for 38 volunteer and marine rescue service groups. I do not think anybody begrudges the volunteer marine rescue service groups getting more funding; there is no doubt that they play a vital role in the rescue of mariners in the state.

However, there should have been some transparency about where this money was going. There is $8.7 million for crew cab protection measures. That may be for the rural fire division but it is more likely to be for some Department of Fire and Emergency Services appliances. There is $8 million to replace ageing volunteer fire stations across the state. That is fair enough. There is $8 million to replace the Kensington career fire and rescue station. That $8 million is going direct to DFES career fire stations. Therefore, not all the money that is raised from the emergency services levy is specifically for the rural fire division.

The motion refers to the need for a separate department to manage the ESL fund. Recommendation 17 of the Ferguson report states that that should be reviewed. I refer also to the Economic Regulation Authority report "Review of the Emergency Services Levy", which states in recommendation 6 —

> The Department of Treasury should undertake a review of the Department of Fire and Emergency Services' structure, resources and administration costs to determine whether services are efficiently delivered.

I do not think that has taken place.

Another key point is the cultural differences between DFES firefighters and volunteer firefighters. I do not take anything away from career firefighters. They do a magnificent job in urban firefighting and rescue. That is not the argument at all. However, there is a big difference between the culture of urban firefighters and that of volunteers. There are 26 000 volunteer firefighters across the state, and in some cases they do not relate well to the command and control structure within DFES.

The Minister for Fire and Emergency Services has said that everybody is happy about the new rural fire division. In response to a question without notice asked in the other place by the member for Murray–Wellington, the minister said that he was satisfied that everybody was happy. However, that is not totally the case. I refer to an open letter that was sent by volunteer firefighters to all members of Parliament. The letter is dated 15 May and it states —

> Since the government's April 13 announcement of the two decisions above, the Association of Volunteer Bush Fire Brigades (AVBFB) has initiated many conversations with the Minister's office, Commissioner, new Executive Director of the RFD and a number of other senior DFES staff, delivering three key messages:
>
> 1. The government's response to the Ferguson Inquiry is neither adequate nor appropriate and without significant immediate modification, will lead to an even greater fracture in the relationship between volunteers and the Department of Fire and Emergency Services (DFES).
> 2. The AVBFB supports the government's new focus on mitigation and hopes it will result in better training, capability and support for the 560+ Volunteer Bush Fire Brigades that carried out the bulk of this work at no cost to government when DFES was a response-only agency.
> 3. The AVBFB has always been—and remains—eager to assist the government to improve the support and services available to WA's 26,000+ Fire and Emergency Services Volunteers.

> Over the last four weeks, the AVBFB has very purposefully limited its public comments to support of the positive elements of the government announcement to give us the best hope of working collaboratively with decision-makers to re-shape the unsupported components.
>
> As we now believe all opportunities to negotiate further improvements to the government's plan have been exhausted, I write to ensure that our lack of public critique is not misread as tacit full support. Indeed, we hold grave fears that what has been announced could in fact lead to significantly worse outcomes for Bush Fire Service Volunteers and further erode relationships with DFES.
>
> Importantly, the AVBFB has a long and proud history of representing and supporting the tens of thousands of incredible women and men of WA's largest emergency service without fear or favour. We always endeavour to criticise policy only if we can also offer a reasonable alternative or at least, our willingness to actively help find one. As a non-profit charity that is currently almost entirely dependent on the small state government grant, it is critically important that this correspondence is not received (or portrayed) as being partisan or even particularly "political". We simply want to be sure that our concerns are heard and fully understood.
>
> With that in mind, please find below a very short summary of some of the issues we have raised with government …

The letter continues with a lengthy document that outlines some of those issues. Madam President, I seek leave to table that document.

Leave granted. [See paper 1420.]

Hon RICK MAZZA: The AVBFB is not comfortable with the new rural fire division. Many of the comments made to me—which I think are contained in that letter—were that AVBFB had no input into the development and restructure of the RFD, and the RFD does not undertake operational activities. The AVBFB feels that as a stakeholder, it has not been properly heard. Other stakeholders also believe they have not been properly heard. The comment has been made that the fire summit was in some way stakeholder consultation. However, I was at that summit, as were Hon Tim Clifford, and also Hon Colin de Grussa, who is away on urgent parliamentary business. The Minister for Environment was also at that summit. I sat next to him at the table on that day. I was never going to forget you, minister! To my mind, that summit was certainly not consultation. In fact, I think the ERA report stipulates that that is the case.

The idea of inquiring into this is to ensure that all the stakeholders, including the volunteer brigades, the Pastoralists and Graziers Association of Western Australia and WAFarmers, have the chance to put forward their case about what shape they believe an independent rural fire service should take, and to point out some of the deficiencies in the RFD.

I commend the motion to the house, and I look forward to the debate. I hope we are able to reach agreement on this motion, and that that will provide a forum and a platform for stakeholders to have a voice and input into how bushfires in this state should be tackled. I know a lot of that would be in collaboration with DFES. I feel at this point we have a half-baked rural fire division that needs further investigation and stakeholder input. There also needs to be more scrutiny of how the ESL funds are raised.

HON DR STEVE THOMAS (South West) [1.18 pm]: I commend Hon Rick Mazza for moving this excellent motion that this house supports the creation of an independent rural fire service. This matter was put onto the notice paper before the various government announcements were made about what a rural fire service might look like. The motion put by Hon Rick Mazza was remarkable, and in fact almost clairvoyant, because where we had got to in the debate about the rural fire service lends itself beautifully to the motion now before the house.

The critical part of this motion is the statement —

> That this house —
>
> (a) supports the creation of an independent rural fire service consistent with the recommendations of the Euan Ferguson report;

It therefore behoves me at the beginning of my presentation to say what those recommendations were. The Euan Ferguson report is titled "Reframing Rural Fire Management: Report of the Special Inquiry into the January 2016 Waroona Fire". Recommendation 15 at page 23 of the report refers to the rural fire service. I will read that recommendation to the house so that members can take note of what it states. It is headed "Rural Fire Capability", and it states —

> The State Government to create a Rural Fire Service to enhance the capability for rural fire management and bushfire risk management at a State, regional and local level. The proposed Rural Fire Service will:
>
> - be established as a separate entity from the Department of Fire and Emergency Services or, alternatively, be established as a sub-department of the Department of Fire and Emergency Services;

- have an independent budget;
- be able to employ staff;
- have a leadership structure which, to the greatest degree possible, is regionally based and runs the entity;
- be led by a Chief Officer who reports to the responsible Minister on policy and administrative matters; and to the Commissioner for Fire and Emergency Services during operational and emergency response;
- have responsibilities and powers relating to bushfire prevention, preparedness and response; and
- operate collaboratively with the Department of Fire and Emergency Services, the Department of Parks and Wildlife, Local Government and volunteer Bush Fire Brigades.

Those are the dot points. I will add this point, which is the next line in the recommendations of this report, and I quote —

> In creating the Rural Fire Service, the State Government to consider whether back office and corporate support services could be effectively provided by an existing Department, such as the Department of Fire and Emergency Services or the Department of Parks and Wildlife.

Of course, the question is whether Parks and Wildlife still exists as an independent department or is now the Department of Biodiversity, Conservation and Attractions. The minister might still consider changing that name back.

Hon Stephen Dawson: You keep asking, you keep asking!

Hon Dr STEVE THOMAS: I keep asking! I am nothing if not persistent.

That is the recommendation that we are really discussing today. In fact, the question then is what model of rural fire service the inquirer, Euan Ferguson, was recommending. If we go to page 233 of the report, and I will not go into it in significant detail, we see a few critical components that we should examine. One of the first things that the inquirer does is look at various models in different states. I will briefly quote some of the models he examined —

> **New South Wales**
>
> New South Wales has separate statutory bodies for rural fire (New South Wales Rural Fire Service) and urban fire (Fire and Rescue New South Wales). Both are well established as separate organisations and each has a Commissioner.

So, there are other states with two commissioners. I am not necessarily saying that that is the model I would have applied, but in New South Wales there is a two-commissioner system. The report continues —

> **South Australia**
>
> In South Australia there are separate bodies in the Metropolitan Fire Service, the Country Fire Service and the SES. Each is headed by a Chief Officer.

Not two commissioners, but each has a chief officer, again, relatively separate. The report continues —

> **Victoria**
>
> Victoria has separate fire services for rural fire (Country Fire Authority), Melbourne urban fire district (Metropolitan Fire Brigade) and the SES. Each is a separate body, headed by a Board who appoint a CEO to run the business and a Chief Officer who runs the operations …
>
> In 2013, following a review and a white paper, the Government moved to establish Emergency Management Victoria, led by a CEO and a Commissioner for Emergency Services …

They have very broad responsibilities. In Victoria they went completely separate and a bit of a coordinating role has been put at the centre to make the system ostensibly work a bit better. Time will tell whether that was a good move. Those are the various forms of country or rural fire services that exist in other states.

I turn to an item on page 255 of the Ferguson report, and I think this is particularly pertinent to members. The passage is headed "Why consider a Rural Fire Service?" and it states —

> The new rural fire management framework, driven by the Rural Fire Service, will deliver the following outcomes to the community:
>
> - consolidate the current rural fire capability: people, training, equipment and doctrine;
> - identify gaps, set appropriate and tailored targets, and provide the basis for an enhanced service delivery to the community of Western Australia in the future;

- enhance the priority given to preparedness, mitigation and community capacity building, and ensure that priority is reflected in policy, targets and resourcing;
- engage and empower local communities through regionally based offices, inclusive policy development and adaptable approaches; and
- specifically acknowledge and foster the expertise of emergency services volunteers.

I guess the question is how we summarise the recommendations of the special inquiry, and on page 257 the inquirer himself has attempted to do this under the heading "Structure: the Special Inquiry's view". That passage begins with this line —

> It is the view of the Special Inquiry that the needs of the community will best be met by the creation of a Rural Fire Service as an entity separate to DFES, working collaboratively with all relevant Departments and stakeholders.

As I understand it, it was a slightly watered down recommendation on how separate this body should be, but on the same page are paragraphs that I think are particularly pertinent as well. I quote —

> The Special Inquiry is of the view that ultimately the exact form of the Rural Fire Service should be a matter for Government to determine. However, it must achieve the intended outcome: the enhancement of the capability for all aspects of rural fire management and bushfire risk management at a State, regional and local level.
>
> In the Special Inquiry's view, it is difficult to envisage a structure within DFES, other than a sub-department acting with relative autonomy and independence that can deliver rural fire services across the spectrum of prevention, preparedness and response in a more effective way than is currently the case.

I am going to come back to those recommendations a couple of times because I am going to take members through a little journey showing how we have got to the set of recommendations in the government position we have achieved. The Ferguson report is the special inquiry into the Waroona fire, but I have to say that the inquiry took special note of the previous review, which was the Keelty review, into the fires at Margaret River and in the Perth hills. It still astounds me that we really have not come a long way in fire management. I accept that the government has accepted there is a risk, and I will talk in a minute about the good things in the government's announcement about a rural fire division. I am also going to talk about some significant shortcomings. Bear in mind there was a report in 2016 not long before the government changed, so the new government had to be given some time to examine its options and come up with a model it preferred and I fully accept that. I think it probably took longer than it should have; however, now there is something on the table, at least we are able to discuss it.

On Friday, 13 April 2018—it is 13 June today, so two months ago—the Minister for Emergency Services and the Premier announced the rural fire division. The headline of the media release at the time was "Rural Fire Division to drive new era of enhanced bushfire management". The first issue is in the name, because it was changed from "rural fire service" to "rural fire division". Members might not think that is important, but it will be fairly soon, because "rural fire service" indicates a body that might provide services in the way of operations. A rural fire division could simply be a policy arm or a backroom office of the existing Department of Fire and Emergency Services, so it was a very clever little act, in my view, to surreptitiously change the name from "rural fire service", which raised expectations of people in uniform and protective gear fighting fires, to "rural fire division", which raises the spectre of, I guess, people still mostly in uniform, but also of some in suits and ties sitting in an office in Darlington—although that may well now shift given the pressure the government has been under, and I will come to that in a little while.

Hon Stephen Dawson: You really are making stuff up now, member.

Hon Dr STEVE THOMAS: No, there is a lot of evidence to get through yet, minister, and I may run out of time. I will need the time frame of another budget speech to get through this.

Hon Simon O'Brien: I am sure we can give you an extension.

Hon Dr STEVE THOMAS: Excellent work; I thank Hon Simon O'Brien.

The rural fire division is to drive bushfire management. I will come back to some of the other bits included in the media release, because most of the announcement was only partially about the rural fire division. The media release starts out by stating that the McGowan government will invest significant dollars towards fire and emergency services. It will, that is very true, and some of that investment is welcome; we agree with that.

But this is interesting. The press release states —

> The Rural Fire Division, one of four command structures in the revamped Department of Fire and Emergency Services, will recognise the expertise and experience of Western Australia's bushfire volunteers and enable volunteers to have greater input into bushfire management.

It is interesting that of the four command structures in the new DFES structure, the rural fire division is one division. Do members know what one of the other divisions is called? It is called operations. So, operations in the Department of Fire and Emergency Services is a separate division in the structure of DFES from the rural fire division. The rural fire division does not yet officially conduct operations—I will come to that in a little while. The minister acknowledged this in the next line of his press release, which states —

> Importantly, the Rural Fire Division does not change the operational and management structure of Bush Fire Brigades which will remain with local governments.

The press release does not state that the operational structure of the Department of Fire and Emergency Services will not change. I seek leave to table the new Department of Fire and Emergency Services structure taken from the DFES website, if I may.

Leave granted. [See paper 1421.]

Hon Dr STEVE THOMAS: The new DFES structure has operations completely separate from the rural fire division; operations will still be broken down into metro and country and the rural fire division will not actually fight fires. I have to say that a lot of volunteer firefighters around the state were a little surprised to learn that the rural fire division, for which they had been waiting for an enormously long time, will not actually fight fires. What was announced was not a rural fire service, but effectively a planning and policy arm of the Department of Fire and Emergency Services to deal with bushfire preparedness and bushfire planning completely separate from the operations of DFES when it fights fires. It was a furphy. The government's announcement of a rural fire division was supposed to keep everybody quiet; it was smoke and mirrors. It was not quite what the government was trying to announce. In my view, it was quite deceptive. I think the minister in announcing this service should have been more up-front with that process because after the announcement, a lot of people in the volunteer firefighting community had the impression that a rural fire service existed and it would be a new avenue or management for them to fight fires, but it is not. It is an advisory service. It is effectively a bureaucratic arm. I have quoted before the original recommendations of the "Reframing Rural Fire Management: Report of the Special Inquiry into the January 2016 Waroona Fire", which states —

> In creating the Rural Fire Service, the State Government to consider whether back office and corporate support services could be effectively provided by an existing Department, such as the Department of Fire and Emergency Services or the Department of Parks and Wildlife.

The rural fire division as announced by the minister and the government on 13 April is a back office and corporate services sector. The very things that the special inquirer recommended should be put in an existing department are the very things that the government has announced as a rural fire division. It is astounding. Why did the government not come out and simply say that the rural fire division is effectively a back office corporate support service? It is a planning service. It will do some very good work and I commend the minister on the appointments he has made as rural fire executive officer and assistant. Murray Carter and John Tillman are both excellent fire officers. They have done excellent work throughout the south west and are highly regarded, very good people. John Tillman, in particular, is a top operator. He is currently a level 3 fire control officer who can manage significant events, including the events in Albany not that long ago. He has been shifted from operations in the Department of Fire and Emergency Services to a senior level in the rural fire division. Right now, he is still out there doing a fantastic job in operations. When the rural fire division is put together, who will do the operations, because the rural fire division does not operate anything? In fact, the minister confirmed this in a series of answers to questions. I thought this was immensely interesting. On 8 May, after the announcement, I asked the Minister for Environment representing the Minister for Emergency Services—an excellent fellow and minister who has to read out the answers that the Minister for Emergency Services unfortunately provides him—whether the announced rural fire division would manage bushfires. He answered —

> The vast majority of bushfires are managed at a local level. This will continue …

I asked —

> (2) If the rural fire division will not manage bushfires, what precisely will its role be?

The minister replied —

> (2) The rural fire division will lead the reform of the rural fire sector to improve bushfire management outcomes for Western Australian communities, including greater collaboration and interoperability —

This is almost like Kevin Rudd with relative specificity. Sir Humphrey could have written this answer —

> between sector stakeholders and volunteers. Supported by unprecedented investment, it will also enhance bushfire mitigation and facilitate decentralisation of bushfire management planning and decision-making.

I also asked —

> (3) Will the rural fire division manage the supply of equipment …

The minister replied —

> (3) The rural fire division will not manage the supply of equipment …

Effectively, we need to look at the role that the rural fire division is expected to perform and the recommendation on page 255 of the Waroona fire report, which states —

- consolidate the current rural fire capability: people, training, equipment and doctrine;

That does not state that a division should manage bushfires or the equipment that people might need to manage bushfires. It is an advisory body. It is probably going to be a very good advisory body, but I am interested to see what its agenda truly will be.

In May, I was still trying to work out what the rural fire service is likely to do. We have also asked whether the government thinks that recommendation 15 has been fully delivered. The government basically said that the rural fire division meets the intent of recommendation 15. I thought that was very interesting. I asked whether recommendation 15 has been delivered. Again, I got one of those very good *Yes Minister* answers. It was very, very carefully worded. On 9 May, I received the answer —

> … The rural fire division meets the intent of recommendation 15 …

It does not necessarily meet recommendation 15. It does not state that an independent rural fire service has been created. It states that the government has decided that the intent of the special inquirer was a bit more along the lines of the government's proposal and agenda rather than necessarily what the inquirer actually stated in his report. I dispute whether that is an accurate response from the minister. I wonder whether further inquiry might decide that this is a very misleading statement, because to state in this response that the rural fire division meets the intent of recommendation 15, in my view, absolutely flies in the face of discussion in that same report. In relation to the structure, page 257 of the report states —

> In the Special Inquiry's view, it is difficult to envisage a structure within DFES, other than a sub-department acting with relative autonomy and independence that can deliver rural fire services across the spectrum of prevention, preparedness and response in a more effective way than is currently the case.

I do not necessarily agree that we have to have a completely independent body. I am not convinced that two commissioners—one city and one rural—is necessarily the best answer. However, it is absolutely certain that what was presented by the government is so far from the recommendations of the Ferguson inquiry as to be an absolute nonsense. The government is papering over policy. That is not to say that there were not some good parts to the announcement made by the government on 13 April. My response to it went out the same day. There are some things we thought were particularly good. The government announced a $15 million extension to the bushfire risk management plans on top of the money it has put in from royalties for regions, which is an extension of the money put in by the previous government. I welcome that; I think that is a good outcome. That is very good work. An amount of $18 million was dedicated to a Bushfire Centre of Excellence. Everybody wants to be a centre of excellence—a Bushfire Centre of Excellence; a wine centre of excellence. I would like to think the Legislative Council might be a political centre of excellence!

Hon Stephen Dawson interjected.

Hon Dr STEVE THOMAS: Did the minister call for a divide?

Everybody wants to be a centre of excellence. There is no doubt that better training, and particularly more integrated training, is absolutely critical for better fire and emergency services outcomes throughout Western Australia. There have been some areas in which that has actually improved. The minister will be pleased to know that the Department of Biodiversity, Conservation and Attractions—we should call it Parks and Wildlife, because that is far easier; change it back—is taking bushfire volunteers much more frequently out on its own burns. I do not know whether the Minister for Environment is responsible for that, but if he is, well done; that is a very good initiative. That is helping to build both cooperation and a degree of trust and respect between bushfire volunteers and the operators in the DBCA. I urge the government to do even more of it. That is a very good initiative and we need to do more of that. Integrated training between the Department of Fire and Emergency Services, the Department of Biodiversity, Conservation and Attractions and volunteers is absolutely critical. Whether this $18 million plan is called a centre of excellence or an enhanced training sector does not matter; it is, of itself, a very welcome prospect. I will come back to where it might be located before I get to the end of this address. That is a good recommendation.

My press release went out the same day—Friday, 13 April. In it I state —

> "The Government today announced a department restructure to create a sub-department called the "Rural Fire Division" … "It was not the announcement of a truly independent rural fire service."

It was not; it was an announcement of an administrative body. The other thing the government announced at the same time was an increase in the emergency services levy. The government has put up taxes on all landholders.

That additional revenue will provide some reasonably good outcomes. What was not announced at the time is that $100-odd million will be raised out of this. I will be intrigued to see how much additional revenue that might extend to over time. We did not realise when this announcement was made that $19.5 million of that was going into the marine rescue services. The marine rescue services have been the poor country cousins of the emergency services brigade for some time, so it is good to see a government investing in that area. The State Emergency Service might also need a bit of catch-up in the not-too-distant future. The marine volunteers have had to fundraise half the time to get their own boats, so that is a good investment. However, it is an increase in taxation basically to provide an additional service.

Members might be interested to know that when the budget came out in May, not quite a month after the announcement of the rural fire division, it was revealed that of the $80 million announcement of additional fire activity, which included the $15 million for additional mitigation work, $18 million for the centre of excellence and $19.5 million for marine rescue, all of which I am supportive of despite the fact it is an additional tax, the actual rural fire division budget is $3.2 million a year, which over the four years of the forward estimates is about 13 million bucks. The rural fire division, which is not a rural service that fights bushfires or provides equipment for people who fight bushfires, is actually a $13 million administrative arm. I am intrigued. The argument the government had was that it could not put in a genuine rural fire service because it would cost too much. I think a figure of $400 million got chucked around, which was absolute nonsense, because that was $400 million to pay all the volunteers like they were full-time fire people. This is $3.2 million a year. As much as I think that governments could provide some services for that, I am not overly optimistic, given the average cost of production per output for government departments and contracts. I would say that $3.2 million is pretty small biscuits to deliver a major service. What has the government taken out of cooperative research centres? It is not a dissimilar amount—$5 million. The only reason CRCs make that work is that volunteers do an incredible amount of work. A budget of $3.2 million a year for the rural fire division is not a huge lot of money. The rural fire division is obviously not a firefighting unit, because that could not be managed for $3.2 million a year. I was a bit intrigued to see what the rural fire division would actually do. Just recently, on 16 May, I asked the minister —

> How many full-time equivalent staff will be employed in the rural fire division of DFES in 2018–19 and 2019–20?

The minister replied —

> In 2018–19, there will be 32 full-time equivalent staff. In 2019–20, there will be 32 FTE plus additional FTE, who are yet to be approved as part of the Bushfire Centre of Excellence.

The budget for the rural fire division is $3.2 million a year, which is basically going to employ 32 people at an average price of $100 000 a person. I do not know what else it is likely to try to do with that budget, but I would have thought it would be pretty hard to employ 32 FTEs and then do anything else on a budget of $3.2 million. That is not going to buy many fire hoses or a lot of equipment, because effectively the service is employing 32 people. It is nice to have that capacity, but those 32 people are not going to be fighting bushfires.

Hon Simon O'Brien: What do they do?

Hon Dr STEVE THOMAS: That is a very good question, because I struggle to get the minister to tell me.

Hon Jim Chown: He probably doesn't know himself.

Hon Stephen Dawson: Are you having a go at me?

Hon Dr STEVE THOMAS: No, we are talking about the other minister. The Minister for Environment is a very good minister. He is an excellent minister. In fact, he is almost a brave minister.

Hon Stephen Dawson: Stop it! Speak to the motion.

Hon Dr STEVE THOMAS: There is the minister's next preselection shot already!

Basically, it is 32 FTE—32 people for $3.2 million a year. It effectively will not do anything else as there is no budget for it. This gets us to a particularly interesting component. That question was asked on Wednesday, 16 May. What is the rural fire division going to do? It will effectively employ 32 FTEs whose role will basically be in planning and preparedness. Some of that will be good, but that is mostly roles that the special commissioner said should be subsumed by some other department to leave the rural bushfire service, as he recommended, free to fight bushfires. That is not what we have been delivered. The next part of that question was about where the government was planning to locate its rural fire division.

Hon Jim Chown: The Perth CBD.

Hon Dr STEVE THOMAS: It was not quite the Perth CBD. The cat got let out of the bag in a question I asked the poor old minister the next day. On 17 May, I asked —

> I refer to the minister's announcement … of a rural fire division … and the development of a Bushfire Centre of Excellence, both of which are to be co-located, according to comments the minister made on ABC radio …

He did. He went on ABC radio and said, effectively, wherever we put one, we will put the other one. He is on the record as saying that. I then referred to an interview conducted with the United Firefighters Union of WA on my local ABC South West and Great Southern that same morning, in which the UFU announced the proposed site of the Bushfire Centre of Excellence in Darlington in the Shire of Mundaring. The Mundaring location has been tossed around for some time and there is no doubt whatsoever that the minister had placing the rural fire division in the Shire of Mundaring with the Bushfire Centre of Excellence in mind. For the first six weeks after the announcement, the minister was effectively defending Mundaring as a good location. The minister said that we do not want to bring people down from the north west and make them drive all the way to the south west because that is not the most efficient use of time and money. I agree. I think if the government reinstated the volunteer fuel card, we would solve that problem. Halving the money available for the volunteer fuel card and holding it over and making it available six months into the year was a good way of saving money very surreptitiously. It was one of those secret squirrel money-saving exercises at the expense of fire volunteers and other volunteers around the state.

The minister was adamantly defending Mundaring as a prime location. If we try to put ourselves in the mind of the minister—it is a little scary—and if we understand that the rural fire division is not a rural fire service but an administrative and policy arm of Department of Fire and Emergency Services to talk about regional issues, why would we not put it in the city? It is not a service delivery arm. It is not a service. It is a bunch of very good people effectively providing policy and advice. We may as well put that in the city. For the first six or eight weeks, the Minister for Emergency Services was running around wherever he could. God bless him; he went all across the state. He was very active in spreading the message, but he was not necessarily up-front in saying that this is not a rural fire service. I understand that in some places that was okay but in other places people threw their volunteer oranges on the ground and stormed out. There was a combination of reactions.

The minister talked about the Shire of Mundaring at the time. We did not realise the location was in Darlington until the UFU spilled the beans. I presume that that advice could have come only from the minister at some point. I can assume only that the minister had a discussion with the UFU and it was generally agreed that it would be in Darlington. I have the audio and I am happy to send it to all members. We put it on POWAnet so that members can listen to that conversation if they want to. I will send members the references. I sent it to the minister at the time. The UFU said that it was very glad to see it is going into Darlington. It absolutely let the cat out of the bag. I detect a change, though, because after that and other questions were raised of the minister about his defence of the Shire of Mundaring as a location and the UFU announcing that it was already predetermined to go into Darlington, the minister has had to backflip. The only bit that frustrates me is that nobody has pinned him on the backflip.

A few weeks ago, the minister and I both attended the opening of the revamped Yarloop fire station, which obviously burnt down during the Yarloop fires. Whether we call them the Waroona or Yarloop fires, it is fine; it is nearly the same spot. The minister was adamant at that point, for the first time since the announcement of a rural fire division on 13 April, that the location was not predetermined. In fact, at that point, for the first time, from memory, he said that he would be looking at all the possible locations and that local governments from one end of the state to the other were lobbying him. I think that is a good thing. I think we should acknowledge that he has had a backflip, the intentions have changed and he is now going to have perhaps a proper look at where that location might be. Whether he would have done so without the sort of pressure that had to be brought to bear is another question. My view is, and always has been, that we need to look at a location in the south west land division, somewhere between the region of Pinjarra and Manjimup. I would open it up because we need a number of things for both the centre of excellence and the rural fire division headquarters. Even though it is still only the administrative arm, it has to be in an area with the capacity to deliver communication services, airport services, accommodation and all those things. We might now open that up. I suspect that with the campaign conducted by a number of us—Hon Rick Mazza, Hon Martin Aldridge were both working on the fire issue—we have managed to get a backflip on that. I think we should all take some credit. I can see a joint media release going out now: "We all thank the Minister for Emergency Services for his backflip." Well done. I think that is fantastic.

Hon Stephen Dawson: You're far too cynical, member.

Hon Dr STEVE THOMAS: It happens when we get older. I think the cat was absolutely let out of the bag with that one. I suspect probably the worst-kept secret in government—now provably—was that the rural fire division was destined for Darlington in the Shire of Mundaring, but, unfortunately, given the handling of the matter, that is no longer the case. I suspect that those who were expecting it to arrive there might have some stern words for the Minister for Emergency Services and his handling of the matter. But I think an open tender process for the location of the centre is a far better outcome. Unfortunately, it has been a fairly long and involved story and we could have spoken about a lot of things regarding the proposed rural fire division.

I want to spend a few minutes talking about the Liberal Party's response and my personal response to the announcement made by the minister and the Premier on 13 April. I want to ensure that members are aware. Here is my view of how we make what was a reasonably average to poor government announcement perhaps a little better. I am here to help. I am not Kevin, but I am here to help! I am trying to assist the government to make it a better outcome. Here are some recommendations that I think would be important. In my press release of the day,

I welcomed the additional $15 million for bushfire risk management programs and the $18 million for the centre of excellence. However, I said, and I am still of the view, that if the government were serious, it did not have to increase the emergency services levy for that. I would have happily taken a red pen to the government's budget and particularly some of its overly generous and unnecessary election promises; I think I could have funded it out of its existing budget. That offer is still on the table, of course, should the Treasurer be listening at some point and decide that he wants a hand to balance the budget a bit better. I am perfectly happy to do that. I do not think it had to be funded through an additional tax, particularly by a government that went to the election saying it would have no new taxes and no significant increases. This is a significant increase even if we put it up by the levels announced in the budget.

Here is my set of recommendations. I would go back to calling it a service and have it deliver operational activity as a sub-department of the Department of Fire and Emergency Services. I do not think we are ready in the debate at this stage for a completely independent rural fire service, although we might reach that ultimate outcome one day. At this point, we have to work with the government that we have, sadly. I also think the service has to have an independent budget every year, not the $3.2 million, 32-FTE budget that was going into Darlington and is now potentially going somewhere else. It has to have an independent budget to manage and operate fires. It has to be in the budget papers every year and has to be reported at the end of each financial year in the annual reports so that we can examine it and hold the government to account by saying, "This money was expended as part of a rural fire service to manage rural fire mitigation, preparation and operations", which is what Euan Ferguson provided for.

In my view, the head of the rural fire service should be someone at the highest possible level. If it is not going to be an independent commissioner, I think it should be a deputy commissioner–level role. The current rural fire division did not announce a rural fire deputy commissioner or assistant commissioner at that high level. I think there is a chief executive officer. I would make it a deputy commissioner role. The Fire and Emergency Services Commissioner, at the next immediate level of administration, line manages the deputy commissioner for the rural fire service who is operational, not at the administrative and support network level of operations. I think a major opportunity has been missed. I think if we make it a deputy commissioner role, even if we leave it subservient to the commissioner, a deputy commissioner could adequately respond to government and be responsive to a minister. If the government does not want to go back to the old Bush Fires Board model, which had some pluses and some minuses, a deputy commissioner role in charge of the rural fire service would be a significant improvement on the model presented by the government.

I could spend some time on this but I have to conclude. Let me conclude on this key point. The announcement on 13 April was not the announcement of a rural fire service. It was the announcement of 32 FTEs in a policy and backroom support network that will do some very good things in planning and support administration, but it will not fight bushfires and it will not support the people who do.

HON COLIN TINCKNELL (South West) [2.03 pm]: I thank Hon Rick Mazza for bringing on this motion. Having listened to Hon Dr Steve Thomas, many things were mentioned and I think he has covered most or all of the important points. From the moment I put my name down to run for Parliament, way before even the election, this issue came up very clearly. The people of the south west whom I represent made it quite clear to me that this is very important to them. I will go back and talk about why this came about.

There have been previous fires, which Hon Dr Steve Thomas mentioned, but I refer to the 2016 fire in Waroona, which included Yarloop and Preston Beach. It burned for 17 days and affected 69 000 hectares. Two lives were lost and many livestock were lost. Considering how bad the fire was and how long it lasted, we got out of it quite lightly. It could have been much worse for the surrounding areas of Harvey and Waroona. During that fire, 181 properties were destroyed. In June 2016, the findings of the Euan Ferguson inquiry were pretty clear. Euan Ferguson is the former head of the Victorian and South Australian fire board, so we had an expert involved in that inquiry. The report found major deficiencies and recommended 17 sweeping reforms. They include creating a rural fire service to better manage the risk and response to bushfires. This was to be implemented after the current bushfire season, which was way back in 2016. It has taken a while to get to where we are today. In some ways, it is great that we are here and that something is being done, but it has taken quite a bit of time. Focusing on prescribed burning, hazard reduction and critical assets was also recommended. Mitigation burning is always a debatable subject when it comes up and there are many problems with it. However, there is no other way of reducing the risk, so hazard reduction around settlements and critical assets is imperative. Other important recommendations were the creation of a fast-track hazard reduction burn to ensure that prescribed burns are done around critical assets and that there is better distribution of fire information, alerts and warnings. The findings and recommendations were pretty clear.

It has been two years since the Ferguson report. We have had an election since then and we understand some of the delay. A government media statement in April announced that $80 million will be allocated to a new division, as Hon Dr Steve Thomas pointed out, not to a separate fire service. We found out that it will be funded by an additional levy, also known as another tax, to be paid by both metropolitan and rural residents to fund the service and other rural fire prevention, preparedness and response measures. We do not have a separate rural fire service,

yet there is an extra tax or levy—members can call it what they wish. There are some contentious issues. The Association of Volunteer Bush Fire Brigades raised concerns about the new rural fire division sitting under the auspices of the Department of Fire and Emergency Services. It believes it should operate as a separate entity. These are the guys who volunteer and are experts on the ground. They have sometimes been doing this for 50-odd years so they certainly know the issues. Labor campaigned on no increases in taxes and, of course, we did get extra tax increases. The other contentious issue is the early alerts and warnings that need to be addressed. Many areas still worry us and more work needs to be done. The next steps need to be to mitigate risk and prevent the spread of fires. It is crucial that firefighters are involved who have local knowledge of the area. An independent rural fire service would ensure that rural towns are better prepared and able to respond to bushfires in local areas. It goes without saying that I support this motion. In New South Wales, South Australia and Victoria, whether we call them commissioners, officers or CEOs, they are separate. They run independently from the other organisations. We need two separate operations—one rural, and one for everything else.

To finish off, I get regular updates from the volunteer bush fire brigades. One of the things that has worried them, and this was highlighted in the Euan Ferguson report, is the personal attacks and the anti–bushfire volunteer culture. I really do not understand that. We understand that fighting fires in the metropolitan area and large regional towns is different from fighting bushfires. That is the reason the Ferguson report clearly indicated the need for a separate rural fire service. We will be supporting the motion. As Hon Dr Steve Thomas has mentioned, it is good timing that this motion is now before the house. It is an important issue for this house to debate, and we offer Hon Rick Mazza our full support.

HON TIM CLIFFORD (East Metropolitan) [2.12 pm]: I rise today as the Greens' spokesperson. We oppose the motion before the house, as we believe there has been enough scrutiny of where we are headed with the reforms. We have already had the Keelty and Ferguson reports, and the Economic Regulation Authority's emergency services levy review, and setting up another committee would just be kicking the can down the road. At the end of the day, the Ferguson report considered that it was up to the government of the day. Following the scrutiny of the budget, we understand that the government's position is that it does not support creating an independent rural fire service, as the cost would be a hindrance. We also believe that there is enough oversight of the emergency services levy spending by the ESL referral advisory committee. This committee is brought together from across the spectrum, with enough experience to scrutinise exactly where the funding will go.

Going forward, we need to ensure that the Department of Fire and Emergency Services and the volunteers do not work in silos. From what I understand from speaking to a lot of people, this has been a hotly contested issue. Leading into the last election, the Greens supported the creation of an independent rural fire service, and our position is still that if the funding and resources were there, we would support it. Considering that is not going to happen, we need to ensure that these people work together, because shooting across the table at each other is not going to help anyone.

I also believe that the Bushfire Centre of Excellence, if it functions correctly, should bring everyone together by consolidating the science and knowledge from all parties.

Hon Dr Steve Thomas: It should make it better.

Hon TIM CLIFFORD: Yes, it should, and it should take knowledge from DFES, the Department of Biodiversity, Conservation and Attractions and local government. Hopefully, the centre of excellence will provide faster response times and deliver on what the government is saying, but it is up to us to make sure that the government follows through what it is outlining with its reforms.

The Ferguson report also recommended a two-year review, and we need to make sure that that happens. We need to ensure that DFES tables its annual report, and follow through with a lot more scrutiny through the estimates committees, and we should utilise other parliamentary levers.

I was in the Army Reserve, and we always used to chat about the full-timers and our role in the scheme of things. Some of the sentiment I get from the regional volunteers is the same sort of "us and them" feeling. This will only work if the government follows through with providing enough resources to the division and keeps the communication lines open. Considering the division that has existed over the past few years since the establishment of the regional volunteers, it is time that we work together to get everyone to provide what should be provided; that is, the protection of lives and property of people in the regions.

Just to reiterate, we will not be supporting the motion today because we believe there has been enough scrutiny. The support that we give the government in its reforms definitely hinges on how best it proposes to bring everyone together.

HON DIANE EVERS (South West) [2.17 pm]: I just want to add to the comments of my colleague Hon Tim Clifford. My electorate is in the south west, and what happens there is very important to me. I wholly support the idea of the Ferguson report coming forward to say that we need a rural fire service. Had this motion come on for debate before the government put forward its policy, there would have been a very different discussion from us. Now the government has come forward with this rural fire division, which, once I questioned it further,

I believe should be called the bushfire division, because it is not just about fighting rural fires; it is about fighting fires in the bush. It is a misnomer again. Not only is it not a service, but it is just an arm of DFES to deal with some of the administrative things. I am not comfortable with the final policy as it has been presented. I think there is a lot of work to be done there. I am hoping, and I think I am confident, that this is not the final report and how it will be forever, and that we will be able to work with it to make it more suitable for the bush fire brigades that are such a strong and positive force in rural areas. I was in Albany, and my home was in danger from the bushfires over the past two weeks. I spent the night somewhere else, rather than waiting to see whether the fire came during the middle of the night. I cannot express my gratitude to the bush fire brigade volunteers any stronger than by saying it here in Parliament.

This bushfire division has the capacity to work as some sort of a facilitator, and to get the collaboration going between DFES and the bush fire brigades. This is something that other states have tried to do by creating two separate organisations. But having two separate organisations without someone to pull them together and make them work as one is counterproductive. We need to get this bushfire division to have a role. I know it has its advisory body, and there is potential there, but we need to get the Department of Fire and Emergency Services to work with the brigades to strengthen the two of them. As I see it, the brigades are looking for a couple of things. Firstly, they need proper resourcing for their firefighting and safety equipment—the trucks and machinery they use. Secondly, they need proper training, and I understand that the bushfire division is going to be involved in training, which is a good thing. I have spent only a few days with bush fire brigades over the past year, and I have learnt that these are things that matter to them. It is not an enormous task for this division to work with the volunteer bush fire brigades to find out what their needs are. I think the strongest one is not a physical need—the need for resourcing and equipment—but a psychological thing. Ninety-five per cent of the bushfires are put out by brigades without input from DFES at all. The brigades know what they are doing, they know the area they are working on, they know where the water sources are, which roads they can get through and when a burn was last carried out. They have that information to hand. When DFES comes in and says, "We have this under control. It's our thing. You can step out of the way. Don't cross that line. Do what you are told", it is not just demeaning but it does not make best use of the resources. Our resources are there; these volunteers have that on-ground knowledge. I recognise that I am not a firefighter. I am not on the ground with them and I am not certain how we would work out which volunteer we respond to. Maybe it would be the captain of the brigade. If they are not there, then what? These are not answers for me or for all of us to decide. If we want to address the bushfire situation, that is one of the roles and aspects of this bushfire division that is being created.

One thing I do know is that we need to keep volunteers in the system. The average age of volunteers, like many other things, is steadily increasing. We need to get new, younger members involved in the process, who have an interest in protecting their community, their environment and the welfare of citizens. This bushfire division should be out there working as a facilitator, working towards collaboration of all those resources that we have—the paid staff, the volunteers and the equipment. Put them together and give some recognition, appreciation and acknowledgement—whatever the word is—to the Association of Volunteer Bush Fire Brigades. That recognition will go a lot further than just trying a top-down approach. No matter how hard we go in there and try to do the right thing, if we do it by stomping all over the people on the ground, they will have trouble coming back the next time. We need those volunteers; we cannot operate without them. The reason they can put out 95 per cent of the fires in the bush is because they are on the ground and they respond immediately. They are not being paid; they are just doing it because they know that is the right thing to do. We need to support them. This bushfire division should be about facilitating the bush fire brigades so that they have the resources they need and people keep joining up and coming out to fight those fires. I am willing to sit and watch this develop. I know it is not an easy task. We have heard the word "collaboration" from the government from time to time. That is what we really need to be looking at. There is no point going into this as an "us and them" thing. The output that we are all looking for and our aim is to have efficient and effective methods to put out those fires as soon as possible.

I will take a few minutes to comment on the money that has been put aside for prescribed burns. As most members probably already know, two of the major fires in the Albany region resulted from prescribed burns that got out of hand. That has happened on many occasions. It is something that we seem to keep dealing with. It would be nice to say that that should not happen. I do not have the answers but I am sure we will be addressing prescribed burns over the next year and how we manage them because I think we need a sizeable rethink about what we are doing. If we go in and try to burn off more this year, that is great for this year, the next year and the couple of years after that, but each time we go and burn off, if we cannot go back to manage it, the fuel load increases. If we are looking at how big an area we should address through prescribed burns, we should be asking whether we have the capacity to go back in there in the next three to seven years, depending on the forest type and other factors, or do we find other methods to reduce the fuel load in certain areas?

That is where the centre of excellence comes in. A lot of research is going on across the country, and probably in other countries as well, but WA is a bit different. We have a different environment and landscape compared with many other places. This centre of excellence has that opportunity, if funded properly. As we heard, there will be $3.6 million available for 32 people. We will be struggling to do a whole lot of work unless those people are the

right people who can do the research themselves because there is not a lot of fat in that budget for consultants. I would like to see those people on the ground talking to a lot of the volunteers and other people in the regions and local governments to see what their views are. Are the areas where we must do prescribed burns safe to be able to do that? Are there areas where we use mechanical fuel load reduction? Are there areas where we can look at something that encourages decomposition of the leaf matter? I understand that fuel load is that stuff right on the ground. We are not talking about the middle storey or the upper storey but the leaf litter and twigs sitting on the ground. If we can get that to decompose more quickly, such a large fuel load will not build up for the next wildfire that comes through.

I have hope. I think we have made a start to try to create a division or a body that might be able to address some of our issues, but it will take collaboration and a lot of willingness across all parties to work with each other and learn and look to the future rather than necessarily to the past.

I will make one side comment before I sit down. I went to a Noongar burning workshop down in Bridgetown a month or so ago. It was interesting to watch David Ward stripping back the sides of grass trees. He has carried out considerable research on grass trees. Grass trees can be dated, like we can date trees by looking at the number of rings. He has some examples going back about 500 years showing that before World War I, the burns in certain areas of our jarrah forest had pretty much occurred every three or four years. It is variable. Members would have to look at the whole report if they are interested. Regular burns in certain areas are the way to go. In other areas, possibly not; it might be every seven years. I will not make that decision; I would hope that would be up to the research of this centre of excellence. It needs to work out how we manage fires across the region so we do not have the episodes that we just had down in Albany or the ones in Yarloop, Margaret River and Northcliffe—all the places that have gone in the past few years. Here is to hope. I believe that some good decisions can be made. I feel it is up to us to support that.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [2.28 pm]: It is my pleasure to rise on behalf of the government to give the government view of this motion. In doing so, I place on the record my gratitude to the hundreds, if not thousands, of women and men right across the state, either paid or unpaid, who fight fires. It is a difficult task. These people are out there on a daily basis in some cases making sure that they keep our communities safe. I wanted to place that on the record.

I appreciate Hon Rick Mazza moving his motion. As my learned colleague Hon Dr Steve Thomas said, Hon Rick Mazza must have had foresight some 12 months or more ago to put this issue on the notice paper for debate in this place. It is an important motion. We can think back to the big fires that we have had in this state over the past 12 years or so. We continue to face further challenges. It is important that we learn from each opportunity and help mitigate and hopefully ensure that we do not see the devastation that the communities of Waroona and Yarloop, for example, experienced a few years ago.

The government is committed to genuine emergency services reform that will not only improve rural fire management for our regional areas, but also enhance the state's focus on emergency risk management and ensure greater integration of prevention, preparedness, response and recovery.

The McGowan government is committed to implementing recommendation 15 of the Ferguson report titled "Reframing Rural Fire Management: Report of the Special Inquiry into the January 2016 Waroona Fire". We believe we are getting that done, and I will go into the reasons for that shortly. I have to say I am proud that the government has made a commitment to do this and we are delivering on this. I know how much time and effort my colleague the Minister for Emergency Services has put into dealing with this issue. Recommendation 15 is at page 23 of the report and is headed "Rural Fire Capability". It states in part —

> The State Government to create a Rural Fire Service to enhance the capability for rural fire management and bushfire risk management at a State, regional and local level. The proposed Rural Fire Service will:
>
> - be established as a separate entity from the Department of Fire and Emergency Services or, alternatively, be established as a sub-department of the Department of Fire and Emergency Services;

We believe this government has gone beyond what the Ferguson report has suggested, because we have instead put in place an entirely new division—the rural fire division—as one of the four new divisions in the revamped Department of Fire and Emergency Services.

I take this opportunity to remind members that reforming emergency services management in this state is no mean feat. It is a difficult task. Many people with many disparate views operate in and around this space. Bearing in mind that this is not my portfolio, I know from answering questions and from being involved in debates and conversations in this place that it is not always possible to make everyone happy in this space. In fact, it is rarely possible to make many people happy when we are dealing with the issues of fire in the bush, because people have

different views. I take my hat off to the Minister for Emergency Services for the work he has done and the effort he has made through this process over the past 14 or 15 months in which this government has been in office. I have placed on the record previously—mostly thanks to Hon Rick Mazza, when we have had conversations in this place on similar motions—my view about the genuine consultation that the Minister for Emergency Services undertakes. I know there are divergent views about whether the minister has landed in the right place on this issue. I believe he has. The minister truly exemplifies his nature of engaging in genuine consultation and getting out amongst it.

Hon Rick Mazza mentioned the Bushfire Mitigation Summit that was held in Mandurah probably about this time last year. The journey began at that summit. I do not think all the answers came from the summit, but certainly the conversations started that day. There were people in the room with a long interest and much experience in this area, and they listened and contributed. The dialogue started then. The summit brought together many of the state's leading voices on bushfire mitigation. I recognise that some people who wanted to be at that summit could not be there. However, I am assured that over the 12 months since the summit, those people have been involved in conversations about where we have ended up. Thinking back to that day, the summit was attended by representatives of volunteer associations and government agencies, landowners, local governments, pastoralists, commercial enterprises and advocacy groups, and, of course, members of Parliament. All those groups had a voice on that day, and all those groups have been involved in the conversations since that time. Following that day, the minister has led a series of consultations around the state. The minister has met with hundreds of volunteers from Albany in the south to Broome and Kununurra in the north west, in my electorate, and everywhere in between. The minister has been on a roadshow around the state. The minister has sat down with career firefighters, volunteers, local governments and community members to have a conversation or dialogue about the best way forward on rural fire management.

The common theme from the minister's perspective that came out of those discussions was the strong desire for collaboration to protect our communities. In fact, historically, that collaboration did not exist. I appreciate the comments of Hon Dr Steve Thomas about the parks and wildlife service of the Department of Biodiversity, Conservation and Attractions and its good relationship with volunteers. That has not always been the case. In fact, historically, there has not been the best of relationships between what is now DFES and DBCA. It is to the credit of the leadership of those agencies that they are now working very collaboratively. It has been my pleasure over the past I guess 14 months in this job to hold a number of joint events with Minister Logan and to see that collaboration in operation. I think back to previous times when I have worked in the office of ministers in the environment space and the relationship between those agencies has been very poor. It is great that there is now a real sense of collaboration. I am proud that the staff of my agency are reaching out and now have better relationships and greater sharing with volunteers around the state. The government recognises—as other members have mentioned—that we could not do the job of protecting rural communities without the volunteers. The volunteers give up the little spare time they have, bearing in mind that some of the people in those communities work a daily 12-hour shift but still give their time after hours to look after their communities. We could not do this job without those volunteers. Therefore, we need to make sure that we respect the volunteers and provide the access to training and services, and to relationships, that they would not get ordinarily.

The common theme is a strong desire for better collaboration to protect rural communities. As the Minister for Fire and Emergency Services has said, this is at the heart of the government's approach to emergency services. As members have mentioned, after much deliberation and consideration, on 13 April this year the Minister for Emergency Services and the Premier announced the creation of the new rural fire division. I believe, and I think the government agrees, that this is a major step for Western Australia. For the first time ever, the Department of Fire and Emergency Services will have a division that is focused solely on rural bushfire management. That will enhance our capability at a state, regional and local level. This new division includes the Office of Bushfire Risk Management, the bushfire risk management program and its related activities, land use planning and bushfire technical services, and the new first-of-its kind $18 million Bushfire Centre of Excellence, which will facilitate high level training and bushfire science. A number of members have made comments about that previously, some cynically—I am not looking at anyone in particular. This new division, which brings together all those disparate parts, will make a significant and lasting difference to the state of Western Australia in bushfire mitigation. There will also be a stronger focus on strengthening volunteer relationships through the new ministerial volunteer advisory forum, the expanded bushfire advisory council, and the new volunteer support positions. I will go into detail about that later.

Again, historically, no government of any persuasion has really listened to or provided the necessary resources to those volunteer groups. Therefore, this is a very good step in the right direction.

Hon Rick Mazza: Will you take an interjection?

Hon STEPHEN DAWSON: No, I will not. This is not my portfolio, so I am trying to keep my train of thought without getting distracted, but I will come back to the member if I have time.

Several members interjected.

Hon STEPHEN DAWSON: Members! This is a very good debate. I welcome the contribution of other members, and in fact I hope to get back to Hon Rick Mazza a bit later once I have gone through the detail I need to get through. However, I point out that Hon Rick Mazza will hopefully have 15 minutes in reply at the later stage, and he can have a go at me again if he needs to. Given the interjections that time, obviously it is an important issue to the members in this place and I encourage them to make a contribution to this debate, if not today, over next week as well.

Regarding recommendation 15, the minister made it clear that there would not be an independent rural fire service established as a separate entity from the Department of Fire and Emergency Services. He has essentially been saying that since not long after we took government, and that was due to the reality that we could not afford one. We could not afford to set up a parallel bureaucratic process and it is the minister's view that that is not needed. In fact, recommendation 15 states that it is either/or—either make the entity standalone or have better resourcing in the agency to have more of a focus on it, and that is the path the minister took. As I said, we have been listening over the past 14 months. We have put in place a division that recognises the input of volunteers, harnesses the best in bushfire management and meets the needs of our geographically diverse state. Hon Diane Evers alluded to the fact that we are different from other states in this country. The size of the state, the geography, means it is simply not possible to copy what has happened in New South Wales or Victoria previously and we need our own system taking into consideration this geographically diverse state, which, of course, is one-third of the landmass of Australia. We have different issues and there are different opportunities in this state than in other states.

With the benefit of the integration of the Office of Emergency Management within DFES, along with these other measures, DFES now has the capability to holistically manage the adverse effects of bushfires in terms of prevention, preparedness, response and recovery. Any assessment of the rural fire management reform should be taken in this context. As I said, the McGowan government is focused on ensuring that our emergency services are working well and together for the benefit of the community. This should not be novel, but looking back historically, it seems novel. Quite simply, we need to work together and collaborate to make sure we are protecting our communities in the state. It was the government's view that a solely independent rural fire service would come at an increased cost to the community and, quite frankly, with no real additional benefits to collaboration. Rather than breaking down silos, we could have created a new bureaucratic beast sitting outside the existing framework. We could have been putting up walls and barriers instead of taking them down, and that was a consideration for the government. We do not want to see the existing independent operational structure simply duplicated for the sake of it. Since 1 July 2017, we have gone through the exercise of amalgamating government departments to break down the silos and encourage them to work together, and we saw this as an opportunity in this space too.

Through the rural fire division we are leading significant investment—in fact record investment—in mitigation to help protect communities from the threat of bushfires. Of course, we are broadening the focus of DFES to become a multi-hazard and community-focused organisation. Since the announcement, the minister has continued to meet with volunteers right across the state who have expressed their support for the rural fire division and the action this government has taken. The minister has personally travelled thousands of kilometres throughout Western Australia to meet with members of more than 174 brigades, groups and units, and also 37 local governments, speaking to them all about what this announcement will mean to their local area. The minister recently spent three days driving himself and staff through the communities in the south west meeting with volunteers.

Hon Dr Steve Thomas: We gave him a visa!

Hon STEPHEN DAWSON: Good on you!

He met with volunteers and explained what this newly announced division was. He has travelled to Albany, Jerramungup, Bremer Bay, Ravensthorpe and Esperance. He also spent days driving himself, again with staff, through the great southern and the lower and central wheatbelt. As I said, he has been particularly keen to talk to people in the communities who are most affected by this decision. We could all learn from my ministerial colleague about that consultation and listening exercise he undertook. He has also been to my electorate in the north west and the Mining and Pastoral Region. He has travelled through Broome, Kununurra, Exmouth, Halls Creek and Fitzroy Crossing, so the whole spread. For members' interest, this weekend he will be in Carnarvon, again talking to local brigades, the local authority and others about the rural fire division.

I go back to the contribution made by Hon Rick Mazza previously. I know he has said that he has been concerned about volunteers leaving brigades. I suggest that that is always out of frustration. We know that the lives of volunteers change. They leave for a multitude of reasons. Some of them get new jobs and some move towns. Perhaps some have been frustrated, but I think it is a long bow to draw to suggest that people have left recently as a result of this decision. I am hopeful that this decision will mean that more people see the benefit of volunteering and take up the opportunity to keep their communities safe. Obviously, it is a personal decision that people need to make, but it is one that I appreciate as a minister in this government. There is also the changing nature of our regional communities. Corporate farms have had an impact. Where once there were farmers and communities running their own farms and being part of the community, over time some of those people have been bought out

and we are seeing less and less volunteering activity in the communities. I know that across the country there has been a reduction in the number of volunteers, whether that has to do with 12-hour shifts or whatever. I do not think that is out of frustration. I think there are number of reasons that volunteers leave.

I want to also mention a new initiative in the office of the Fire and Emergency Services Commissioner. There will be two volunteer liaison officers. That is another sign that this government and this minister recognise the immense value of volunteers and the tremendous work and effort they provide in this space and that we would be well and truly lost without them. These volunteer liaison officers will be out there talking to volunteers, brigades and other stakeholders to increase volunteer participation and retention. We are actively out there encouraging people to sign up, get on board and help us keep communities safe. Those volunteer liaison officers will also be able to convey directly to the FES commissioner any concerns or issues that volunteers have. It is a direct line of sight between volunteers and the commissioner to make sure that government can be more responsive to the needs and views, more importantly, of those volunteers on the ground. The minister has also heard repeatedly from brigades around the state that they would appreciate more administrative assistance in doing the tasks they have to undertake. The minister has acted to enable brigades to focus on the local communities, including recruitment, training, mitigation and response. Volunteer support officers will also be employed in the regions to assist brigades with the day-to-day running of their facilities and operations. That has been an issue previously. Vollies work day to day and they give their time after-hours, but it has not always been possible for them to do the admin associated with volunteering by making sure the paperwork is filled in or whatever else. This is another recognition of that, and these volunteer support officers will be employed in the regions to help those brigades do the work we need them to do, which is to help keep our communities safe.

The other point I wanted to make is about the ministerial volunteer advisory forum, which will be where volunteer representatives will be able to meet in person with the minister and the commissioner. That will give them the opportunity to discuss any issues, suggestions, concerns or improvements regarding emergency management. We need to recognise that those people who are on the ground fighting fires often have valuable experience and insights to share with us about policies, so this will be an opportunity for those volunteers to have direct contact with the minister and the commissioner. It is the government's intention to reinvigorate the volunteer advisory committees that already exist to ensure that the agency and the volunteers are working closely and collaboratively wherever possible. The government is committed to supporting our emergency service volunteers. It is committed to valuing them—other governments of all persuasions have not valued them as much as they could have done in the past. The comments of some members were perhaps a little disingenuous. We do value them. We are providing extra resources. We recognise the fine, fantastic work that they do and we want to help them to do more of it. We want to make their lives easier as well, by giving them extra opportunities.

I go back to the new division and the comments made by a couple of my learned colleagues that it will be simply administrative in nature. That could not be further from the truth. It is quite puzzling that members would suggest this. The rural fire division is essentially a record $80 million investment in rural fire mitigation.

Hon Dr Steve Thomas: The rural fire division is getting $13 million.

Hon STEPHEN DAWSON: Let me go on. It is a record $80 million investment over time in rural bushfire management to make our community safer. It is also about supporting our resources on the ground. It is about better resourcing those communities. It is about changing the approach that we take and our behaviour. It is also about making sure that we plan for the future. I do not believe, and I do not think the government believes, that we can continue to simply throw resources at catastrophic fires. By all means, when a fire occurs we have to resource it properly, but we should be getting ahead of the curve; we should be resourcing the system to enable us to prevent these fires in the first place.

This is probably an opportunity for me to briefly mention the fine work that my Department of Biodiversity, Conservation and Attractions does. Again, it is a tough gig. It is operating in a space in which different people in the community express strong resentment of prescribed burning. I have previously placed on the record that I support the work of my department and of the men and women in that agency who are out there fighting fires, and, more importantly, trying to prevent fires. I know there are strong views in the community about prescribed burning, but I am happy to place on the record my gratitude to those women and men in my agency who work hard to protect communities. From time to time things go wrong. From time to time the weather changes. If, as a result of a change in circumstances or a change in weather forecast, something escapes, absolutely we should investigate that and make sure that we learn from that experience. In relation to the recent fires in the south west of the state, I respect and appreciate the fine work that was undertaken by the agency's staff, and I will continue to back them and the efforts they undertake to keep our community safe in the south west.

Hon Dr Steve Thomas: We both support that agency; they have done some good work.

Hon STEPHEN DAWSON: I thank the member. It is difficult. People complain when their community is put at risk. People complain when there is smoke in the air.

Hon Tjorn Sibma: Neither have I. I have continually encouraged prescribed burning.

Hon STEPHEN DAWSON: I thank the member. It is a tough gig. There are all sorts of industries in the south west. There is the burgeoning wine industry. To the department's credit, it tries to work with the local wine industry to make sure that these burns are not affecting the grapes. With a changing climate and a diversifying economy, the department undertakes a difficult task and it does it very well.

Hon Dr Steve Thomas: Whisky should have a smoky flavour, not wine.

Hon STEPHEN DAWSON: I place that on the record. Going back to the motion at hand and the new bushfire division, as I said, there are no guarantees with nature. Both the government and I believe that mitigation is a very important tool. In addition to the new bushfire division being responsible for the first of its kind Bushfire Centre of Excellence, it will be a key part of the Department of Fire and Emergency Services' evolution to become a holistic and multi-hazard emergency management agency. It is also important to remind members that managing the operational and emergency response to bushfires is outlined in state legislation and existing emergency management plans. However, the new Bushfire Centre of Excellence aims to improve rural fire management through leadership, collaboration and innovation across the sector. I am appreciative of the number of comments and the positive contribution by Hon Diane Evers in this space. She recognises that this new centre of excellence is a great opportunity for us to enhance the coordination and delivery of rural fire and bushfire management training in Western Australia. The government believes that it will lead to improvements in interoperability through shared training programs and peer-to-peer learning. It will also enhance our rural fire capability and interoperability, which was a key part of the Waroona fire inquiry. This Bushfire Centre of Excellence will also bring together the best in bushfire management research and science, and will use that knowledge to improve how we mitigate and address bushfire risks. It is an opportunity. There is a great lot of work to be done in this space. I remain positive in this space. We have to make this new centre of excellence work. It is a great opportunity. Let us make sure it works. Let us not be naysayers from the outset. I think it is an opportunity.

Hon Darren West: Good luck with that.

Hon STEPHEN DAWSON: Oh, member! In fairness, there is not a lot of difference in views. People in this chamber, and particularly regional members, recognise the challenges that we face in this space. People in this Parliament who represent regional communities want to ensure that our communities are protected. From time to time there are differences—I can see Hon Rick Mazza wants to say something and have a go—but we are often on the same page in this space. We recognise the difference. I think we recognise the great opportunity that exists in this space. Of course, the rural fire division will not be a silver bullet. I am not sure that anything can overcome nature or can fully mitigate risk. However, this is a very positive step. I believe it will change the face of rural firefighting and bushfire mitigation. We know that Western Australia faces severe fires every summer, and increasingly through autumn. The climate is changing and the time that we face significant fire issues continues to expand, but we will now have a new division within DFES that is dedicated purely to bushfire management—to trying to prevent it, manage it and work out how to improve our operational response to it. The government will also consult with all stakeholders and volunteers to develop concepts for that centre, which will ensure that we have access to the best available science, knowledge, training and technical expertise out there, but also the best available research to make sure that this does work. The centre will be a decentralised model, with knowledge and training to come from a variety of sources, including volunteers with decades of experience. The knowledge and training will be distilled at the centre and then shared on the ground with volunteer trainers, who will travel from around the state to visit the centre.

Hon Dr Steve Thomas asked where such a centre might be located. I assure him that the government has not made a decision on the location of that centre. However, I know that some of my colleagues, and particularly some of those who represent the south west of the state, have strong views and would like it in the south west of the state. As a member of Parliament who represents the north of the state, I, too, have a view that the centre should be located as centrally as possible. I do not believe that it should be on St Georges Terrace, but equally we have to keep in mind that this is for not only the south west. I am chastising the members of Parliament who represent the South West Region, but this centre is for not only the South West Region. It will also service the Agricultural Region communities that Hon Rick Mazza represents and volunteer groups and others right around the state. Wherever it is, bearing in mind no decision has been made, it needs to be easily accessible. I do not think it is fair for voluntary groups from the north west of the state to have to fly down here and drive for hours to go to it. This is not part of the official notes given to me by the Minister for Emergency Services.

Several members interjected.

The ACTING PRESIDENT (Hon Martin Aldridge): Order! The minister has only a few minutes left. Let him finish.

Hon STEPHEN DAWSON: I apologise; I should not have veered from the script, Mr Acting President.

I remind members that no decision has been made about the location of the Bushfire Centre of Excellence. There are a number of views. Members in this place have various views, but rest assured that the Minister for Emergency Services will make the decision. This centre will capitalise on our existing wealth of knowledge and experience, and those around the state who travel to the centre will have the great opportunity to learn, participate and share.

An amount of $35 million on top of the existing $15 million over the next four years, to be exact, will be spent on resources for bushfire mitigation. This is unprecedented and I am glad members in this place support and acknowledge the importance of mitigation to our state. I think we mostly have the same aim—that is, to prevent and prepare for bigger bushfires. The rural fire division will allow all agencies and all communities to work together and that is an important thing in this space.

Touching briefly on the member's comments about the emergency services levy and the assertion that the minister and the government have ignored the Economic Regulation Authority report and its recommendations, it is simply not true. We have not done that. The final ERA report that came out some months later called for greater oversight of the emergency services levy expenditure and the removal of the Fire and Emergency Services Commissioner as the body for appeal for ESL matters. That is exactly what the government is doing. The Minister for Emergency Services is establishing a new ESL referral and grants advisory committee to provide a body of appeal for all ESL grants–related matters. This committee will increase transparency and provide independent scrutiny of the ESL and the associated grants processes. I know we all have a view on the ESL and how it should be spent, but I think the new process has been learnt from that final ERA report and it will make for a better system. That work is underway.

Importantly, the establishment of the rural fire division within DFES means that it can be funded from the ESL. If an independent rural fire service were created, legislation would have to go through Parliament, and we can never be confident of getting any legislation through this place. That legislation would need to come through this place to enable the ESL to fund a department separate from DFES. We have dealt with it in this way. The ESL can be used only for the purposes of the Fire and Emergency Services Act. When it was introduced as a more equitable means to fund emergency services, the commitment was given to quarantine the funds for the same purposes as the insurance levy was made to the community of Western Australia. DFES is obviously subject to the same budgetary control measures and scrutiny by government, as government agencies are, with the allocated budget each year and the estimates process, which is coming up.

I am running out of time, but I remind members that again the minister in his travels around the state has listened extremely hard to those people with views on this issue. As I said, we cannot always make people happy but he has listened to the many volunteers who are doing fine work in this space. He is appreciative of the support of volunteer associations, the Bushfire Front, the United Firefighters Union of WA and local government volunteers. He recognises the real importance of bushfire safety to our local communities. This is significant reform. I am pleased that it does continue to receive support from members of Parliament across the chamber. We need to all make sure that we work together over the years ahead to make sure that this continues to deliver for people in regional Western Australia.

I thank those many men and women who work hard to keep our communities safe. I will indicate to the honourable member that we will not be supporting his motion this afternoon.

Debate adjourned, pursuant to standing orders.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from 12 June on the following motion moved by Hon Stephen Dawson (Minister for Environment) —

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

HON ROBIN CHAPPLE (Mining and Pastoral) [3.07 pm]: Today I rise to give my fourteenth budget reply, and I have to say that not much has changed. We still talk about the diminution of staffing in agencies. We are still talking about fiscal provenance. I sometimes wonder whether it is just more of the same. Anyway, I acknowledge the speech given by my colleague Hon Diane Evers in response to the budget, which was her primary responsibility. She stressed in her speech the importance of focusing on regional areas, increasing services to the regions and encouraging people to stay in regional areas. I am also very passionate about that in the Pilbara and the Kimberley, which are the areas with which I have a great deal of relationship.

I suppose we can almost go back to what I had to say 14 years ago: we need to understand that resource consumption now exceeds the regenerative capacity of our earth. In that regard, I do not see much in any budget in the last 14 years that has truly addressed these issues. Budgets that I was not involved in prior to that, back in 1988, were taking the quite futuristic view of the government of the day. They established Greenhouse 88, which was a committee of 14 that reported to government on a regular basis on the future. Our resources are finite and we know that we are 127th in the world in terms of a future fund, yet we are one of the most resource rich states in the world. Unfortunately, we have done nothing to retain the value of the immense wealth that has been generated from this state. At one level, part of the problem is that we have bent over backwards for the big end of town, which came to the state and said, "We will develop the state but you've got to dance to our tune", whereas governments in other countries, whether it be Canada, Norway, or many other nations, have said, "You will dance

to our tune." It is very much the same in Saudi Arabia. I have mentioned in this place before that I once met with an engineer from Saudi Arabia who asked me what countries we were buying. I quizzed him and he said that when a country or a state is generating an amount of income from oil, gas or mining, it must be doing something with that money. I replied, "No, we aren't." At a global level, unfortunately, in one of the most prosperous states—Western Australia—we have done very little with that over time. I talked about many things back in 2001, including long-distance commuting or fly in, fly out workers and those sorts of things, and I am still here today talking about exactly the same things.

[Quorum formed.]

Hon ROBIN CHAPPLE: We continue to extract and overuse our natural resources beyond their replenishment capacity. I am reminded of a statement made by the Association of Mining and Exploration Companies in its 2003 annual report. It acknowledged for the first time ever that the mining industry had been kidding itself that it was a sustainable industry and made the commentary that we have to acknowledge that the industry is not sustainable. If we want a sustainable society into the future, we need to establish an economic base on which we can go there. Unfortunately, in the last term of government, a number of things led us in the opposite direction.

In 1985, a gentleman whom we acknowledged in this chamber, Dr Phillip Playford, who has now unfortunately passed away, led a committee of inquiry that was referred to as the working party on conservation and rehabilitation in the mining industry. It comprised Dr Phillip Playford, John Clarke, Peter Atkinson, Sue Belford, David Bennett, Bill Carr, Geoff Dodge, David Fitzgerald, Graeme Robertson, Richard Tastula and Dr Alan Tingay. At that time, we looked at the issue of bond arrangements. Until then, very few bonds had been established in Western Australia and it was a recommendation on a number of pages associated with that report. In reference to bonds, paragraph 4.4 states —

> Such a bond needs to be sufficient for the State to complete the rehabilitation work to the required standard in the event of the miner failing to do so.
>
> …
>
> A bank guarantee appears to be the most suitable option, as it would result in the least financial hardship for the operator.

Unfortunately, many things have happened since then. In 1993, under my consultancy, Chapple Research, I conducted a review for the then Minister for Mines on the Playford report. I quote from that report —

> It is apparent that for whatever reason that the imposition of the bond system, is working. Recent mines and operations are taking the issue of perceived environmental management in a more responsible manner.

We were moving forward but this report is from 1993. Comments made in the Playford report about the bond system include that it had removed many of the key legacy issues. What I went on to say was quite interesting. In relation to bond provision, I made the comment that —

> **That a levy be struck on all future mine developments, to establish a reserve fund, for the environmental rehabilitation of mine sites and shafts, waste dumps and tailings dams, not to be re-worked. This levy to be administered and managed in conjunction with the bond system. This levy could be waived and bond system modified, in the event of a proponent, giving commitment to re-habilitate a mine site adjacent to their current tenement. i.e. using waste or tailings to infill adjacent pits, including surface regeneration.**

Back in 1993, we were talking about what eventually became the mining rehabilitation fund. Moving to 30 March 2011, Western Australia's mining security system's preferred options paper recommended that the bond system, which was then standing at 25 per cent of the projected cost of environmental repair, be moved to 100 per cent. I quote its report —

> A review into the State's mining securities system was also conducted by the Department of Industry and Resources in 2008, which recommended the retention of an environmental bond system with rates increased to levels approaching the full cost of rehabilitation and mine closure. Such a system would have brought Western Australia's mining securities generally in line with other jurisdictions in Australia and other developed countries.
>
> The government's implementation of the recommendation to increase bond rates was put on hold in response to the global financial crisis, resulting in the current Minister for Mines and Petroleum placing a two year moratorium on the raising of bond rates.
>
> It is recognised that moving to a full cost bond system could have a significant financial impact on the industry and, therefore, the wider community. For this reason, during the period of the moratorium, the department commenced a review to determine alternatives to a full cost bond system …

Then in 2012, the Liberal–National government, under Hon Norman Moore, moved to introduce what I had basically recommended back in 1993—a mining rehabilitation fund. It is interesting to note that the second reading speech associated with that provision indicates it was not seen to be a replacement for the bonds system; it was seen to be a future fund for, I think, about 20 000 abandoned sites that exist in Western Australia. We have a major problem with abandoned mine sites, which was addressed by Hon Norman Moore in his second reading speech on 26 September 2012. Unfortunately, since then we have had the mining rehabilitation fund, and we have relinquished or handed back all the bonds held by various corporations. The idea was that the MRF would end up with about $500 million in its reserve fund, to be used as capital for an investment to enable the rehabilitation. Unfortunately, we have been eating into that for rehabilitation processes for mines that are currently getting into trouble. On 12 June this year, WAtoday reported that Sino Iron and Korean Steel, basically subsidiaries of the Chinese government, had bought the rights of Clive Palmer's private firm Mineralogy to mining tenements 100 kilometres south east of Karratha. They entered into an agreement with Mineralogy in 2014 to pay about $529 million into a rehabilitation fund, as per the Western Australian mining law. The article reads —

> Chinese-owned mining companies could skip a $529 million bill for environmental damage caused by an iron ore mining project in Cape Preston, in WA's Pilbara, a report from Clive Palmer's mining company Mineralogy has found.

There is a significant issue around this that I will quickly explain. The mine is owned by Sino Iron and Korean Steel under a corporation called CITIC Pacific Mining, but the tenement is actually owned by Mineralogy, so there is the issue of who will be responsible. The article continues —

> Mineralogy was to act as trustee of the $529 million fund to ensure the site could be restored at the end of the mine's estimated 25-year life.
>
> But it has commissioned from mining rehabilitation expert Mike Slight that it says confirms rehabilitation funds have gone unpaid.
>
> Mr Palmer said Citic's recent statement signalling it was considering abandoning the project meant the matter was now "pressing and urgent".
>
> The project is now well into production phase and Mineralogy operations executive Nui Harris estimated it was causing more than $1 million in environmental damage per day of operations.
>
> "Serious questions must be asked why foreign government–owned companies are being allowed to exploit the wealth of Australia unchecked," he said.
>
> But a Citic Pacific spokesman said Sino Iron was in compliance with its environmental obligations under the State Agreement and relevant legislation.

That is absolutely correct, because the companies do not actually have to have a bond any longer; they just have to pay two per cent into the MRF, which will never repay the issue. I note that the new Minister for Mines and Petroleum has already indicated that he wants a tougher role in relation to corporations. An article in *The West Australian* of 27 April 2017 reads —

> New Mines Minister Bill Johnston has called on the Federal Government to ensure that the parent companies of mines, or even their directors, remain responsible for the clean-up after the mines are closed.

Unfortunately, he might want that, but unless we have some sort of carrot or stick to deal with the issue, we will see companies walking away. A Senate inquiry into rehabilitation is going on at the moment. A very prominent member of the Western Australian mining community, Mr Harley Lacy, who has won a Golden Gecko Award and is well known throughout the industry, indicated in his submission that the idea of the capacity of mining organisations to meet 100 per cent of closure costs through bonding provisions has at times been criticised by industry. Primarily, in reducing available capital for the company, bonding is generally provided in the form of a bank guarantee, and does reduce the borrowing limit of companies, but it is an effective low-cost bank security for the state and hence the commonwealth.

The problem we have is that when these corporations go to the wall, it falls back on general revenue, and by extension the taxpayer, to pick up the costs of rehabilitation. That is not factored into the budget, and that is why I come back to the whole budget issue. If we are going to have a budget, we need to look at our liabilities, and those liabilities are not included in the budget. They never have been, and I am not sure that they ever will be, but it should be a really important part of establishing a budget, knowing the liabilities and assets. On 16 February 2016 I asked a question of the then minister, Hon Bill Marmion, about how many projects that had bonds released for their tenements had been put into administration since the bonds were released. There were four: Kimberley Diamond Company, GMK Exploration Pty Ltd, Pluton Resources—the operator of the Cockatoo Island iron ore project—and Midwest Vanadium. I then asked for the estimated total amount of money that had been returned and was now a liability of the state. Kimberley Diamond left a liability of $40.18 million; GMK Exploration left a liability of $3.8 million; Pluton Resources left a liability of $3.52 million; and Midwest Vanadium left a liability of $16.15 million. At no stage have I ever seen, in any budget, that deficit being attributed to a budget item, which it should be. If we are doing a proper cost–benefit analysis, that is where it needs to occur.

The Minister for Mines and Petroleum, Bill Johnston, has said that changes need to be made, so that mining companies cannot use legal loopholes to avoid environmental rehabilitation obligations. He is quoted in WAtoday on 1 May 2017, as stating —

> "Rogue players, as they've been called, should not be allowed to shift their costs to the rest of the industry, negatively impacting other companies," he said.

That is a bit of a misnomer, because in fact those costs are not shifted to other companies—the taxpayer ends up picking up the tab. The article continues —

> "In light of experience, there is a need to assess and improve the Mining Rehabilitation Fund so that the industry is protected."

[Quorum formed.]

Hon ROBIN CHAPPLE: I chuckle.

"In light of experience, there is a need to assess and improve the mining rehabilitation fund." That statement was made by the Minister for Mines and Petroleum, Bill Johnston. We need to resolve this issue but tinkering with a mining rehabilitation fund that generates merely two per cent from the mining industry is not the way to go because the mining rehabilitation fund is not there to operate as a de facto bond system; it is there to clean up sites such as Wittenoom and many others that exist around the nation. We have a shaft 70 metres from a Leonora school that is unfenced and unbounded. We need to do things with that fund.

I return to what has been discussed already. Very little is being done about the 11 000 abandoned mine sites and about 200 000 abandoned mining features in WA. These figures came about as a result of the Senate inquiry. Mines get abandoned for many reasons, including commodity prices, collapsing demand, dipping and cost spiralling—a range of issues. Unfortunately, in all of this process, we have done little. The Chamber of Minerals and Energy fronted the inquiry and was not able to provide any examples of a good outcome. I want to deal with that.

I want to refer to other aspects of the budget, particularly certain budget pages relating to the Department of Biodiversity, Conservation and Attractions. I start with biodiversity concerns and issues raised by the Auditor General. How will the Minister for Environment fix this without funding in the department? The budget does not reinstate the level of funding for the environment, especially threatened species that were removed under the Barnett government. In 2015, the Barnett government cut 90 FTEs from the Department of Parks and Wildlife, now the Department of Biodiversity, Conservation and Attractions, including 30 FTEs from science and conservation. Until those science and land management positions are reinstated at the Department of Biodiversity, Conservation and Attractions—I wish we could get out of that name—this government cannot hope to address the threats and complex challenges faced by WA's biodiversity that this budget refers to on page 571 of budget paper No 2. In fact, it appears from page 573 of budget paper No 2 that a program conserving habitats, species and ecological communities will be about $4 million worse off in 2018–19 compared with 2017–18. I cannot find anywhere in this budget a serious commitment from the McGowan government to address the state's runaway biodiversity loss. This is despite the fact that in September 2017, the WA Auditor General raised a red flag about this in his audit "Rich and Rare: Conservation of Threatened Species Follow-up Audit". This audit found the number of threatened species in WA had increased 12 per cent since the 2009 audit to 672 species. The Auditor General specifically urged the government to increase funding. That Auditor General's report states —

> DBCA conservation services including those aimed at threatened species are operating with fewer resources than in 2009. Both expenditure and staffing are below 2009 levels while the conservation task has grown as more species are listed as threatened.

That was on page 6 of "Rich and Rare: Conservation of Threatened Species Follow-up Audit". The Auditor General also found that many recovery plans for the threatened species are often not resourced and therefore not being implemented. He further warned that a 2009 recommendation for the government to increase the amount of land it reserves for conservation to be increased had not been followed. WA's threatened species exist all over the state and are a key asset to science and potentially the health and wellbeing of our sense of identity and state pride as well as industry and tourism. I am curious to learn what specific services the Minister for Tourism will be responsible for in relation to the service "Conserving Habitats, Species and Ecological Communities" outlined on page 572 of the budget papers. Our biodiversity is found in our capital as well as our region. While noting that this budget does make brief mention within the planning portfolio of the purchase of remaining Bush Forever sites held in private ownership, I urge the government to also address another big gap in Bush Forever, which is that many Bush Forever sites are still, 18 years after the scheme was announced, outside the conservation reserve estate and, as such, lack both protection and a signed management agency. This budget suggests that the government would use the considerable metropolitan regional tax funds to secure infrastructure for Metronet. The Greens also call on it to sue the fund and implement Bush Forever and green corridors across Perth and Peel to make this city a liveable place into the future. To do this effectively, the first step will take reinstating funding and staffing for the environment, especially in science and conservation. Sadly, this has not occurred in this budget.

I now turn to another aspect of the budget. Looking at the budget from a local government perspective, it was interesting to note in WALGA's recommendations for budget repair that it noted the importance of delivering genuine savings, not shifting costs to local government or the not-for-profit sector, ensuring taxpayer dollars are directed to essential services that will deliver the greatest benefits to local communities. Very importantly, revenues collected from the waste avoidance and resource recovery levy should be directed into strategic waste management activities. I know that members in this place were here when we debated the great waste robbery—when the former government increased the resource recovery levy only to have the majority of it go into a shortfall in what was then CALM funding.

Hon Donna Faragher: I haven't seen the current government bringing in legislation to reverse that. Have you noted that?

Hon ROBIN CHAPPLE: I had noted it. I am coming to that very point.

Hon Donna Faragher: Good. I am pleased because you may recall, we spent a few hours on this.

The DEPUTY PRESIDENT: Order! There are terribly unruly interjections coming from Hon Donna Faragher. Hon Robin Chapple has the call.

Hon ROBIN CHAPPLE: I was just coming to that very salient point observed by my colleague. I do remember in this chamber a number of members on the government side of the house being very critical of the decisions —

Hon Donna Faragher: One spoke for 12 hours on it.

Hon ROBIN CHAPPLE: I am very, very surprised —

The DEPUTY PRESIDENT: Order! If anybody is speaking, but not for 12 hours, it will be Hon Robin Chapple.

Hon ROBIN CHAPPLE: Thank you, Mr Deputy President. I do enjoy your interjections from the Chair. They are really valuable. It keeps me on track.

The DEPUTY PRESIDENT: Order! Member, the Chair never interjects but I do call you to order. Members, honestly, the behaviour in this place this afternoon is appalling. Hon Robin Chapple knows not to involve the Chair in the debate.

Hon ROBIN CHAPPLE: When it comes to this particular issue, I am very surprised that the new government, which was very vocal when in opposition about the cost shifting of the previous government, has not had the fortitude to put the levy back where it belongs—that is, into waste and recycling.

Hon Peter Collier: Hear, hear!

Hon ROBIN CHAPPLE: Hear, hear from that side of the chamber?

Hon Peter Collier: I say that because the government has not adhered to its principles. I am not saying I agree with it. I am saying I agree with the point you have made.

Hon ROBIN CHAPPLE: Okay!

Hon Dr Sally Talbot: He's not on your side!

Hon Peter Collier: You understand what I mean, don't you?

The DEPUTY PRESIDENT: Order! If we have one speech at a time, members will not get confused.

Hon ROBIN CHAPPLE: Thank you, Mr President—Mr Deputy Acting President, or whatever you are —

The DEPUTY PRESIDENT: I know who I am; just get on with your speech.

Hon ROBIN CHAPPLE: I now want to talk about my favourite subject, the Burrup Peninsula. We certainly have a problem with the expansion of industry in Western Australia. The former government, under Premier Colin Barnett, talked about World Heritage listing for the Burrup. The current Premier, Hon Mark McGowan, has also talked about World Heritage listing for the Burrup. However, we have found out that this government is proposing to put three new industries on the Burrup. The key issue is that so long as we adhere to the fundamental plan of the Department of State Development, we have a problem. The plan of the Department of State Development is that we will destroy the Burrup, we will then destroy West Intercourse Island, and we will then move industry to the Maitland industrial estate. Maitland is flat land, with 20 per cent lower construction costs than anywhere on West Intercourse Island or the Burrup. Unfortunately, this government is being led by the nose to a large degree by the Department of State Development, which has said it has three new projects for the Burrup. I had the privilege of meeting with one of those proponents the other day. He did not even know that Maitland exists.

Hon Stephen Dawson: Who was that?

Hon ROBIN CHAPPLE: I would rather not say, but I had a lengthy conversation with one of the proponents at his offices in St Georges Terrace. He did not know that Maitland, a gazetted industrial estate with industry already on it, exists. I am very annoyed with that agency in providing the government and the minister with advice. We

know from the International Council on Monuments and Sites and from the work that Carmen Lawrence has done in this space that if any further industry goes to the Burrup, the Burrup will not be given World Heritage listing. World Heritage listing will not be given to a place that is already completely in danger—it will not be accepted. Yesterday, I asked question without notice 439 of the Minister for Environment about the process for World Heritage listing of the Burrup. We have had public statements from Murujuga Aboriginal Corporation on Radio National that it supports World Heritage listing of the Burrup. The answer I was given by the minister yesterday was that MAC is still considering that listing and needs to get all the parties together. I can tell the minister that a document has already been signed by all parties in support of World Heritage listing of the Burrup. Therefore, I am not sure where the government is getting its information from.

Hon Stephen Dawson: From MAC.

Hon ROBIN CHAPPLE: That document already exists. I am more than happy to provide the minister with a copy of that document. It is signed by all the deed parties to the Burrup and Maitland Industrial Estates Agreement. Having said that, as I explained to the minister yesterday, the problem is that if we cannot get this proposal on the go now, by the time we are able to put to the federal government a request for an emergency listing for the Burrup, the horse will have bolted. If the industries that are proposing to establish on the Burrup—Perdaman Industries, Methanex and Coogee Chemicals—end up doing so, there will be very little chance of getting World Heritage listing for the Burrup. I have been passionate about that since 1974 when I first went to the Burrup to work for Hawker Siddeley Brush. I support industry going to Maitland. The problem is that the rocks on the Burrup already have a pH of 4. That is the same pH as beer. I do like a glass of beer, but I do not particularly want to go and lick it off the rocks. Having said that, we need to understand that beer has an instant effect on oxides. Water has a pH of 7. Hydrochloric acid has a pH of 1. The acidity of the rocks on the Burrup is about halfway between those levels, and the rocks are getting more acidic as we speak. If any further industry is put on the Burrup and nothing is done to reduce the acid load on the Burrup, we can kiss goodbye to the world's most important rock art site.

I now come back to the budget papers. I have dealt to a large degree with the mines portfolio. I want to touch on some Aboriginal Affairs issues. Net appropriation determinations for the budget year 2018–19 are estimated to be $81.807 million and to decline over the forward estimates to $66.951 million in 2019–20, $60.635 million in 2020–21 and $52.411 million in 2021–22. Funding for the Aboriginal governance and leadership development program has almost been cut in half and will end after this budget year. The funding drops from $1.777 million in 2017–18—I will not read out the other figures that I have, because I think I have got my figures wrong—to zero in 2019–20.

When it comes to biodiversity issues, which is another passion of mine, there is no mention of any funding for the eradication of cane toads. The government has obviously given up on that and just thrown its hands in the air.

I turn now to the staffing levels for Indigenous Affairs. It is very difficult to work out the staffing levels because of the amalgamation of departments.

Hon Peter Collier: I have put in a question on that, and I will get the answer back tomorrow. You might be interested in that. I have done it for every department.

Hon ROBIN CHAPPLE: Lovely; thank you. We can then do a tally. It is a pity we do not have that now because we would have a field day.

Hon Peter Collier: Apparently, the answer is due back tomorrow and we will find out. I will give it to you.

Hon ROBIN CHAPPLE: I thank Hon Peter Collier for his interjection. That will be very valuable.

Under the former government, there was a marked reduction in staffing levels and a number of cuts to the funding for Heritage. We now see what appear to be—I make the point "what appear to be"—further cuts in this budget to that area. Many of the people who were in the department —

Hon Peter Collier: How can you tell? It is so hard when it is all over the place.

Hon ROBIN CHAPPLE: Hon Peter Collier obviously knows, as the former minister, that I was very quizzical about what was happening in the then Department of Aboriginal Affairs. I know many of the people in that department. In fact, I have had a good working relationship with one of the former minister's senior staff members, Mr Aaron Rayner. I worked with him quite recently. He is no longer with the department. I will point out that he left when the department was under the minister's jurisdiction. I have also worked with Catherine Polowniak and many others who are now working in other organisations. These people were crucial to keeping that department running and they are now all diffuse and gone. In estimates, I asked the current CEO, Gail McGowan —

Hon Peter Collier: What estimates?

Hon ROBIN CHAPPLE: Not these ones; it was last year's estimates.

Hon Peter Collier: I was going to say they are not in this one.

Hon ROBIN CHAPPLE: Sorry, it was not estimates; it was the annual report hearings. I tried to tease out how many staff were in the agency, but because the department staff are quite diffuse I could not get a real answer. There was sort of an indication that the department needed experts and they would be brought in, which I do not think is a very good way to run a department.

I will move on to the issue of remote housing mentioned in budget paper No 3. Page 4 states —

> A commitment to continued Commonwealth funding for remote housing is also being sought following the expiry of the current agreement (around $100 million per annum) on 30 June 2018.

I really would not mind a response about this from the minister, because, quite clearly, that was what led to the former Premier going out onto the front steps of Parliament House and saying in a fit of rage, "We will close 150 communities." Quite clearly, that never happened and I hope it never will happen. That was largely in response to the federal government removing about $100 million per annum that was coming to the state for remote housing. That is obviously going to have a significant adverse impact on remote communities. Could the minister indicate in his budget reply how the government is going to deal with this, because I do not want to see those communities suffer any more than they already have? I understand that it is a commonwealth problem. It has removed the funding. I think it was a terrible initiative of the commonwealth government to do that, but it has left us holding the cake, and I would really like to know from the minister how we are going to deal with this. There is no funding that I can see on page 286 of the *Budget Statements* for remote housing. It will be interesting to see where we are going to be at after 30 June 2018. Page 417 of the *Budget Statements* states —

- The National Partnership Agreement on Remote Housing concludes on 30 June 2018 and there is no further Commonwealth funding commitment beyond this date. The absence of ongoing Commonwealth funds creates a substantial funding shortfall, removing the Department's ability to commit to new builds or support more houses and comprises the effective delivery of a planned asset management program. The State will continue to support existing housing in remote communities, recognising its importance for social, economic, health and education outcomes.

I want to know how the government is going to do that when we do not have any money. That would be my concern in that area.

I turn to the Department of Water and Environmental Regulation division on page 552 of the *Budget Statements*. The container deposit scheme is flagged under significant issues impacting the agency. It states that the department is developing the scheme for implementation in 2020, when it was previously announced that it would be implemented in 2019. The key issue is why there has been a delay in the CDS, considering that over 90 per cent of respondents to the government survey supported a CDS in WA. Has the government considered expanding the CDS to include all glass bottles such as wine and beer bottles? Glass is a hazard for cyclists and other people using footpaths, dual paths and roads. Glass contaminates kerbside recycling, so removing it from kerbside recycling through a CDS would increase the value of kerbside recycling. I think we need a very clear explanation from government about how we are going to operate this program and why there has been a delay.

I was very pleased to hear the Premier yesterday talk about the fact that he is going to consider other aspects of plastics and recycling. He is now talking about straws and other single-use plastic packaging. As I have said in the media, we have a bill that has been second read and I have no problem with the government tinkering with it, but let us get it in and get it done.

I have dealt with biodiversity, but there is one other thing I want to briefly talk about—I should have mostly covered it a bit earlier—and that is the exploration incentive scheme. I support what the government has done in that regard. The funding of $10 million per annum for the exploration incentive scheme will be raised through increases to annual mining tenement rents of six per cent in the 2018–19 and 2019–20 budgets. My problem with the exploration incentive scheme has always been that it was being funded out of royalties for regions, which certainly was not set up to do that. Royalties for regions was about providing services to the regions, not subsidising the mining industry. Here there is a process by which the incentive scheme will be kept going, and we know it has delivered some good outcomes, but the money is coming from the mining sector, so it is robbing Peter to pay Paul; it is not coming out of some other budget. I think that has been a good thing from the state government. We know it will create local employment, because most exploration companies are locally based rather than centrally based. It is a good outcome. The *Budget Statements* reflects that future in the footnote on page 207, which states —

> The Department collects additional revenue for Mining Tenement Rentals … The increased revenue from 2018–19 onwards supports the continuation of the Exploration Incentive Scheme with funding of $5 million in 2018–19 and a further $10 million per annum from 2019–20 …

I go back almost to where I started my contribution. One thing that has always puzzled me is that a state that is so mineral rich cannot create a future fund or a reserve. I go back to the 2013 review of the royalty regime. That was conducted with cabinet and various ministers, and we have stuck at 10 per cent. That is the notional figure. Every royalty rate under that is reduced, so iron ore is 7.5 per cent and gold is still currently stuck on 2.5 per cent, whereas every other state is on five per cent. We have a problem. We do not really generate enough federal revenue from

taxation of the mining industry and we pander to the mining industry, which was very supportive of the decision of the 2013 review not to lift the royalty rate. The National Party talked about trying to tinker around with some obscure rental value, which just happened to exist in state agreement acts and had no functional capability whatsoever. It was actually transferred to a regulation. If we are really genuine about lifting the state's economy, we need to be fair dinkum about making sure that our resources that are finite, according to the Association of Mining and Exploration Companies and everybody, leave us with a legacy of income.

Where are we going to be in 27 years or whatever—I think it is 47 years on one account—when our major industries are looking at banded iron ore formations, which are of much lower value? I want this state to be in a good position for my grandchildren and for future generations. I have seen nothing in any of the budgets I have talked about over the last 14 years that has ever addressed that. We are too scared of the big end of town and we kowtow to them. One of the agencies that has led us into that position is the former Department of State Development.

We have noticed that there has been quite a good outcome recently: Mineral Resources has just agreed to take over Koolyanobbing, and will continue to export out of Esperance. I was the consultant who went down to Esperance and negotiated the original outcome there; that is the only iron ore port anywhere in the world that actually has all its stockpiles and transfer points—everything—in hermetically sealed systems. I remember Portman Iron Ore coming down to the chamber of commerce and the shire there and saying, "You can't dictate to us. If you don't do what we want, we're walking." It was going to be only 14 jobs on the wharf. I advised the shire to let Portman walk, because I could guarantee that it would not walk. Three days later, Portman committed to spending $16 million and doing exactly what the community wanted. If only state governments had the fortitude to not bend over to industry and to call its bluff. We have the resources, we have the lithium and we have the iron ore. It is about time we stood up for our state and its economy and not just bend over backwards for the big end of town.

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

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

Second Reading

Resumed from 12 June.

HON ALISON XAMON (North Metropolitan) [4.02 pm]: I had only just begun my contribution yesterday, so I rise to again affirm that I am the lead speaker for the Greens on the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017. I have also indicated that the Greens are not inclined to support this legislation.

This bill will amend the Corruption, Crime and Misconduct Act 2003, as well as the Criminal Property Confiscation Act 2000. It will ensure that the Corruption and Crime Commission has the power to investigate and bring criminal property confiscation proceedings in respect of unexplained wealth and criminal benefits. That means that the CCC's current statutory powers will be joined with powers currently possessed by the Director of Public Prosecutions and the Western Australia Police Force in respect of unexplained wealth and criminal benefits under the Criminal Property Confiscation Act 2000. The CCC will not have exclusive jurisdiction; the DPP and the police will still retain their powers, but the CCC will be able to investigate cooperatively with another body and to consult, cooperate and exchange information with other people and bodies. That includes entities such as the police, the Australian Criminal Intelligence Commission and the Australian Taxation Office.

As has been mentioned, this bill's genesis was the 2008 Archer report, which was a statutory review into the legislation establishing the CCC and its functions. It was carried out by Ms Gail Archer, SC, as she then was. There were 58 recommendations for reform and they covered a very wide range of matters. Recommendation 27 recommended amendment of the Criminal Property Confiscation Act 2000 to give the CCC the same powers as WA Police and to allow it to apply for unexplained wealth declarations, criminal benefit declarations and, I note, crime-used property substitution declarations, which is not covered by this bill, with the question of transferring to the CCC the functions of the DPP to be reconsidered within five years.

The Joint Standing Committee on the Corruption and Crime Commission did some analysis of recommendation 27 of the Archer report and reported to the thirty-eighth Parliament in its thirteenth report of February 2011, titled "Analysis of Recommended Reforms to the Corruption and Crime Commission Act 2003". The CCC at the time supported the recommendation and the Parliamentary Inspector of the Corruption and Crime Commission at the time had no comment on it. The report supported recommendation 27 in principle and flagged the committee's intention to look into it further in the future. The committee subsequently held a closed hearing with Gail Archer, SC, and further analysed the proposed reforms in its September 2011 twentieth report to Parliament, titled "Closed Hearing with Gail Archer SC and Further Analysis of Proposed Reforms to the Corruption and Crime Commission Act 2003". By then, Ms Archer had served a term as Acting Corruption and Crime Commissioner.

Some pertinent points were made in the chairman's foreword of that report. It states —

> The recommendation to expand the role of the CCC to combat organised crime was not initiated by Ms Archer. She concurred with the work that had been done and although allowing the recommendation to stand, did not consider it to be a "principal recommendation."

Instead, apparently Ms Archer considered far more vital the recommendations around delegation, the appointment of a public interest monitor to represent the public interest in applications for surveillance warrants—a really important matter—and the role of the CCC's education and prevention function, which is another really important role. Continuing on in the chairman's foreword —

> It has been, and continues to be, the Committee's view that given the historical link between organised crime and police corruption, that the fight against organised crime is best served by the CCC in monitoring the WA Police for corruption.

The committee preferred to expand the provisions granting exceptional powers to the police and instead retain the CCC's vital oversight role of WA Police and the wider WA public sector. Recommendation 1 states —

> If the CCC is given an enhanced organised crime investigation function, its functions of preventing, identifying and dealing with misconduct should be maintained at (at least) its current capacity.

That was a quite prescient observation by the committee and goes very much towards some of the concerns the Greens and I have about the bill in front of us.

In June 2012 the committee reported specifically on the issue at hand in its twenty-eighth report, titled "Proceeds of crime and unexplained wealth: A role for the Corruption and Crime Commission?" The foreword of the committee's report stated that the committee remained opposed to increasing the jurisdiction of the Corruption and Crime Commission so as to enable it to directly investigate organised crime while concurrently oversighting WA Police. The foreword concluded that the committee believed that any problems were unlikely to be rectified solely by expanding the jurisdiction of the CCC. It noted that deficiencies in the Corruption and Crime Commission Act 2003 would need to be addressed if the CCC was to prove more effective than the WA Police–Office of the Director of Public Prosecutions model. Furthermore, any new role undertaken by the CCC would require either an initial increase in the CCC's resources or an abrogation of duties presently performed by the CCC; that is, any solution based on the CCC undertaking this role would necessarily come at a cost to the state of Western Australia. That is the work of the Joint Standing Committee on the Corruption and Crime Commission looking at precisely the issue in front of us today.

I want to touch on some of the issues that arise directly as a result. The Corruption and Crime Commission has undertaken to exercise its proposed new function as will be prescribed within the act within existing resources for three years and then to review the funding arrangement. It has been stated on several occasions that the ongoing costs of the unexplained wealth function may be realised by the success of confiscation proceedings. However, the CCC has advised that this diversion of existing resources from the CCC's existing functions will have an impact on the CCC's other investigative outputs. We are regularly advised that the CCC assigns priorities and suspends or terminates investigations if resources at the time need to be committed to what is deemed to be a more important investigation. Accordingly, resources would be diverted from this area to a particular serious misconduct investigation if it was determined that the public interest would be better served that way.

The reference to ongoing costs being realised by the success of confiscation proceedings is a reference to section 131 of the Criminal Property Confiscation Act 2000, which sets out the purposes for which money can be paid out of the confiscation proceeds account at the Attorney General's direction. They include —

> (e) to carry out operations authorised by the Commissioner of Police for the purpose of identifying or locating confiscable property; and
>
> (f) to cover any costs of storing, seizing or managing frozen or confiscated property that are incurred —

Under the act. Clause 73 of the bill proposes to amend these purposes so that they also apply to the CCC, making criminal property confiscation proceedings by the CCC potentially self-funded going into the future.

I note that another purpose in section 131 is —

> (b) … the development and administration of programmes or activities designed to prevent or reduce drug-related criminal activity and the abuse of prohibited drugs;

The Greens have long regarded these approaches as an essential and core part of tackling the state's drug problem. The fundamental questions that I believe arise with bills that affect the CCC's functions are that it means we need to start examining what, in the view of Parliament, is the role of the CCC. Whose role is it to deal with serious and organised crime in this state? Importantly, whose role is it to be the gatekeeper overseeing how those people deal with it? How do we make sure that the people with gatekeeper responsibility ensure that the people undertaking those investigations are not corrupted by serious and organised crime? Parliament still has not fully identified where the balance best lies. The Greens would say very clearly that the CCC's most important role is the oversight of police. That is how it fights serious and organised crime.

Debate interrupted, pursuant to standing orders.

[Continued on page 3275.]

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

COMMUNITY HOUSING — THREE-STRIKES POLICY

444. Hon PETER COLLIER to the minister representing the Minister for Housing:

(1) Can the minister confirm that there is no three-strikes policy for community housing provided by non-government providers, as there is with Housing Authority tenants?

(2) Do community housing tenants have to comply with conduct obligations under the Residential Tenancies Act?

(3) If no to (2), what legislative requirements do community housing tenants have to comply with?

(4) What legislation or policy do neighbours of community housing use to evict tenants who engage in persistent antisocial behaviour?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. The following information has been provided by the Minister for Housing.

(1) The disruptive behaviour management strategy is a tenancy management policy of the Department of Communities. Community housing organisations have their own tenancy management policies.

(2) Yes.

(3) Not applicable.·

(4) The member may recall that in 2011 the previous Liberal–National government, of which he was a minister, amended the Residential Tenancies Act 1987 to introduce specific provisions for the termination of social housing tenancy agreements due to objectionable behaviour. Although neighbours of community housing tenants do not have the authority to evict tenants, they should report disruptive behaviour to the community housing organisation that manages the property, which will manage the tenancy in accordance with the act. Criminal behaviour should be reported to the Western Australia Police Force.

STRATEGIC ASSET INVESTMENT PLANS

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

(1) Does the Department of Treasury prepare strategic asset investment plans by electorate?

(2) If so, will the minister table a copy of the strategic investment plan for the electorate of Darling Range; and, if not, why not?

Hon STEPHEN DAWSON replied:

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

(1) No.

(2) Not applicable.

NATIVE TITLE CLAIMS

446. Hon MICHAEL MISCHIN to the minister representing the Minister for Aboriginal Affairs:

As at 11 March of each of the years 2008 to 2018 inclusive, how many native title claims in Western Australia —

(a) had been lodged;

(b) had been resolved;

(c) were outstanding; and

(d) of those in (c), were pending determination by the courts?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The Department of the Premier and Cabinet advises the following.

Due to the short time to answer the question, data is available only by financial year. The number of claims lodged represents those claims that were current in the system at the end of each year. The number resolved are cumulative figures for those claims that have a finding by the Federal Court that native title either exists or does not exist, by either consent or litigation. All outstanding claims are pending determination by the courts. Applications may be withdrawn, struck out, discontinued and dismissed during the year but are not considered to have been resolved.

The remainder of the answer is in tabular form, so I seek leave to have it incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

2007/2008

136 lodged

23 resolved

113 outstanding

113 were in case management with the court

2008/2009

120 lodged

25 resolved

95 outstanding

95 were in case management with the court

2009/2010

124 lodged

26 resolved

98 outstanding

98 were in case management with the court

2010/2011

137 lodged

29 resolved

108 outstanding

108 were in case management with the court

2011/2012

135 lodged

30 resolved

105 outstanding

105 were in case management with the court

2012/2013

140 lodged

38 resolved

102 outstanding

102 were in case management with the court

2013/2014

145 lodged

45 resolved

100 outstanding

100 were in case management with the court

2014/2015

139 lodged

48 resolved

91 outstanding

91 were in case management with the court

2015/2016

138 lodged

59 resolved

79 outstanding

79 were in case management with the court

2016/2017

145 lodged

66 resolved

79 outstanding

79 were in case management with the court

2017/2018

150 lodged

76 resolved

74 outstanding

74 were in case management with the court

2018/to 13 June 2018

160 lodged

81 resolved

79 outstanding

79 were in case management with the court

DEPARTMENT OF EDUCATION — VIOLENCE POLICIES REVIEW

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

I refer to the minister's public comments that she has requested a review of school violence policies and her statement on ABC online news, and I quote —

> "I've asked the Department to work with all of the stakeholders, including staff, to review all of our existing policies about how we prevent and how we respond to violence," …

(1) What are the terms of reference for this review?

(2) When is the review expected to be completed and will the results be made public?

(3) Who has the department already consulted with as part of the review?

(4) In addition to those identified in (3), who else will be consulted as part of the review?

Hon SUE ELLERY replied:

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

(1) I have asked the Department of Education to undertake this review to review existing policies and procedures and potential further measures to assist schools to prevent and respond to incidents of violence and aggression, and what policy changes will be required to implement these measures.

(2) The consultation for the review will be completed by July 2018 and changes implemented as soon as practicable. I anticipate that all actions will be completed by the end of the 2018 school year. Department of Education policies relating to violence in schools are already public and will continue to be so, regardless of any changes that emerge from the review.

(3) As minister, I have started, with the department, consultation with the State School Teachers' Union of WA, the Community and Public Sector Union–Civil Service Association of WA, the Western Australia Council of State School Organisations Inc, the Principals' Federation of Western Australia, the Western Australian Primary Principals Association, the Western Australian Secondary School Executives Association and United Voice.

(4) I am planning to meet with the Western Australian District High School Administrators Association, the Western Australian Education Support Principals and Administrators Association, Catholic Education Western Australia and the Association of Independent Schools of Western Australia.

GRANDCARERS ASSISTANCE PROGRAM

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

I refer to the government's announcement that it has reversed its mean-spirited decision and will now extend the grandcarers assistance program for an additional 12 months and during this time will review all programs provided to grandcarers.

(1) When was the decision to conduct a review made?

(2) Who made that decision?

(3) Was that decision recorded in writing?

(4) If yes to (3), will the minister table that document?

(5) Who will conduct the review?

(6) Have expectations, directions, terms of reference or similar been communicated to the reviewer in writing? ·

(7) If yes to (6), will the minister table that document?

Hon SUE ELLERY replied:

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

(1) As part of the Department of Communities' standard procurement planning process, internal discussions commenced in early 2018 about options to review the grandcarers program area, which comprises the grandcarers support scheme, grandcare service and the grandcarers assistance respite program.

(2) At the request of the Minister for Community Services, on 12 June 2018 the Department of Communities provided advice on funding options for the grandcarers assistance respite program. On that date the minister approved additional grant funding for that program to maintain continuity of service provision while the review of the overall program area is conducted.

(3) The internal process leading to the decision to review the program area is not documented.

(4) Not applicable.

(5) The review will be conducted by the Department of Communities as part of the routine service review and design planning process.

(6) A project plan for the review will be developed by the Department of Communities.

(7) Not applicable.

LIVE EXPORT — MIDDLE EAST TRADE RELATIONS

449. Hon JACQUI BOYDELL to the Leader of the House representing the Premier:

I refer to the Premier's comment in an article on WAtoday on 11 June that "there needs to be more visits by senior Australian political figures to China" in order to improve relationships with our largest trading partner.

(1) Given that the Premier's government's threat to ban live export has threatened trade relationships with some of our biggest agricultural trading partners in the Middle East, when will a minister from his government visit these nations to improve our state's relationship with them?

(2) What contingency has the government put in place if his government's threat to ban live export has consequences for other agricultural commodities traded with the Middle East?

Hon SUE ELLERY replied:

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

(1)–(2) The Premier rejects the premise of the question. At no stage has our government threatened to ban live exports, but we recognise that the appalling regulation of the industry by the federal government has resulted in a massive loss of confidence in the industry. Minister MacTiernan has engaged with trading partners and governments in the Middle East to assure them of our commitment to supporting their food security and to find alternatives in terms of boxed and chilled meat during the contentious, high summer period.

DEPARTMENT OF THE PREMIER AND CABINET — FREEDOM OF INFORMATION UNIT

450. Hon RICK MAZZA to the Leader of the House representing the Premier:

I refer to my question without notice 426 asked on 12 June, which the minister requested I place on notice due to the resources required to provide the answer.

(1) Is the Department of the Premier and Cabinet's freedom of information unit under-resourced?

(2) If yes to (1), why?

(3) If no to (1), why did the minister claim that it would take up to four hours to compile a list of overdue FOI applications?

(4) What is the total number of submitted FOI applications and how many of those are overdue?

Hon SUE ELLERY replied:

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

(1) The freedom of information unit is not under-resourced for a reasonable number and scope of FOI applications. The total number of FOI applications received in the 2017–18 financial year on behalf of ministers' offices and the department, 152, is almost double the total number received for the entire 2016–17 financial year, which was 79.

Hon Tjorn Sibma interjected.

Hon SUE ELLERY: I am going to read that again. The total number of FOI applications received in the 2017–18 financial year on behalf of ministers' offices and the department, 152, is almost double the total number received for the entire 2016–17 financial year, which was 79.

(2) Not applicable.

Several members interjected.

The PRESIDENT: Order!

Hon SUE ELLERY: I will continue.

(3)–(4) In accordance with section 13(3) of the Freedom of Information Act, the permitted period is 45 days after the access application is received or such other period as is agreed between the agency and the applicant or allowed by the commissioner. The department does not normally record statistics on applications greater than 25 days past the agreed period as the Information Commissioner does not require that information to be kept. However, a manual search of the FOI applications that are currently with ministerial offices and are overdue by more than 25 days after the agreed period are —

(a) 25 days, three applications;

(b) 35 days, nil; and

(c) 45 days, nil.

POLICE — FIREARMS LICENSING — CORRESPONDENCE

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

I advise the minister that my office has received a high volume of correspondence over the past 48 hours expressing both concern and surprise that the WA Police Force have begun sending letters to licensed firearm owners in Western Australia demanding that as the owner of a very powerful firearm they justify their continued need for the same.

(1) Has the WA Police Force issued such letters?

(2) If yes to (1), how many such letters have been sent in recent weeks?

(3) Will the minister table a template copy of such correspondence?

(4) Can the minister confirm whether the WA Police Force consulted with members of the firearms consultative working group prior to the dispatch of such letters?

(5) What is the WA Police Force definition of a "very powerful firearm", and how was it arrived at?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of this question. I note this question was asked on 17 May, so the answer is current to that date. The following information has been provided to me by the Minister for Police.

(1)–(5) Western Australia Police Force advises it regularly undertakes audits on firearms and firearm licences to ensure compliance. Fourteen letters have been sent to individual licence holders who have a 0.50 calibre firearm or a 0.408 CheyTac firearm and I table an example of the letter sent by WA Police Force. WA Police Force did not consult the consultative group, as this was a regulatory process. The WA Police Force definition of a very powerful firearm is a firearm in excess of 0.308 calibre. The accepted industry term would be "Ultra High Calibre". I table that document.

[See paper 1422.]

INDEPENDENT SCIENTIFIC PANEL INQUIRY INTO
HYDRAULIC FRACTURE STIMULATION IN WESTERN AUSTRALIA

452. Hon ROBIN CHAPPLE to the Minister for Environment:

I refer to the Independent Scientific Panel Inquiry into Hydraulic Fracture Stimulation in Western Australia.

(1) Will an interim report be published and publicly available prior to the release of the final report, as was done in the Northern Territory fracking inquiry?

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

(3) If yes to (1), will this interim report be available for public comment; and, if so, for how long?

Hon STEPHEN DAWSON replied:

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

(1) No.

(2) This is a scientific inquiry and will be peer reviewed by scientists prior to being provided to government.

(3) Not applicable.

HARDSHIP UTILITY GRANT SCHEME — APPLICATIONS

453. Hon COLIN TINCKNELL to the minister representing the Treasurer:

During the past year we have seen a record number of WA households forced to apply for the hardship utility grant scheme, commonly referred to as HUGS. The increase in the utilisation of this scheme is a reflection of the government's increased fees and charges on household incomes.

(1) How much funding has been allocated to the hardship utility grant scheme in the 2018–19 budget?

(2) How much money was initially allocated to HUGS in the McGowan government's first budget in 2017–18?

(3) What is the total funding allocated to HUGS in the 2017–18 financial budget? In other words, how much did the government end up spending compared with its budget forecast?

(4) How many HUGS applications have been lodged to date in the 2017–18 financial year?

(5) How many HUGS applications were lodged in the financial year 2016–17?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. This answer too was asked on 17 May, so the answer is current as of that date.

(1) In the 2018–19 budget, $16 million has been allocated for grant payments under HUGS in the 2018–19 financial year. It is expected that the reinstated financial counselling program, which was terminated by the former government, as well as a number of reforms to program administration by the utilities providers, will ensure that grant payments are made to those most in need.

(2) At the time of the publication of the 2017–18 budget, $20 million had been allocated for grant payments under HUGS in the 2017–18 financial year. In addition, $5.6 million was allocated to reinstate financial counselling into the HUGS program.

(3) In the 2017–18 midyear review process, an additional $5 million was allocated for grant payments under HUGS in the 2017–18 financial year. This brings the total estimated expenditure to $25 million in 2017–18.

(4) As at 10 May 2018, 53 803 applications have been lodged.

(5) In 2016–17, 42 127 applications were lodged.

CITY OF MELVILLE — INQUIRY

454. Hon SIMON O'BRIEN to the Leader of the House representing the Minister for Local Government:

(1) Does the minister's quite extraordinarily named Department of Local Government, Sport and Cultural Industries have a work group that undertakes formal inquiries such as the authorised inquiry into the City of Melville?

(2) What is the nominal full staffing level of this unit?

(3) What is the actual staffing level of this unit?

(4) How many officers were involved in the Department of Local Government, Sport and Cultural Industries inquiry into the City of Melville and have any of those officers now gone on long-term leave?

(5) If, as the minister says in his answer to question C470, the report has not been completed, why has it not been completed and when will it be completed?

Hon SUE ELLERY replied:

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

(1) Yes. The regulatory services division conducts all formal inquiries and investigations on behalf of the department in relation to local government, liquor and gambling.

(2) The nominal level is 28.

(3) The actual level is 28.

(4) Two were involved and, yes, one officer is now on long-term leave.

(5) The City of Melville authorised inquiry report is not yet finalised. The department is endeavouring to complete the report as soon as possible; however, statutory investigations need to afford natural justice provisions and reasonable time frames for the provision of information, analysis and review.

WESTERN POWER — MAINTENANCE OPERATIONS — WOODVALE

455. Hon TJORN SIBMA to the minister representing the Minister for Energy:

I refer to Western Power's maintenance operations in the suburb of Woodvale.

(1) What expectations should residents have about Western Power's timeliness in replacing and energising power poles and street lights that have been removed under fault conditions?

(2) Is the minister aware of any incidents in which residents who have been advised that replacing and energising activities should take five business days, have had to wait significantly longer for remedial action?

(3) Are budgeting or human resourcing constraints at Western Power constraining the government trading enterprise's ability to undertake routine maintenance and replacement activities?

Hon STEPHEN DAWSON replied:

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

(1) The performance standard for streetlight globe fault repair within the metropolitan area is five days. The Economic Regulation Authority's most recent energy distributors performance report for 2016–17 noted Western Power's average repair time for the approximately 33 000 reported metropolitan streetlight globe faults was 3.45 days against the five day target.

(2) Yes. Unfortunately this can occur when reported streetlight globe faults are in fact underground cable faults. Approximately 432 cable faults impacted streetlights in 2017–18. Cable faults are significantly more costly and difficult to repair than globe faults and generally take between eight to 12 weeks to identify and fully repair, with larger and more complex projects requiring additional time. The evolution of building standards means Western Power is also required to redesign existing infrastructure to ensure it meets current standards. Woodvale has experienced 49 cable faults impacting multiple streetlights in the area. Western Power anticipates that the remaining underground cable faults affecting streetlights in Woodvale will be repaired by July.

(3) No.

FREEDOM OF INFORMATION APPLICATION — HON MIA DAVIES

456. Hon MARTIN ALDRIDGE to the Minister for Education and Training:

I refer to documents released to Hon Mia Davies, MLA, under freedom of information application 61–06899. Will the minister table the following documents un-redacted and in full: document 5A—a letter to the Western Australian Education Support Principals and Administrators Association; document 6—an email from Liz Carey to Kris Doherty dated 13 December 2017 with the subject line "RREAC"; document 12—an email from Amy McKenna dated 13 December 2017 with the subject line "List"; documents 13 and 13A—an email, including attachments, from Liz Carey to Amy McKenna dated 13 December 2017 with the subject line "RE: Confidential—media release and master doc"; documents 14 and 14A—an email, including attachments, from Liz Carey dated 13 December 2017 with the subject line "MP key lines.docx"; documents 17 and 17A—an email, including attachments, from Amy McKenna to numerous recipients dated 12 December 2017 with the subject line "VTSS Narrative.docx"; and documents 20 and 20A—an email, including attachments, from Kathy Digwood to Liz Carey dated 11 December 2017 with the subject line "Members 1.docx"?

Hon SUE ELLERY replied:

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

No. The documents were released to Hon Mia Davies, MLA, under her freedom of information application in accordance with the Freedom of Information Act 1992. Access to the documents was granted on the basis that some, but not all, of the information fell within the scope of her application. Information that was outside the scope of the application, including personal information, was redacted. Should the applicant wish to appeal the decision —

Hon Martin Aldridge: I'm not FOI-ing you; I'm asking you a parliamentary question.

The PRESIDENT: Order!

Hon SUE ELLERY: Okay. No. The documents were released to Hon Mia Davies, MLA, under her freedom of information application in accordance with the Freedom of Information Act 1992. Access to the documents was granted on the basis that some, but not all, of the information fell within the scope of her application. Information that was outside the scope of the application, including personal information, was redacted. Should the applicant wish to appeal the decision, she is able to lodge a complaint with the Western Australian Information Commissioner seeking external review.

RAIL REALIGNMENT — KALGOORLIE–BOULDER

457. Hon ROBIN SCOTT to the minister representing the Minister for Transport:

I note that the minister will be familiar with proposals by the City of Kalgoorlie–Boulder to reroute a 20-kilometre length of the east–west rail line to the south of the city.

(1) Is the government fully supportive of this plan, which will free up ground for exploration and improve the liveability of the city for residents?

(2) What steps has the government taken to assist the project?

(3) Has the government nominated an individual to coordinate government assistance to the project?

Hon STEPHEN DAWSON replied:

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

(1)–(3) The transport portfolio concluded the PortLink inland freight corridor project in 2016. It included an assessment of options for a freight railway realignment and heavy vehicle bypass that concluded that a northern road and rail realignment is the preferred corridor alignment. The City of Kalgoorlie–Boulder agreed at the time to accommodate both northern and southern rail options in its local planning policy. The council outlined its proposal broadly to the minister in a recent conversation. The minister intends to receive a further briefing on the details.

BUNBURY–GREENBUSHES RAIL LINE — LITHIUM MINING

458. Hon DIANE EVERS to the minister representing the Minister for Transport:

Bearing in mind that Labor members of Parliament have been on record as supporting a review of south west rail transport when in opposition and acknowledging the anticipated increase in lithium mining in the south west and the associated extensive increase in the number of trucks to transport lithium by road to plants in Kwinana, I ask the following.

(1) Is the government planning to reopen the Bunbury–Greenbushes rail line to facilitate the rail freight of lithium from the mine in Greenbushes?

(2) If yes to (1), when is this likely to occur?

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

(4) If no to (1), will the government consider a plan to reopen the line?

(5) Does the government still own the land that the rail line occupies?

(6) Is this line leased to Arc Infrastructure?

Hon STEPHEN DAWSON replied:

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

(1) The Public Transport Authority is aware that the Talison Lithium joint venture and Arc Infrastructure are in negotiations on the rail task, which may result in returning the Bunbury–Greenbushes rail line to operating condition.

(2) The time frame will be set out by the Talison Lithium joint venture and Arc Infrastructure.

(3)–(4) Not applicable.

(5) The rail corridor is owned by the state government.

(6) Yes.

PAEDIATRIC DENTAL TREATMENT

459. Hon JIM CHOWN to the parliamentary secretary representing the Minister for Health:

I refer to the increasing rate of tooth decay in children in Western Australia and the need for many children in regional areas to travel to Perth for treatment.

(1) What is the current waitlist at Perth Children's Hospital for dental treatment under general anaesthetic?

(2) How many paediatric dental patients from the south west and regional WA were seen at Princess Margaret Hospital for Children or Perth Children's Hospital in the last 12 months for dental treatment under general anaesthetic?

(3) What is the average cost for each paediatric dental treatment that requires general anaesthetic at Princess Margaret Hospital or Perth Children's Hospital?

(4) What consideration is being given to allow paediatric dentists to use Busselton Health Campus to treat local patients who require dental surgery?

Hon ALANNA CLOHESY replied:

I thank the honourable member for some notice of the question. Given the extensive information required, providing the information in the time required is not possible. However, I will endeavour to provide the answer as soon as possible.

FLOATING LNG PROJECTS

460. Hon CHARLES SMITH to the Leader of the House representing the Premier:

I understand this issue was referred to in the newspaper today, but I will crack on anyway. I refer to recent media reports that the Shell Australia and Inpex Corporation floating liquefied natural gas projects off the North West Shelf of WA are in the final stages of preparing for export.

(1) Is the state government concerned about the diminished economic opportunities for Western Australian businesses and workers as a result of the adoption of floating LNG technology instead of onshore processing?

(2) Is the state government concerned about the potential negative impacts of floating LNG developments on the supply of domestic gas for WA and on state revenue?

(3) Does the state government concede that overall such floating LNG projects provide little benefit to Western Australia?

(4) What is the state government doing to ensure that WA gets a better deal from offshore gas projects?

Hon SUE ELLERY replied:

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

(1) As the member would be aware, the LNG projects in question fall under commonwealth jurisdiction. The Prelude project is the first and only floating LNG project in Australia. There are no other floating LNG projects in development.

(2) Western Australia's longstanding domestic gas policy provides certainty over domestic gas commitments.

(3)–(4) The Premier has stated repeatedly that he would like to see gas come onshore. This Premier is committed to jobs and economic benefits for all Western Australians, including those living in the Pilbara. The government is actively supporting proposals to bring Browse and Scarborough onshore. Rather than dwell on missed opportunities by the previous government, the Premier is doing all he can to ensure that Western Australia enjoys greater benefits from offshore gas reserves. This government's commitment to economic opportunities for Western Australians is demonstrated through initiatives such as the local jobs portal, launched recently in conjunction with Woodside. The local jobs portal ensures that all locally based jobs that Woodside has on offer will be available in the first instance to local people, with locals being given preference in filling these positions.

MENTAL HEALTH — ASSERTIVE PATIENT FLOW

461. Hon ALISON XAMON to the parliamentary secretary representing the Minister for Mental Health:

I refer to mental health patients who present in state emergency departments and who are being subjected to excessive wait times before being admitted.

(1) What is happening to address the issue of assertive patient flow?

(2) What is the agreement for the management of mental health patients when no beds are available in a particular area?

Hon ALANNA CLOHESY replied:

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

(1) The minister requested that the Department of Health conduct a review of mental health assertive patient flow in partnership with all health service providers and mental health clinicians. This is in recognition of the need for all HSPs to work together to ensure that adequate capacity for patients needing urgent treatment is available within commissioned activity. The outcome of the review was that a new system would be developed whereby HSPs would have primary responsibility for creating beds or community treatment for those people within their catchment who require it. A statewide team will remain to locate available beds across the system when local efforts to provide a bed have been exhausted. The East Metropolitan Health Service anticipates that the implementation of the new system will take place transitionally over a six-month period.

(2) The Department of Health's statewide mandatory "Assertive Patient Flow and Bed Demand Management for Adult Services: Policy and Practice Guidelines" document includes required processes for the management of mental health patients when no beds are available in a particular area.

FIREARMS — REGIONAL TRANSPORT

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

(1) Has the minister been made aware of the difficulties faced by licensed firearm owners and retailers in regional areas being able to commercially transport firearms, firearm parts and ammunition for sale and repair?

(2) Can the minister please provide a list of Western Australia Police Force–approved commercial transport methods for transporting firearms, firearms parts and ammunition who are confirmed to currently provide services to the Gascoyne, Pilbara and Kimberley?

Hon STEPHEN DAWSON replied:

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

Member, I am not happy with the answer. I have just seen it for the first time, and I will provide an answer tomorrow.

CITY OF SWAN — MIDLAND OVAL REDEVELOPMENT

463. Hon TIM CLIFFORD to the minister representing the Minister for Planning:

I refer the minister to the Midland Oval redevelopment project that is scheduled to begin preliminary construction activities this week.

(1) Is the minister aware that the Padbury triangle—an area located on a busy traffic island on Great Eastern Highway—is listed as a public open space offset by the City of Swan as per the Liveable Neighbourhoods policy?

(2) If yes to (1), will the minister clarify whether this is in line with the definition of public open space within the department's policies?

(3) If no to (1), will the minister make inquiries about the validity and rigour of the City of Swan's planning to ensure that it meets the requirements of all relevant policies designed to ensure that the Midland community is able to access safe and liveable spaces?

Hon STEPHEN DAWSON replied:

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

I think the ending might be slightly different from mine, but I will provide the answer I have.

(1)–(3) The minister understands the member's interest in this matter, and has also heard the general concerns from members of the community. In relation to specific questions about the Padbury triangle, the minister will seek further advice.

COMMONWEALTH GRANTS — 2018–19 STATE BUDGET

464. Hon Dr STEVE THOMAS to the minister representing the Treasurer:

I refer to the 2018 budget.

(1) What is the total projected revenue the state will receive from the commonwealth across all revenue streams in each year of the 2018–19 budget papers, including the 2018–19 budget year and each forward estimate year?

(2) How much of this funding will reduce demands on the state's own expenditure?

(3) How much of this funding has a requirement for concurrent state funding?

(4) Of the total in (3), how much of the required concurrent funding is currently unbudgeted in the 2018–19 state budget?

Hon STEPHEN DAWSON replied:

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

(1) The 2018–19 state budget projections of total commonwealth grants are outlined in table 3 on page 74 of budget paper No 3. Total commonwealth grants are projected to grow from $10.5 billion in 2018–19 to $11.1 billion in 2019–20, $12.1 billion in 2020–21 and $12.5 billion in 2021–22.

(2) Excluding commonwealth grants through the state, the remaining grants, which total $8.9 billion in 2018–19, $9.4 billion in 2019–20, $10.3 billion in 2020–21, and $10.6 billion in 2021–22, effectively reduce demands on the state's own expenditure. However, in 2018–19, commonwealth grants to Western Australia are estimated to represent only 35 per cent of total general government revenue. Although this is up from 32 per cent in 2016–17, it compares to an average of 44 per cent for other states and territories in 2016–17.

(3)–(4) An estimate of how much of the funding requires concurrent state funding is not readily available; however, at a minimum, the GST and North West Shelf grants are untied funding, with no requirement for concurrent state funding and no restrictions on the spending of these grants.

MOORA RESIDENTIAL COLLEGE — MINISTER FOR REGIONAL DEVELOPMENT

465. Hon MARTIN ALDRIDGE to the Minister for Education and Training:

I refer to the minister's letter of 18 January 2018 to the Standing Committee on Environment and Public Affairs in relation to petition 29—"Funding for Moora Residential College"—and specifically the minister's reference in that letter, which states, according to my notes —

> It is my intention to work with the Hon Alannah MacTiernan MLC, Minister for Regional Development, and the families of the students who board at Moora Residential College to identify alternative options to enable the students to continue their education at Central Midlands Senior High School.

(1) What communication has the minister had with the Minister for Regional Development with respect to this issue?

(2) Which alternative options have been identified?

(3) How have these alternative options for students to remain studying at Central Midlands SHS following the closure of Moora Residential College at the end of this calendar year been communicated to parents and students affected by this decision?

Hon SUE ELLERY replied:

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

(1)–(3) I met with the Minister for Regional Development on 23 January 2018 to discuss regional and agricultural education, including Moora Residential College. Our offices have continued to be in regular contact over the past six months.

I asked the Department of Education to provide face-to-face case management for children and families affected, to find solutions and prepare for the college's closure, including transport issues. Subsequently, the Department of Education presented me an implementation plan that outlined the actions to be taken by the case management team. The team is working with every family that has a child living at Moora Residential College. Each child and his or her family is receiving individual consultation with the department through this team. The team's personalised support is ongoing. Of prime importance in this plan is the focus on what the students themselves need and deserve in order to ensure that they are guided into appropriate vocational or academic programs that align with their current program and future plans. The support being offered includes information on options available at regional secondary schools, including agricultural colleges; mapping of individual student educational pathways to courses and programs available at alternative senior high schools with residential colleges; development of a profile of each student's educational needs; meetings with individual families and students to discuss alternative education locations suitable to their pathway; identification of required transition support; and reimbursement of any out-of-pocket expenses, including costs associated with uniforms, books and travel.

The department has been working with the Public Transport Authority about extending existing bus routes, to allow students from outlying areas such as Ballidu to continue to attend Central Midlands Senior High School. The department is also working closely with the PTA to ensure that bus services will be in place for 2019, particularly for those students on the coastal strip between Lancelin and Yanchep.

QUESTION ON NOTICE 1099

Paper Tabled

A paper relating to an answer to question on notice 1099 was tabled by **Hon Stephen Dawson (Minister for Environment)**.

KALGOORLIE HEALTH CAMPUS — SONOGRAPHY AND NUCLEAR MEDICINE

Question without Notice 432 — Answer Advice

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [5.07 pm]: I have an answer to Hon Robin Scott's question without notice 432, asked yesterday, which I seek leave to have incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

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

(1) The average cost inclusive of airfares, accommodation, meals, transfers and contract rates is estimated at $14,868.

(2) An application was received by the WA Country Health Service and there was negotiation on conditions.

(3) The WA Country Health Service was unable to negotiate a contract consistent with the terms of the relevant industrial agreement and the application was formally withdrawn. The community benefits from the current service model which provides continuity through rosters being prepared at least two months in advance.

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

Second Reading

Resumed from an earlier stage of the sitting.

HON ALISON XAMON (North Metropolitan) [5.08 pm]: Before we broke for question time, I said that the Greens have always held and still strongly hold the view that the Corruption and Crime Commission's most important role is oversight of the police. We maintain the position that that is how we are best able to fight serious and organised crime. It means we are ensuring that we are monitoring people who are legally permitted to use force against other people and deprive them of their liberty. That is why Parliament gave the CCC its very broad and unusual powers in the first place. A genuine concern was articulated by the Joint Standing Committee on the Corruption and Crime Commission of the thirty-eighth Parliament that legislation such as the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017 will redirect the CCC's resources away from this core business—this fundamental role—of undertaking oversight of the police.

I have stood in this place in recent weeks and said that the CCC's current oversight of police already needs improvement, as evidenced by the CCC's refusal for years to exercise its statutory duties on police misconduct and the use of excessive force against Dr Robert Cunningham and Ms Catherine Atoms. I will refer to the parliamentary inspector's "Annual Report 2016–17". The parliamentary inspector was appointed in January 2013, and his report states —

> During my term I have become concerned about the Commission's response to complaints of the use of excessive force by police officers, and during the reporting period a particular complaint to me about the issue has increased my concern.

The Corruption and Crime Commission's 2016–17 annual report states that 2 636 allegations were received about police. Of those, 1 444 resulted in no further action, 1 126 were referred back to police with the CCC to be advised of the outcome, 54 were referred back to police with CCC monitoring or reviewing police handling of them, nine were investigated by the CCC cooperatively—seven with police—and only three were independently investigated by the CCC.

This bill proposes that the CCC be further diverted from its primary task of oversight of police to act as a substitute investigator on issues that may appear to be too sophisticated and malleable for the police. This will mean that the CCC will collaborate and share functions with the very entity that it is supposed to be monitoring, despite the committee's narrower recommendation. It will divert resources from the CCC's usual functions. The CCC will carry out functions of the Criminal Property Confiscation Act 2000, which targets far more people than serious and organised criminals. The bill does not even narrow the CCC's role to be involved only if there is at least a reasonable suspicion that serious and organised crime is involved. The Greens are of the view that this does not strike the right balance. As such, I will move an amendment aimed at ensuring at least that the bill targets only organised crime.

This raises the issue of who the bill will target. The second reading speech links this bill to serious and organised criminals, but as we already know, the reach of the Criminal Property Confiscation Act 2000, and hence the reach of this bill, is far wider than that. In fact, the act's reach is so wide that when it was introduced, the Greens opposed it in that form, although we initially agreed with its objectives.

I want to be very clear that the Greens have always concurred with the policy position that wealth accrued as a result of direct criminal activity should be taken away. Our objections to the Criminal Property Confiscation Act 2000 are many, including that the act reverses the onus of proof. We remain concerned about that. We have never stopped being concerned about that act severely curtailing court discretion and that, unlike every other Australian jurisdiction, apart from the Northern Territory—including New South Wales and Queensland, where the CCC is also responsible for confiscation proceedings—in Western Australia there is no threshold requirement that the respondent be convicted of, reasonably suspected of, or in any way connected with crime. The statutory trigger for forfeiture is the wealth of the respondent.

In addition to all of those defects, the Criminal Property Confiscation Act 2000, as we have seen, is potentially highly detrimental to innocent third parties in multiple ways. The glossary in the act defines property as —

> (a) real or personal property of any description, wherever situated, whether tangible or intangible; or

This is probably the most critical concern —

> (b) a legal or equitable interest in any property referred to in paragraph (a);

A person might own an asset, but an innocent third party might have a secured or unsecured debt over it, such as a bank, credit agency or family member. From the briefing, I understand that third parties are generally not made aware of confiscation proceedings until after the court has made an order. At that point their only recourse is the objections process in the act. Section 28 of the act states that a court may declare upon application by the DPP—or the CCC, if clause 30 of this bill is passed—that property not owned by the respondent is available to satisfy

the respondent's liability if it is more likely than not that the respondent effectively controlled the property when the freezing notice was issued or the freezing order was made; or an unexplained wealth declaration or criminal declaration was made; or the respondent gave away the property at any earlier time. It is presumed that the respondent effectively controlled the property at the material time or gave it away unless the respondent establishes the contrary. In other words, the onus is on the applicant to prove that their case is reversed. My understanding is that an innocent third party who is a co-owner of the property may lose the case unless they can prove that they are the majority owner of the property.

A case has already been mentioned by Hon Aaron Stonehouse, but I also wish to make reference to it in my contribution. It is the disturbing issue of what happened to a Vietnamese mother of one and factory worker, Tam Nguyen, who married Phi Van Tran in 2002 and they became co-owners of their home in Girrawheen. The story was reported by *The West Australian* in August last year. The marriage broke down and they separated in 2010, after which Ms Nguyen continued living in and paying the mortgage on the home. In 2013—three years after they split up—her estranged husband and his new partner were convicted of drug trafficking and the estranged husband's share of the house became subject to the act's criminal property confiscation provisions. The article indicates that Ms Nguyen's share of the house is 50 per cent and as such she was left in the position of either having to buy out her estranged husband's share or the house would be sold from underneath her and she would receive 50 per cent of the proceeds. This case relates to a different category of confiscation from the ones that the bill covers, but the same issue arises with the categories that the bill covers.

There is an objection process in part 6 of the act through which an innocent third party may have recourse if property in which they have an interest is frozen or confiscated under the act, but the process necessitates a court application by the third party within a limited time, which is extendable by the court if the property has been frozen but has not yet been confiscated. Various authorities involved in confiscation proceedings have been consulted on this bill, but really importantly, and as mentioned by Hon Michael Mischin, we have not heard the voices of a range of other stakeholders, including creditors who have loaned money for non-criminal purposes, whether formal, such as banks, or informal, such as parents and grandparents sending money to their children or grandchildren, or a number of other stakeholders who are well versed in the deep problems of the original act that we are looking for the CCC to adopt. We are left with a bill that proposes to bring together all the extraordinary defects of the Criminal Property Confiscation Act 2000 with the extraordinary powers of the CCC. The Greens simply cannot support this. If the original Criminal Property Confiscation Act had been appropriately reviewed and amended and its defects addressed many years ago, perhaps we would be in a very different position right now. Unfortunately, this legislation is still causing serious injustice to innocent people and a serious lack of proportionality for too many people when meting out justice.

Let us talk about some of the checks and balances that we may need to look at in the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017. We know that the Corruption and Crime Commission must provide an annual report to Parliament providing information as set out in section 91 of the Corruption, Crime and Misconduct Act. The bill proposes to add to this list a description of the commission's activities during that year around its unexplained wealth functions. That is a good start. I am always a fan of ensuring that we have as much information as we can get within these reports so that Parliament can be well informed, particularly on entities such as the CCC that enjoys such extraordinary powers. But given the potential impact of this bill on innocent third parties, I will be moving a further amendment aimed at ensuring that Parliament is kept more fully informed of the impact on these people.

We will be talking about the bill in more detail when we go into Committee of the Whole. The Greens want to once again reiterate how concerned we are that we are extending such flawed provisions even further into the CCC. We are very concerned that this will take away valuable resources from what should be the core business of the CCC and, importantly, that it potentially creates a conflict if the CCC needs to work hand in glove with the very agencies that it has been given exceptional powers over to ensure that it keeps track on its efforts to stop corruption in this state.

HON CHARLES SMITH (East Metropolitan) [5.22 pm]: It is refreshing at last to finally hear the Attorney General make some sense—to me at least and my party—by admitting that our adversarial criminal court justice system is a failure, in particular in prosecuting organised crime. The Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017 is ultimately a step in the right direction. However, the big issue with this bill and the legislation currently available to us is how the court process hinders its effectiveness. As noted by the Attorney General in his second reading speech —

> Although Western Australia was the first jurisdiction to implement what was considered to be ground-breaking legislation providing for the confiscation of unexplained wealth, those powers have seldom been used. In the 16 years since the commencement of the Criminal Property Confiscation Act, a total of 28 applications for unexplained wealth declarations have been made. However, since 2011, only one application has been made. This is because the DPP simply has not had the resources to pursue those applications. The result is that the Criminal Property Confiscation Act has not significantly benefited the fight against serious … crime …

Western Australia is equipped with legislation to fight serious crime, but sadly it is not being used. There are two issues: firstly, that even with these amendments, the Director of Public Prosecutions will still suffer from a lack of resources that prevents it from pursuing these orders. Unfortunately, this problem will persist without additional funding to the DPP and/or a restructure to reduce bureaucratic waste and a push to increase its efficiency. Therefore, empowering the Corruption and Crime Commission would most certainly aid in the fight against unexplained wealth but to a limited extent. Secondly, the current system is inefficient and ineffective in dealing with these matters at trial. That is to say, very often these matters get bogged down with procedure and I believe this to be the crux of the issue at hand. Even if the DPP were to receive increased funding and the commission granted the additional powers provided in the bill, whichever body is empowered to prosecute on these matters will still face the same issues at trial. Together these two points provide an issue with the current legislation, its proposed reforms and the procedure involved in these matters at a court level. As previously alluded to, the procedure of criminal court is long, complicated and expensive. It is an axiom that the DPP simply does not have the resources to prosecute on everything due to these inherent issues. Therefore, even by enacting this legislation, the DPP will have only a very finite resource with which to prosecute, which would inevitably result in other cases being delayed or a potentially worse scenario with criminals escaping justice. The nature of the procedure and the provisions currently allowed for bogs down an already slow mechanism. For example, a recent 2018 case dealing with the Criminal Property Confiscation Act in Brennan v The State of Western Australia began in 2014 when a freezing notice was placed on the appellant's property. On 22 April 2015, the plaintiff was convicted in the District Court of an attempt to possess cannabis with the intent to sell and supply. The offence was committed on 14 March 2015 and involved over 22 kilograms of cannabis. There are numerous reasons that may lead to a five-year period between offence and sentencing, but the mere fact that there are these reasons that can push back a sentence in what is an increasingly common criminal act is ludicrous. In this case and in the Commonwealth Bank of Australia v The State of Western Australia, another 2018 case, we can see the process become slowed down further by objections raised by banks in cases of freezing notices. Some members, including me, may find it a rather curious notion that a bank can impede upon criminal matter. Ultimately, our courts are ill equipped to deal with these matters and the adversarial nature of proceedings may hinder the discovery of the truth. The High Court of Australia in Jackamarra v Krakouer noted that the ultimate obligation of the court is the attainment of justice that the law requires and in the current system it is fighting an uphill battle to obtain such a lofty goal. It is not just me saying this; this notion is borne out by the community at large. In 2009, the Australian Institute of Criminology published a report titled, "Confidence in the criminal justice system", which examined the faith in the justice system of 36 nations. Australia was ranked twenty-sixth with only 35 per cent of surveyed Australians having quite a lot of confidence in the system, falling behind 49 per cent in the United Kingdom and 57 per cent in Canada.

Another issue is that the courts are not as concerned for the truth as perhaps they should be. This point was noted decades ago by the Supreme Court of Victoria in Mooney v James where the court quoted Professor Edmund M. Morgan's 1942 foreword to the American Law Institute's *Model Code of Evidence*. It states —

> Thoughtful lawyers realize that a law-suit is not, and cannot be made, a scientific investigation for the discovery of truth. The matter to be investigated is determined by the parties. They may eliminate many elements which a scientist would insist upon considering. The Court has no machinery for discovering sources of information unknown to the parties or undisclosed by them. It must rely in the main upon data furnished by interested persons. The material event or condition may have been observed by only a few. The capacities and stimuli of each of these few for accurately observing and remembering will vary. The ability and desire to narrate truly may be slight or great. The trier of fact can get no more than the adversaries are able and willing to present. The rules governing the acceptable content of the data and the methods and forms of presenting them must be almost instantly applied in the heat and hurry of the trial. Prompt decision on the merits is imperative, for justice delayed is often justice denied.

With regard to the above quote, particularly those parts concerning evidence before the court, one finds a significant problem.

In the adversarial system, the court can make a determination only on the evidence presented before it. The judge takes a passive role and the arguments and investigations are done by the parties, which is a particular burden faced by the Director of Public Prosecutions. In addition, those interested parties must also parlay with the rules of evidence and submit their evidence through the correct procedure or lose out on having the court examine potentially case-changing evidence or data. This can be seen quite clearly in one of the unexplained wealth cases in Western Australia. In the 2018 case involving the Commissioner of the Australian Federal Police, Her Honour Justice Banks-Smith stated —

> Contrary to the applicant's submissions, I do not accept that the respondents' application was clearly hopeless from the start. The Grounds raised particular questions as to the treatment of income or other funds. It may be that some of those issues were questions of law and capable of determination without

> additional evidence. But the fact that both parties sought to rely on forensic accounting reports … points to the potential for responsible but differing views, including as to the potential relevance of failure to disclose certain specific information.
>
> I am also cognisant of the fact there is not yet a body of useful case law on preliminary unexplained wealth applications.

There are two important points in this statement. Firstly, it shows that there are certainly questions about the evidence that had been admitted and, secondly, it provides proof that the current legislation does not work as effectively as it might do. However, the proposed amendments, as previously stated, would not entirely alleviate the issues faced by the Director of Public Prosecutions. Her Honour also notes a severe lack of useful case law on these applications, which is unfortunate given the 18 years these laws have been on the books. It proves their ineffectiveness and again speaks to the issues faced by the DPP.

I therefore propose that criminal cases, or at the very least cases involving this legislation, should be dealt with in a nature similar to royal commissions—that is, an inquisitorial approach to criminal justice. Criminal trials should not be conducted in the same way as civil cases. These are not mere disputes around wrongs; they concern the safety of society at large, particularly in cases of drug lords and profiteers, which this legislation targets. Of course, the presumption of innocence and other such axioms should remain; however, the point of a criminal trial should be to adduce whether a party is guilty by an impartial inquisitor rather than by two parties arguing about whether something should be accepted, particularly when the state, despite its power, is over-encumbered with the weight of a backlog of cases and its prioritisation of them. The guilty should not be afforded reductions purely because the DPP does not have the time to deal with their cases, especially when they are provable. Criminal cases should not be trials of economics, but trials of justice. An impartial adjudicator conducting a trial in an investigative manner is more likely to yield a more just result.

HON NICK GOIRAN (South Metropolitan) [5.33 pm]: I am pleased to rise to contribute to the consideration of the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017. In doing so, I want to address a few matters touched on by the government in the second reading speech in which it provided its explanation for why this bill ought to be passed by the house of review.

Before I do that, I want to draw members' attention to some more of the McGowan government's fake news on this particular legislation. The government has a propensity for peddling such things. I refer to an article in *The West Australian* on Saturday, 26 August 2017, when that media outlet was conned by the McGowan government to produce the following —

> State Government plans to drag crime targets before the Corruption and Crime Commission as soon as January to explain their wealth are in jeopardy because of a sceptical Upper House.

I will pause there for a moment to remind members that I am quoting an article from 26 August last year.

Hon Aaron Stonehouse: Was "sceptical" cited as a word used by members of the upper house?

Hon NICK GOIRAN: It is the journalist's word. I continue —

> Attorney-General John Quigley introduced laws last week that would make the CCC the lead agency responsible for chasing unexplained wealth instead of the under-resourced Director of Public Prosecutions.

I pause again to indicate to members that I intend to take up both of those issues in a moment. As reported in this article, the government now refers to the CCC as the lead agency—we will unpack that a little later—and it refers to the Director of Public Prosecutions as under-resourced. The article from 26 August last year continues —

> But his decision to tack on to the Bill an unrelated amendment to the CCC Act has imperilled its speedy passage through the Upper House, which is proving rocky territory for the Government's law and order agenda.
>
> This month its "no body-no parole" laws were referred to a committee by Liberal Democrat Aaron Stonehouse with the support of Liberals, Greens, Nationals and crossbenchers.
>
> There is broad support for the unexplained wealth provisions of the latest Bill but shadow attorney-general Michael Mischin is less enthusiastic about the amendment to the CCC Act.
>
> That change would involve one word being inserted into the Act to restore the CCC's jurisdiction over non-Cabinet MPs, which according to Commissioner John McKechnie was extinguished in 2015.
>
> Mr Mischin said while he supported all MPs coming under the glare of the CCC, he was unsure Mr Quigley's Bill was the best way to go about it and the matter could be another candidate to be considered by a committee.
>
> "It hasn't been considered by the Liberal party room, he said.
>
> "I'm just giving you my personal view that I think it does need to be fixed up but it needs to be fixed up properly.

> A committee would tie the Bill up for months, angering Mr Quigley who has told the CCC it would be passed by Christmas, prompting authorities to line up crime targets for hearings by January.
>
> "Any delay to this Bill will offer succour to the 'Mr Bigs' who are trafficking ice and offer comfort to any parliamentarian who has done the wrong thing," he said.
>
> Nationals, Greens, One Nation and crossbench MLCs said they remain undecided on the Bill.

It is interesting, as I look at my watch and note that it is now 13 June 2018, that on 26 August last year there was all this outrage by the government's lead minister on this bill. I remind members, in particular the Leader of the House, that this bill was introduced into the Legislative Council on 14 September 2017, about three weeks after this article sets out all the McGowan government's outrage about the so-called sceptical upper house. The bill was introduced into this place on 14 September 2017. I was not sure when the bill was next brought on for debate last year, so I had to ask my learned friend Hon Michael Mischin. He informed me that the next time the bill came before the house was this week. It seems extraordinary that nine months has passed. A human being can be created and born in that time, yet the McGowan government ran off to the media with some fake news about the fact that there will be a "sceptical upper house" and how we are responsible for proving to be a rocky territory for the government's law and order agenda. The only thing that is rocky territory for the government's law and order agenda is the ineptitude of the Labor government in drafting and approving legislation. I do not know what goes on in the Labor caucus, but it is obviously the case that there is zero scrutiny of legislation. That is what causes the rocky road. The government should not blame members of this chamber if things do not pass through in a speedy fashion because it serves up legislation that is constantly in need of amendment.

To demonstrate this point, I turn to the supplementary notice paper and note that we are on no less than issue 4. At least that is the version I have; I do not know whether a further one has been issued since then. Let us assume for the moment that we are up to issue 4. That means that on no less than four occasions one or more members have seen fit to give notice to the Clerk of the Council that they intend to move amendments. One might charitably say that the government has a case in the event that all of those proposed amendments will be moved by the opposition or the members of the crossbench, but that is not the case. I turn to the supplementary notice paper and notice that the Leader of the House no less has several amendments in her name on behalf of the government to bring to our attention. The only stumbling block or the only thing that causes "rocky territory" for the government's law and order agenda is the ineptitude of the McGowan government that is on display each and every time a piece of legislation comes to this house.

It is rather ironic that the article from 26 August last year just so happened to mention the so-called no body, no parole laws that were referred to a committee by Liberal Democrat Aaron Stonehouse, according to this article. It is rather ironic that the government chose to use that as some kind of reference. Members may well recall that thank goodness that particular bill was referred by that member to a committee because it proved, yet again, to be deficient. It proved yet again that the government needed to move an amendment to its own legislation. This fake news that keeps getting peddled by the McGowan government about the Legislative Council showing constant disdain for the role of this chamber in reviewing legislation is beyond a joke. I add that what is as bad as this fake news that the McGowan government keeps peddling to *The West Australian* and other media outlets is the lack of integrity by these ministers of the McGowan government in suggesting that things are going to be done in a certain period when they have absolutely no idea whatsoever. Fancy telling *The Weekend West* that crime targets will be before the Corruption and Crime Commission as soon as January. On what basis would it ever suggest that?

Hon Michael Mischin: Especially when it does not bring a bill on.

Hon NICK GOIRAN: Exactly—when its legislation has not even passed the Legislative Assembly.

Why do I say that? The concern in this article was that the so-called sceptical upper house was going to have a problem with the bill because other matters were entwined in the bill. Members may well be aware that in the other place, those issues were separated and the one bill became two. At this point in time the matter had obviously not even passed the Assembly, yet people were complaining about the Legislative Council and how slowly things were going to progress here—the rocky territory of the Legislative Council! I would have thought the government would have its own house in order first. Clearly that was not the case because the government decided to separate that bill into two. When it was brought to the Legislative Council, I would have thought the government would have made it a priority. But no, that did not happen. Instead, do members know what the government made the number one priority? It wanted to make sure that the Corruption and Crime Commissioner's pay was frozen! "Mr Corruption and Crime Commissioner and the Parliamentary Inspector of the Corruption and Crime Commission, we would like to give you more work to do and, by the way, we'd like to freeze your salary. Actually, before we give you the work, we'll make sure that your pay is frozen and then we'll give you some more work later."

Hon Alison Xamon: What was the outcome of the Salaries and Allowances Tribunal?

Hon NICK GOIRAN: It is very interesting that Hon Alison Xamon should ask that question. Incredibly, the government decided that it was the top priority before the end of last year to ensure that not only judges had their

salaries frozen, but also of course members of Parliament had to have theirs frozen. I have previously given my comments on that. All of that said, "We're going to freeze the pay of MPs by way of a statute—a high priority piece of legislation—in circumstances in which the tribunal had already frozen it anyway." What a joke! We still had the Attorney General and his friends trying to criticise this place for the job that we were going to do. We are going to do that now—we are going to scrutinise the legislation. We will go into committee because of the government's ineptitude with the legislation. We are going to do all of that. But of course all of this could have been done last year. Do not shake your head, Leader of the House, because you are the one who chooses —

Hon Sue Ellery interjected.

Hon NICK GOIRAN: I am not taking your interjection.

Hon Sue Ellery interjected.

Hon NICK GOIRAN: No, sorry; I am not interested in your interjections.

What is unbelievable is that the Leader of the House could try to suggest that that was anything to do with delay on our part. It is the Leader of the House and the Labor government that chooses when bills are brought on. We do not choose when bills are brought on. The Leader of the House chooses when bills are brought on. She did not want to bring it on because she was too busy freezing everybody's salaries. Remember, that was the big priority. I notice the government never goes to the media to report those things. It does not say to the media, "By the way, while you're doing this article, can you please let everybody know we thought that we would freeze the salary of the Parliamentary Inspector of the Corruption and Crime Commission? We thought that was very important. And we're going to give him more work to do at the same time." I notice the government never does that.

Now to the substance of the bill, Mr Acting President, after we have exposed the sham and the fake news from the Labor government with respect to this bill. Let it be clear to anyone who is interested in the passage of this bill that it was only brought on by the Leader of the House this week. It could have been brought on a long time ago. The Leader of the House read the second reading speech into this place on 14 September last year. Here we are, some nine months later, debating it for the first time. On this very delayed bill before the house, I note that the government, in its wisdom, in its second reading speech, stated —

> Although Western Australia was the first jurisdiction to implement what was considered to be groundbreaking legislation providing for the confiscation of unexplained wealth, those powers have seldom been used. In the 16 years since the commencement of the Criminal Property Confiscation Act, a total of 28 applications for unexplained wealth declarations have been made. However, since 2011, only one application has been made. This is because the DPP simply has not had the resources to pursue those applications.

My question for the Leader of the House, who has delayed the passage of this Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill for nine months, when she eventually replies to the second reading debate of this delayed legislation, is: why has the Director of Public Prosecutions simply not had the resources to pursue these matters? That is the first question. The second question is: what quantum of resources would be needed for the DPP to carry out its function? Plainly, it used to do that. According to the government's second reading speech, it was going along swimmingly until 2011. Suddenly in 2011, there was a problem. What was that problem? Can we identify that problem? Was the DPP's budget suddenly slashed in 2011? I doubt it, but perhaps the government can let us know what this incredible set of circumstances was in 2011 that has resulted in the DPP suddenly not having enough resources to pursue people with unexplained wealth. Even if the Leader of the House can answer that question, what level of resources does the DPP say it needs to do this job properly? The Leader of the House should not tell us she does not know because the government is now asking the CCC to do this job, so someone needs the resources. The government must have been able to quantify what resources somebody would need to fulfil this function. Whether it is the DPP or the CCC does not matter; either way, they will need resources and the government surely must have quantified those resources before coming to the house to ask us to agree to empower the CCC in this fashion, in circumstances in which the DPP says it does not have enough resources to pursue the matters.

I note that, according to the government, the DPP is to retain its functions. The second reading speech specifically states —

> The bill does not propose that the conferral of powers upon the Corruption and Crime Commission in relation to unexplained wealth and criminal benefits be a transfer of those functions to the exclusion of the Director of Public Prosecutions.

The government has decided to give these functions to the CCC but to keep them also with the DPP. Remember that the DPP is the body the government says cannot do it because it is not resourced. The next round of questions for the government is: why are we continuing to empower the DPP in such a fashion, if the government has decided the powers should go to the CCC, and the DPP says it does not have the resources anyway? It seems to be rather pointless, but perhaps the government can explain that.

I find it rather curious that, in its second reading speech, the government has chosen to reference—somebody has given the government advice that it would be a good idea to do so in the second reading speech, which was eventually delivered in this house in September last year—the report to the Criminology Research Advisory Council. That was from December 2016, so the government then read into the house the following —

> A number of positive attributes of the New South Wales Crime Commission model were highlighted. These included that matters are dealt with by a single agency with experienced specialist financial intelligence analysts, are investigated using the agency's coercive powers to obtain information, and are settled in almost all cases without the need for costly litigation.

In its second reading speech, the government is saying that, in effect, it has decided that on the basis of this report of December 2016, it would be a good idea to follow the positive attributes of the New South Wales Crime Commission model. The government then proceeds to tell us that the very first of those attributes is that it is dealt with by a single agency, yet in the same second reading speech it tells us that it will keep some of the powers with the DPP. Is it a single agency or will multiple agencies be doing these functions? It seems rather peculiar, in the same second reading speech, to promote the virtues of a single agency dealing with this matter at the same time as saying two agencies in Western Australia will have these powers. Something is not quite right. That is okay because it is just that sceptical upper house that is asking these questions! It could not possibly be that the government has it wrong yet again!

I move on. I note that the second reading speech includes reference to recommendations made by the Joint Standing Committee on the Corruption and Crime Commission in the twenty-eighth report of 2012 and the first report of 2013. In its second reading speech, the government elected to also reference the fact that the Corruption and Crime Commission Amendment Bill 2012 was introduced into the Assembly on 21 June 2012 and that it proposed legislative amendments that provided the Corruption and Crime Commission with functions under the Criminal Property Confiscation Act. The only basis upon which the government could possibly include those pieces of information in the second reading speech would be, presumably, to add weight to what it is doing, albeit delayed extraordinarily by the Leader of the House, who chose not to bring on this bill for nine months. Nevertheless, the only reason she would do this would be to add weight to what the government is doing, despite the government surely knowing that the 2012 bill did not include just these types of functions for confiscation and the like; it included much more. It was a very, very controversial piece of legislation and new members opposite might be interested to know that on one of those occasions, I was in a difficult situation as the Chairman of the Joint Standing Committee on the Corruption and Crime Commission, having to take a contrary view to that of my party—something we have a little bit of liberty to do from time to time in our party, unlike members opposite. That was not a particularly pleasant time, but it was necessary because, as Hon Alison Xamon outlined in her speech, it was the joint standing committee's view at that time, of which I was chair, that the best way to fight organised crime in Western Australia was to ensure that the Corruption and Crime Commission was overseeing the police and that the police undertake the task of fighting organised crime. However, that was not the proposal in that bill; the proposal in that bill, which was popular at the time due to some work that had been done by the last Attorney General in the previous Carpenter government, was to look at converting the Corruption and Crime Commission into an organised crime fighter, so to speak. That was the popular thing to say. It is the kind of thing that easily attracts headlines and more fake news, yet upon proper analysis and investigation, it was clear to the committee that it was not a good idea. We were consistently getting feedback from individuals saying, "Don't go down this path", and I refer members to the multitude of reports that that committee tabled dealing with these matters. I question whether this government, in its haste to peddle fake news headlines, has bothered to read those reports. I question whether that has been done, because had that been done, the government would know that the Director of Public Prosecutions, amongst others, was suggesting that there is a better way to do this, and the better way to do this is to establish a standalone agency for confiscations. I understand that there are parties in this place that do not support the notion of confiscations as a matter of principle, and that is fine; they are quite entitled to that policy position. The point here is that irrespective of whether a member is pro or anti the capacity for a government to confiscate people's proceeds of crime and unexplained wealth, the evidence is that the best model is a standalone agency, and that is not what the government is doing. The government is choosing to invest these powers in the Corruption and Crime Commission and, in doing so, is also retaining the power for the DPP to do likewise. It is quite within the province of the government to do that, but it ought to provide an explanation about why it has chosen to do that and it needs to do better than simply referencing joint standing committee reports that it plainly has not read. That will not be sufficient to pass the test in this house, even for an opposition that has indicated its support for the bill. We will still ask the government and put it to the test so that we are confident that it knows what it is doing and that there are no further errors in this bill other than those that have already been identified, even by the government itself.

The opposition's position, of course, will always be to provide rigorous scrutiny of government legislation. But that says nothing because there are members who have already expressed opposing views to what the government is doing. I say to the government: good luck in getting that legislation passed through in a speedy fashion; the legislation that it has chosen to delay for nine months and has chosen to bring in only now, and now just because

it is the eleventh hour before the winter recess. Quick, quick! It needs to get this thing through as a priority piece of legislation! That is fine; the government is in control of the legislative agenda and it can bring it on when it wants, but do not expect us to suddenly decide that there will be no scrutiny of the legislation. That is not going to happen. That will never happen during this term of Parliament, Leader of the House. I do not know how long it will take the government to work that out, but it will eventually dawn on it that this opposition will be ruthlessly scrutinising all pieces of legislation, and we need to do that because this government consistently, since it was elected in March last year, has produced legislation that is flawed and needs to be fixed. This bill will be fixed, by the government's admission, and as evidenced by the proposed amendments on the supplementary notice paper.

I would like to ask the government a number of other questions and perhaps they are best done during the Committee of the Whole, but in order to perhaps facilitate the passage of this legislation as quickly as possible, hopefully this week—despite the fact that the government decided to delay it for nine months—I indicate to the Leader of the House that I have a number of questions. One question will include the not unexpected question about who was consulted in the drafting of this bill. I attended a briefing on this in August last year—I think I was there with Hon Michael Mischin—and I was told at that time that the Parliamentary Inspector of the Corruption and Crime Commission had not been consulted about the bill. That is what I was told during that briefing. I found it staggering that the person who has the chief oversight role of the Corruption and Crime Commission has not even been asked about new functions that will be given to the agency that he oversees. We could say, if we were a sceptical upper house, that the reason the government never consulted with the parliamentary inspector was that it was about to freeze his salary, and so it would not possibly want to have consulted with him about giving him new work, because it would have been a little embarrassing to say, "We have this extra work for you, Hon Michael Murray, QC, but we just have to let you know that we're going to freeze your salary at the same time." That would be a bit embarrassing. If we were a sceptical upper house we might ponder that, but irrespective, one would assume, would members not, that if the Parliamentary Inspector of the Corruption and Crime Commission had not been consulted about this bill in August of last year, fast forward to June 2018, surely he must have been consulted by now? Could anyone imagine the government telling us, in its reply to the second reading debate or in the committee phase, that after all this time it has decided to delay the bill for nine months and it still has not consulted with the Parliamentary Inspector of the Corruption and Crime Commission? That would be embarrassing, but I am sure we will not have that situation; I cannot possibly imagine that that is what would have happened. No doubt part of the reason that the Leader of the House has delayed the passage of this bill for nine months is so that she and her team can consult with the Parliamentary Inspector of the Corruption and Crime Commission. Given that that will be the most reasonable explanation for why this bill has been delayed for nine months, I look forward to hearing from the Leader of the House what the parliamentary inspector had to say about this bill. What was his feedback? Is that why there are now amendments on the notice paper? Were there other things that the parliamentary inspector recommended be amended but the government decided to decline? We will find out about all those things shortly.

I would like the government to also inform the house about feedback from the stakeholders who were consulted. Assuming that the information given to me in the briefing in August last year is true and correct, I know that the government consulted with the DPP, WA police and the District and Supreme Courts, and so I look forward to hearing from the government about what those stakeholders had to say. I do not want one of these typical responses from this government, "We consulted with those people and they were in favour of the bill." Do not tell me that, because that will just delay its passage when we get into the Committee of the Whole. That is just a nonsense response. We want to know exactly what they said. If that is in documentary form, it would be terrific if the government tabled those documents. That would really facilitate the passage of this, but knowing this government and its commitment to zero transparency and its specialisation in evasion, I suspect that it will refuse to table any of those documents and so we will have to go through it in more tedious ways and ask about each of those stakeholders and exactly what they had to say about this legislation.

I am regrettably rapidly running out of time, but I would like the government to also indicate to the house why it has chosen not to amend the definition of organised crime in this bill. For members' benefit, when the Joint Standing Committee on the Corruption and Crime Commission looked at the issue of how we would best fight organised crime in Western Australia, we said two things. Firstly, make sure that the police force is clean, and the best way we can do that is by ensuring we have an oversight agency—the body best placed to do that is the CCC—and get it to focus on that. Members may be aware that there was a period when the Corruption and Crime Commission was doing very little in its oversight of police. There were next to no independent investigations taking place at the CCC. Due to the pressure that was applied on the CCC at the time by the joint standing committee and the then Parliamentary Inspector of the Corruption and Crime Commission, there was a shift in culture at the CCC and we saw far more oversight of the police. That had the interesting side effect that suddenly the rapport between the police and the CCC was not as good. There were instances of, if you like, Mexican stand-offs between those two agencies, so the committee had to try to help those two agencies improve their working relationship. In that respect, I refer members to the eighteenth report, tabled in March 2015, titled "Improving the working relationship between the Corruption and Crime Commission and Western Australia Police".

The first thing the government should do if it wants to fight organised crime in Western Australia is make sure that it has a clean police force, whose job it is to tackle the Mr Bigs, and it can do that by having an oversight agency like the CCC that is focused on that function. The second thing that it needs to do is amend the definition of "organised crime". I have lost count of the number of reports that have been tabled by the Joint Standing Committee on the Corruption and Crime Commission asking for that to be done. If the government is ever going to do anything, that is the thing that it should do. I do not understand why the government has elected not to do that, because it is the most important thing to do in the fight against organised crime. Instead, it has decided to entrust the CCC with these confiscation powers for unexplained wealth when the Office of the Director of Public Prosecutions already has the capacity to do that; it just needs more resources. If the government knows anything about the unexplained wealth provisions that have worked in other jurisdictions, it will know that this will pay for itself, because the agency, whether it is the DPP or somebody else, will confiscate the proceeds of crime and unexplained wealth from these so-called Mr Bigs and that revenue will obviously be available to the government. It strikes me as odd that the simple thing that could have been done by the government has not been done, and I would like an explanation of why that is the case.

Did the government consider the tenth report of the joint standing committee tabled in April 2014 in the thirty-ninth Parliament, which some might refer to as a weighty tome, or was it too thick for the government to read and that is why we find ourselves in this situation? It was all a bit too much and there were too many pages to read and so it has gone for a thinner report that was tabled by the joint standing committee. That report, of course, is the twenty-eighth report, which was tabled in June 2012 and which I think Hon Alison Xamon quoted earlier. It is titled "Proceeds of crime and unexplained wealth: A role for the Corruption and Crime Commission?" Was it too hard for the government to read the thick report, which some have referred to as a weighty tome, and so it has gone for the easy version? We will find out in due course when the Leader of the House eventually gives her reply to the second reading debate, after having delayed debate on the bill for nine months.

We look forward to the answers to all those questions, because of course if any of those questions are not answered in the reply to the second reading debate, we will have to go into Committee of the Whole House. We will have to do that anyway because the government has amendments that it wants us to pass and the only way that can happen is by going into Committee of the Whole House. We will go into Committee of the Whole House because of the government. Let us not have any more of this fake news and start blaming Hon Alison Xamon or Hon Aaron Stonehouse because they will move amendments. Yes, they have amendments. That is not why we will go into Committee of the Whole House. We will go into Committee of the Whole House because the Leader of the House wants us to consider further amendments from her friend the Attorney General, as per usual.

In the few minutes I have left, I would like to know whether the government has given any consideration to the fact that if we proceed with this bill, the CCC will have to have a working relationship with the WA Police Force. In fact, I seem to recall that somewhere in the second reading speech there was mention of the sharing of information. If that is the case, has the government considered how that working relationship will work and how that can be done in the most effective fashion? Has it given consideration to the optimum model as set out in finding 10 of the joint standing committee's report of 28 June 2012? I realise I am asking the government to look at quite a few joint standing committee reports.

Hon Alison Xamon: Because a lot of work was done on it.

Hon NICK GOIRAN: A lot of work was done on it. No doubt the government is completely across all of this, because, remember, it has had nine months to get on top of this. That is why the Leader of the House has delayed the passage of the bill for nine months—so that there could be consultation with the Parliamentary Inspector of the Corruption and Crime Commission, which, staggeringly, had not been done in August last year, and also to make sure that the government is completely across all the joint standing committee reports on these matters that were tabled in the thirty-eighth and thirty-ninth Parliaments.

I ask the Leader of the House whether she can advise when the CCC will be in a position to be operational to commence the proposed new function. Apparently, it was ready to go. It had Mr Bigs lined up in January for hearings. The government probably had to say to the Mr Bigs, "Sorry; can you not turn up? Can you just give us a bit more time? Can you just go about your ordinary business? Talk amongst yourselves, Mr Bigs. We'll call you back when we're ready. Unfortunately, we've decided not to bring on the bill in the Legislative Council. It's a little embarrassing. That's why we can't continue with your hearings." No doubt the CCC is in a position to be operational as soon as this bill passes. I look forward to the Leader of the House informing us about that and answering all those other questions that I have posed, preferably before we go into Committee of the Whole House, so that we can facilitate the passage of this bill in a speedy fashion.

HON SUE ELLERY (South Metropolitan — Leader of the House) [6.17 pm] — in reply: I thank members for their contributions to the debate on the important Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017. Some of the issues have been raised by a couple of members, so I will not do it member by member, but if they have been raised by several members, that is how I will tackle it.

One of the first and, indeed, last issues raised was the relationship between the Corruption and Crime Commission and the WA Police Force. Their relationship is such that the commission's unexplained wealth investigations do not compromise or overlap with WA police investigations. I am advised that the commission has already established a strong working relationship with the WA Police Force proceeds of crime squad. The commission is working to establish a regular meeting with the WA Police Force for the purpose of de-conflicting investigations and targets to ensure that there is no conflict between the commission and the WA Police Force investigations.

It is anticipated that the majority of referrals for unexplained wealth investigations will come from the Western Australia Police Force. If the WA Police Force refers a matter to the commission for investigation, it will do so having determined that a commission investigation will not compromise or overlap a WA Police Force investigation. The commission has already established a quarterly meeting of interagency financial investigators. That meeting, of which there have been two to date, is attended by the WA Police Force's proceeds of crime squad. A memorandum of understanding exists between WA police and the commission that can be amended to include agreements in relation to unexplained wealth. The two agencies already successfully investigate serious misconduct cooperatively and work together for that purpose. There is no reason to believe that that cooperative relationship will not continue in relation to unexplained wealth. Information will be exchanged under proposed section 21AD of the amended Corruption, Crime and Misconduct Act 2003, which will provide the commission with a broad power to exchange information with appropriate authorities, including WA police.

The issue of negotiated settlements was raised. To paraphrase, the questions were: Will our anti–crime and corruption agency be negotiating with criminals? Is there not a risk when dealing with organised criminals that there will be a compromise that is not in the public interest? Questions of oversight were also raised. Confiscation proceedings are civil proceedings. Part VI of the Supreme Court Act 1935 provides a system for the mediation of civil proceedings. The Supreme Court's practice direction 4.2 states that mediation is an integral part of the case management process, and in general no case will be listed for trial without the mediation process having first been exhausted. As a result, there are both legal and ethical obligations upon the parties to civil proceedings, of which the commission will be one, to attempt to reach a negotiated settlement. Contested litigation is costly and time intensive. In appropriate matters, settlement is the best way to maximise the overall return to the state and, commensurately, the best way to maximise the overall deterrent and disruptive effect of the regime. The exercise of any aspect of the commission's exercise of its unexplained wealth function, including the conduct of any negotiated settlements, will be conducted under the oversight of both the Parliamentary Inspector of the Corruption and Crime Commission and the Joint Standing Committee on the Corruption and Crime Commission.

An issue was raised about how evidence obtained coercively by the commission would be used in CPC act proceedings, which are civil proceedings. Proposed section 61(8) of the CPC act provides that section 145 of the Corruption, Crime and Misconduct Act will apply to the examination of a person that occurs as a result of an examination order made by the commission. The effect of proposed section 145(1)(a) of the CCM act is that evidence given during an examination conducted by the commission will be admissible as evidence against the person in any proceedings under the CPC act, including any proceedings related to unexplained wealth. Similarly, proposed section 94(5A) of the CCM act provides that any statement of information coercively obtained under the section 94(1A) is admissible in evidence in any proceeding under the CPC act, including any proceedings related to unexplained wealth.

The next issue was that the experience of the Director of Public Prosecutions is that most unexplained wealth matters arise from criminal investigations, so will the commission be in a different position and find it difficult to investigate people who are not suspected of criminal activity? The commission considers the WA Police Force to be one of the commission's major stakeholders in unexplained wealth, and anticipates that the majority of referrals for investigation will come from the WA Police Force. The WA Police Force has a number of criminal matters that for various reasons it cannot progress by way of criminal charges. In appropriate cases, the commission will fill that void by conducting an unexplained wealth investigation and disrupt criminal activity through confiscations. The commission has a role in investigating criminal conduct that amounts to serious misconduct under the CCM act—for example, offences of corruption or bribery—and anticipates that unexplained wealth matters may arise from those investigations. The benefit of unexplained wealth provisions is that there does not have to be a predicate criminal offence. The commission, having intelligence analysts, forensic accountants and covert capabilities, is in a position to proactively identify and investigate targets for unexplained wealth when there is insufficient evidence for a criminal investigation.

Another issue raised was how we will ensure that the commission's role to work cooperatively with the WA Police Force on unexplained wealth and its oversight role over the WA police do not merge and that cooperation does not compromise oversight. Section 33(1)(b) of the CCM act already provides for the commission and the WA Police Force to investigate cooperatively in relation to serious misconduct. The two agencies routinely conduct joint investigations for that purpose. There has been no suggestion that those cooperative investigations have compromised the commission's oversight role of the WA Police Force. A related issue to that is: will unexplained wealth investigations come at the cost of the commission being able to investigate serious misconduct? No. Under the CCM act, all allegations of serious misconduct received by the commission must be

assessed by the commission, and this will continue. The commission regularly assigns priorities and, if necessary, suspends or terminates an investigation if resources should be committed to a more important investigation, and this practice will continue. The proposed unexplained wealth power is an important tool in being a disrupter. However, if the public interest is better served from time to time by a serious misconduct investigation, resources will be diverted accordingly.

The proposition was put that it was the view of the former DPP that a transfer of powers, or change to the system, ought to transfer all powers from the DPP and no longer involve it in confiscations. The question was: why is that not reflected in the policy of this bill? Prior to the drafting of the bill, the commission consulted with the then Acting Director of Public Prosecutions, Ms Amanda Forrester, SC, on the commission's proposal to be conferred with powers in relation to unexplained wealth. In her response to Commissioner McKechnie, QC, of 14 March 2017—I will check that—the acting DPP broadly supported a proposal to confer unexplained wealth functions and powers upon an agency other than her office; however, she expressed the view that it would be preferable that a conferral of unexplained wealth functions on another agency should not be to the exclusion of her office. The commission adopted the acting DPP's views.

A question was asked about whether the commission consulted with the DPP on the proposal, and if the current director had a different view from that of the previous DPP, why was that so. I have sort of started to touch on that already. Yes, the commission consulted with the DPP. Prior to the drafting of the bill, the commission consulted with the acting DPP, as she then was, Ms Amanda Forrester; I have already responded to that bit. The DPP was subsequently provided with a copy of the draft bill. Consultation between the commission and the DPP regarding proposed amendments followed. That resulted in the Attorney General moving an amendment to the bill—clause 43—on 7 September 2017 to delete proposed subsection (5A), which was included by way of a drafting oversight. The commission is not aware of any concerns of the DPP about the bill as it is currently drafted.

The former DPP gave evidence to the joint standing committee that discussed the three potential multidisciplinary models for dealing with civil non-conviction–based confiscations. Members should see page 27 of the committee's twenty-eighth report. Mr McGrath indicated that if resources were not an issue, the DPP would regard as the optimum model the creation of an independent confiscations agency—that was on page 27; however, he expressed concern in his evidence about the considerable planning and resources that would be required to create a standalone confiscation agency.

On the question of the adoption of the New South Wales Crime Commission model, using the Corruption and Crime Commission, the view of the then DPP, Mr McGrath, SC, was that as the commission operates in a multidisciplinary structure and is an investigative agency with wide powers, the CCC may well be placed to become involved in civil confiscations under the CPC act, and in particular unexplained wealth. That was on page 28 of the twenty-eighth report.

A question was asked about who had been consulted on the bill and whether the Law Society of Western Australia or the Criminal Lawyers Association of Western Australia had been consulted. The answer is no. The Corruption and Crime Commission consulted by letter with the Chief Justice of Western Australia, the Chief Judge of Western Australia, the Director of Public Prosecutions and the Commissioner of Police. By way of letter dated 7 April 2017, the former Commissioner of Police Dr Karl O'Callaghan offered his support for the draft of a cabinet submission to amend the Criminal Property Confiscation Act to allow the commission to conduct unexplained wealth investigations.

The issue was raised of what the government realistically expected and how success was to be measured. Our minds were terrifyingly drawn to an image of the Attorney General in a bath full of coins.

Hon Michael Mischin: I don't think the world's ready for that, which is why I'm concerned.

Hon SUE ELLERY: I am certainly not ready for it. I do not know about anybody else.

The question was asked about what the measure of success would be. The answer is that the primary purpose is deterrence rather than the collection of some target amount of money, for example, and that it would be speculative to estimate the number of investigations that might be used to determine whether it has been successful. It would be speculative to determine what amounts would be realised by the legislation, certainly during the initial period of its operation. That is one of the reasons the commission has requested that the question of funding be reviewed after three years when the commission and Parliament will have a much better idea of the numbers, the range of investigations and the quantum of funds that have been paid into the confiscations account.

The question was raised about the resources that will be devoted and where they will come from, and whether the Corruption and Crime Commission would change direction from being an integrity agency. The commission has undertaken to exercise the proposed function within existing resources and to review that after three years. The commission will manage priorities to deal with what is regarded as most urgent from time to time. As noted in the Corruption, Crime and Misconduct Act, all allegations of serious misconduct must be assessed and that will continue. The commission regularly assigns priorities and, if necessary, suspends or terminates an investigation if resources should be committed to more important investigations. That practice will continue.

A question was asked about what terms of agreement, if any, about payments from the confiscations fund to the commission have been agreed to and what work has been done to determine a memorandum to decide what money will go to the commission from money that is seized? Clause 73 of the bill will amend section 131 of the CPC act to ensure that the commission will have access to funds that may be paid out of the confiscation proceeds account at the direction of the Attorney General. No arrangements have been put in place between the Attorney General and the commission to assist in determining the circumstances for money to be paid to the commission out of that fund.

The question was raised of what we would see in annual reports and budget papers to show what the success has been. The commission proposes to report on the same matters that the DPP includes in its annual report relating to CPC act proceedings that are relevant to unexplained wealth and criminal benefits, including the number of freezing orders obtained and the number of declarations made by the court. In addition, the commission will broadly describe the volume of matters that it has dealt with and the processes involved in exercising its function.

Questions were raised about some negotiations that took place with the commonwealth and some other jurisdictions before the change of government in 2017. I am advised that officer-level negotiations were authorised by the Law, Crime and Community Safety Council, at least by Attorneys General of the commonwealth, Victoria, New South Wales, and Western Australia, but the negotiations were undertaken without state commitment and occurred during the term of the previous government. Victoria subsequently pulled out of those negotiations and the current Western Australian government has not been a part of those negotiations. I understand that negotiations have continued between the commonwealth and New South Wales. An issue was raised at the ministerial level with the commonwealth for a limited referral of powers to enable the commonwealth to prosecute with state laws for multijurisdictional offences. I may have got the question wrong, but as we understand the question, we understand the reference to offences is that, in the context of the referral negotiations, for an unexplained wealth order to be obtained under the commonwealth Proceeds of Crime Act, there needs to be some relationship to an offence. That is under section 179E(1) about the making of an unexplained wealth order. Under the previous Western Australian government, Western Australian officers were encouraged to participate in the negotiations I have already referred to the limited referral of Western Australian legislative powers to the commonwealth Parliament. At a meeting of the Law, Crime and Community Safety Council on 19 May, Western Australia indicated that it would not continue to be a participating jurisdiction in those negotiations.

Hon Michael Mischin: Sorry, what date was that?

Hon SUE ELLERY: It was May last year.

A text-based referral by state Parliaments of state legislative powers to the commonwealth to enable the commonwealth Parliament to amend the Proceeds of Crime Act 2002 would in turn enable commonwealth agencies to investigate unexplained wealth matters when there is a link to state or territory offences. That is, this reference will insert into the Proceeds of Crime Act both state and territory offences to enable the Australian Federal Police to use relevant powers and take action under that act on unexplained wealth connected with those state offences, which is what currently happens with wealth derived from commonwealth offences.

Another question was raised about policy development regarding protections against anti-consistency provisions to negate state law and a variety of other things to protect state interests. Again, Western Australia has not been involved in any negotiations regarding this matter since May 2017. I am not sure that I can add anything further to that.

Another question was asked, but I think the answer is pretty much the same, about the national unexplained wealth cooperative scheme and the expected relationship to unexplained wealth powers proposed in this bill. No commonwealth legislation has been based on a New South Wales referral enacted to begin the process of trying to establish a national unexplained wealth scheme—that is, a scheme involving other states in addition to New South Wales. I am advised that Western Australia gave an indication in May—I think it was May 2017, but I will have to check it because one line in my notes says 2017 and another says 2018—that Western Australia would no longer participate in the referral negotiations based on objections from the WA Police. WA Police was not supportive of the scheme and raised a number of objections, including that the proposed sharing arrangements would create a burdensome regime of recording confiscation actions, that the proposed equitable sharing arrangements would capture all confiscation actions, and that other jurisdictions do not have similar drug trafficker declarations. The scheme was likely to oblige Western Australia to share the proceeds of its forfeitures, with little assurance that there would be a corresponding return. No business case was made that the formal scheme proposed would offer any net benefit over the existing operational opportunities for joint operations between the state and commonwealth agencies. I am advised that the date on which Western Australia advised it would no longer be participating in those negotiations was 19 May 2017, not 2018.

I will explain to the house that I am going to give as many detailed answers as I can in my second reading reply. Members should note that if we get chance to go into committee before seven o'clock—I hope we will—I will seek to come out of committee at five minutes past seven so that we can deal with the disallowance matter.

Hon Peter Collier: We will take one minute on this side.

Hon SUE ELLERY: Yes. I am trying to get through the second reading reply so that we can get into committee, but I am conscious of the time.

Other matters were raised in the second reading debate. Hon Aaron Stonehouse raised a question about whether there would be additional resources for the Corruption and Crime Commission. If I can paraphrase the member, he said that without an additional allocation of resources to the commission, these additional functions would either not be carried out or the Attorney General would water down the existing functions of the commission, limiting its ability to validly carry out its oversight function. I have touched on that a little bit already but I will add some more. In letters between the Attorney General and the Corruption and Crime Commissioner dated 7 September 2017, the commissioner was asked whether he considers that the commission has sufficient resources to be able to undertake the unexplained wealth functions proposed by the bill in addition to its existing functions. The commissioner's response was —

> 1. Yes. The Commission has undertaken to exercise the proposed function within existing resources and review after three years. The scourge of the illicit drug trade and serious misconduct both impact on the state. The Commission will manage the priorities as to deal with what is regarded as most urgent from time to time.

The Attorney General then asked whether the commissioner considers that the unexplained wealth functions proposed by the bill will or could in any way distract the commission from fulfilling its existing functions in relation to potential serious misconduct and corruption by public officers. The commissioner responded —

> 2. No. Under the CCM Act all allegation of serious misconduct must be assessed. This will continue.
>
> The Commission regularly assigns priorities and if necessary suspends or terminates an investigation if resources should be committed to a more important investigation.
>
> This practice will continue.
>
> The proposed unexplained wealth power is an important State tool in the disruption of criminal activity, particularly the illicit methamphetamine trade.
>
> However if the public interest is better served from to time by a particular serious misconduct investigation, resources will be diverted accordingly.

One of the benefits of conferring the unexplained wealth functions of the Director of Public Prosecutions on the commission includes removing from the DPP the requirement to act as investigators and prosecutors, which would eliminate the compromise to the DPP's independence identified by the then DPP.

The underutilisation of the unexplained wealth provision was raised by a couple of honourable members. I can provide some response to that. I am not able to provide any information on whether there was underutilisation in 2011. Obviously, we were not in government at that time and honourable members interested would need to ask those who were. Since the commencement of the Criminal Property Confiscation Act, the DPP has paid over $101 million into the confiscation proceeds account. A significant proportion of confiscated property arises from the conviction of an accused person for a serious drug-related offence and the subsequent declaration that the person is a drug trafficker. Although the recovery of proceeds of crime under the provisions of the act are functions that the Western Australia police and the DPP perform, the provisions related to the investigation and confiscation of unexplained wealth are seldom used. I think the following point was also referred to by members. In the 16 years since the commencement of the act, the DPP has made a total of 28 applications for unexplained wealth declaration. Of those applications, 27 were made before 2011. In early 2011—I think this will help Hon Nick Goiran—the DPP placed a moratorium on making any further applications under section 11 of the act for the following reasons. The DPP has experienced a number of issues that have made it, by its own admission, ineffective in the area of unexplained wealth. The DPP is required to be both investigator and prosecutor, and this position serves to compromise the independence of the Office of the DPP for Western Australia. A second difficulty was noted by the former DPP, Mr McGrath, SC, in his evidence to the Joint Standing Committee on the Corruption and Crime Commission, which states —

> … what we do not have in this state is a multidisciplinary approach to the Office of the Director of Public Prosecutions—the prosecution agency for serious crime.

The reality is that the successful confiscation of unexplained wealth requires more than just simply asking a criminal target to explain their financial situation. The DPP is required to conduct what are resource-intensive financial investigations, work for which the DPP is not properly or adequately resourced. Mr McGrath, SC, expressed the view to the joint standing committee that an immersion of civil legal staff with investigators and forensic officers is required to properly conduct unexplained wealth investigations.

Another difficulty experienced by the DPP is the settlement of proceedings. The joint standing committee inquiry found that examinations in support of unexplained wealth investigations under the provisions of the act are regarded as ineffective by the DPP owing to the need for these examination to be conducted as part of a court process. The DPP's experience is that it has conducted a number of examinations during unexplained wealth investigations that have largely been limited in their effectiveness compared with bodies that conduct their examinations outside the purview of the court process. The process appears to the DPP to motivate persons of interest to come to the party and talk, which ultimately leads to a settlement. That evidence was given before the joint standing committee on 2 May 2012.

Hon Nick Goiran interjected.

The PRESIDENT: That is not always helpful. I think the Leader of the House is trying to finish her remarks.

Hon SUE ELLERY: I am trying to canvass everything. We are going into committee so the member knows he will have the opportunity to ask me questions.

I have letters containing feedback from stakeholders. I think Hon Nick Goiran asked about what we heard back from stakeholders. I have those letters and I have permission from the commissioner to table those.

[See paper 1424.]

Hon SUE ELLERY: I was asked if the government has considered the finding 10 of the 2012 report, which states —

> The optimum model for conducting investigations of unexplained wealth in Western Australia under the provisions of the *Criminal Property Confiscation Act 2000* would require the creation of a new "confiscations agency," which would operate independently from both the WA Police and the Office of the Director of Public Prosecutions.

The view was taken that that is a resource-intensive and expensive model. Although it is proposed as the optimal model, the commission is best placed as a multidisciplinary agency that is already well equipped.

An issue was raised by Hon Charles Smith, I think, about freezing notices and that there can be delays in banks complying with requests that in effect impede on criminal matters. The bill proposes amendments to section 94 of the Corruption, Crime and Misconduct Act. That and the commission's power to compel the provision of information under section 95 of the CCM act will work together to facilitate the commission being in a position to obtain information more quickly from institutions such as banks and the commission will not have to solely rely on court-ordered production orders, which will likely reduce delays.

Hon Nick Goiran had a question about the definition of organised crime. I am advised that unexplained wealth laws do not require proof that the asset owner has committed a criminal offence. I think Hon Nick Goiran mentioned this in a broader sense as well, but in respect of this bill to link the unexplained wealth function to a definition of organised crime would defeat the intention of the unexplained wealth provisions under the Criminal Property Confiscation Act. Under the CPC act, the objective of the bill —

Hon Nick Goiran: Just leave it.

Hon SUE ELLERY: Yes, I am sorry.

The commission's organised crime function under part 4 is only enlivened upon an application by the Western Australian Commissioner of Police. The commission's power on organised crime is limited to authorising the WA Police Force to use exceptional powers and to obtain fortification warning notices.

A question was asked about consultation with the Parliamentary Inspector of the Corruption and Crime Commission. Informal consultation between the commissioner and the parliamentary inspector has occurred; however, the primary functions of the parliamentary inspector under the CCM act will not be affected by the bill. The parliamentary inspector has primarily an audit function of the CCC. If the bill passes, the commissioner looks forward to reporting to the parliamentary inspector, as required by the CCM act, on all aspects of his function and to continue dialogue as to the effectiveness of commission procedures and its compliance with these laws if they are passed.

When will the commission be ready to commence the new function? The commission will be operational in relation to unexplained wealth from 1 July 2018.

I think that might be it. With that, Madam President, I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Robin Chapple) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Clause 1: Short title —

Hon MICHAEL MISCHIN: I have a number of questions on the matter. I thank the Leader of the House for attempting to address the rather wide variety of questions that I posed during the course of my second reading address. I would like to get some more specific information on some of those matters. The Leader of the House mentioned that the Attorney General in the other place moved to delete subclause (5)(a), which had been included as a drafting oversight. That was the way that it was put. Can the Leader of the House explain what that clause was about? I have a copy of the original bill that was in the Assembly and under consideration, but I am not sure what it was that the Leader of the House was referring to that had to be deleted as a result of a drafting oversight.

Hon SUE ELLERY: I might ask to sit when I next answer questions.

The DEPUTY CHAIR (Hon Robin Chapple): Yes, certainly.

Hon SUE ELLERY: I take the honourable member to the *Hansard* of 7 September last year. But for ease of reference, because I assume that the member does not have that in front of him, I will read the page on which the Attorney General moved at page 18, line 7 of the bill to delete "and (5)(a)". The Attorney General said —

> This was a little oversight in the drafting of the bill, which was picked up by an eagle-eyed officer; actually, it was picked up by the Director of Public Prosecutions during consultation. This amendment to delete "and (5)(a)" will ensure that there is no confusion about which agency may seek a freezing order in drug trafficker matters. To be declared a drug trafficker, a person must be in possession of drugs over the prescribed amount. From memory, it is over 28 grams for amphetamines, for example. A person convicted of or found in possession of over 28 grams of amphetamines would be a declared drug trafficker …

Hon Michael Mischin: Can the Leader of the House make reference to the page in the original bill?

Hon SUE ELLERY: The extract I have in front of me is from the Assembly *Hansard* of Thursday, 7 September 2017. I assume it is consideration in detail of the bill. I referred to pages 6 and 7 of the *Hansard* copy that I have.

Hon MICHAEL MISCHIN: Can the Leader of the House point me to the pages of the bill?

Hon SUE ELLERY: In the bill before the Assembly, the reference was page 18, line 7 to delete —

Hon MICHAEL MISCHIN: The bill originally read —

> In section 43(3)(c) and (5)(a) delete "DPP" and insert:

Did the amendment delete the reference to (5)(a)?

Hon SUE ELLERY: It was delete "and (5)(a)".

Hon MICHAEL MISCHIN: Thank you.

I am considering the documents the Leader of the House tabled, which consist of four letters. One letter is from the Chief Justice of Western Australia dated 7 March 2017 to the Corruption and Crime Commissioner and refers to his letter of 28 February 2017 and the invitation to comment on the draft cabinet proposal enclosed with that letter. I will come to that in a moment.

Is it fair to summarise the effect of the Chief Justice's correspondence as being that he denies having any ability to express a view on whether the CCC should be conferred this power? He states —

> The question of which agency of Executive Government is best placed to undertake the efficient discharge of the function of investigating and prosecuting proceedings relating to unexplained wealth is in my view essentially a matter for Executive Government and is not a matter upon which I wish to comment. Viewed from the perspective of the exercise of the jurisdiction conferred upon the court I can see no basis for any suggestion that the Commission is any less able or less appropriate an organisation to undertake the function to which I have referred, especially given that the Commission enjoys the same independence from executive direction as the Director of Public Prosecutions and, in the event the court proceedings are commenced, would no doubt act through legal practitioners who are subject to the same professional obligations as members of the Office of the Director of Public Prosecutions.

Then he made some comment about the potential need for additional resources in the Supreme Court. There are no surprises there. He is not making any comment about the practicality and he is not in a position to comment on whether it is a good idea for the use of resources or otherwise. Would that be a fair summary of his comments?

Hon SUE ELLERY: The honourable member probably had five more minutes than I have to read the letters, so I ask him to give me a minute. That would be accurate.

Hon MICHAEL MISCHIN: Secondly, there is a letter dated 7 March 2017, again referring to the Corruption and Crime Commissioner's letter—I presume the same one or in similar terms—dated 28 February 2017. This letter is from the Chief Judge of the District Court, commenting on the proposal to assign to the CCC the functions and powers currently held by the DPP and WA police. That is a little equivocal because it is not clear whether the proposal is about assignment of those powers to the exclusion of the DPP and WA police or in parallel with the WA DPP and WA police—the same powers or the powers. In any event, he states —

> I am reluctant to make any submissions on the proposal given the independent position of the courts.

Is it fair to say that that is not an endorsement of the proposal?

Hon SUE ELLERY: The honourable member should remember the context. Hon Nick Goiran said, "I don't want the minister to be telling me that she won't tell us what the result of that consultation was." I make no comment on the degree or otherwise to which they expressed a point of view. I was asked—some might even suggest that I was directed—not to provide the house with an answer, which was, "I cannot tell you what they said", so I tabled the letters.

Hon MICHAEL MISCHIN: The minister should not get me wrong; I am not criticising her. I am simply clarifying the extent of the consultation and what feedback has been received from those agencies. It seems to me that the Chief Judge of the District Court is not particularly able, like the Chief Justice of the Supreme Court, to comment on the merits of the proposal other than how it may affect the jurisdiction of their courts and the resources that may or may not be necessary in order to accommodate this additional responsibility on the part of the CCC.

I turn now to what the Chief Judge said in the final paragraph of his letter. It might be useful to get some comment on this in due course. He said —

> However, one issue that might require consideration is the possible obligation to give discovery in civil proceedings and the extent that may create awkwardness in view of the Commission's functions and powers.

Before I go to any of the other feedback from those who were consulted by the commissioner —

Hon Sue Ellery: Member, will you take an interjection? I am conscious of the time. Would you mind if I did not respond to you now and ask the Chair whether we may report progress?

Hon MICHAEL MISCHIN: That is no problem at all, minister.

Hon Sue Ellery: Thank you.

Hon MICHAEL MISCHIN: Presumably we will not finish this today, so if the minister would be good enough to use this opportunity to take some advice on the elements of the letters that she handed up, I would appreciate it, because the minister would then be in a better position to respond when we return to our consideration of this matter.

Progress reported and leave granted to sit again, on motion by Hon Sue Ellery (Leader of the House).

SHIRE OF BROOME PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW (2) 2017 — DISALLOWANCE

Motion

Pursuant to standing order 67(3), the following motion by Hon Robin Chapple was moved pro forma on 15 March 2018 —

> That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the Shire of Broome Parking and Parking Facilities Amendment Local Law (2) 2017, published in the *Government Gazette* on 6 October 2017 and tabled in the Legislative Council on 10 October 2017 under the Local Government Act 1995, be and is hereby disallowed.

HON ROBIN CHAPPLE (Mining and Pastoral) [7.08 pm]: This is again one of those odd disallowances but it is relatively simple. The Shire of Broome, in establishing the Shire of Broome Parking and Parking Facilities Amendment Local Law (2) 2017, did not comply substantially with the mandatory procedures prescribed in section 3.12 of the Local Government Act 1995. The Shire of Broome also failed to notify the Minister for Local Government of its intent to make the local law. Pursuant to section 3.12(3)(b) of the Local Government Act 1995, the shire was to provide the minister with a copy of the proposed local law and the statewide advertisement notifying the public of the proposed local law. The shire having failed to do that, the local law is actually invalid and has no function. However, the problem is that we have discovered over a long period that even though the local law has no legal function, we need to disallow it so that the public is aware that the local law no longer exists.

The Joint Standing Committee on Delegated Legislation has dealt with a couple of these types of disallowances. I commend to the house the eleventh report of the Joint Standing Committee on Delegated Legislation with regard to the disallowance that I have just moved.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [7.09 pm]: When local governments make local laws, they are required to follow a process set out under section 3.12 of the Local Government Act 1995. If a local government fails to follow this process, the local law is potentially invalid and may be overturned in court. As Hon Robin Chapple has indicated, the Joint Standing Committee on Delegated Legislation has concluded that the Shire of Broome failed to provide a copy of the draft local law to the Minister for Local Government as required by the act. It therefore did not follow the proper process, so the local law is potentially invalid. It is obviously in the interest of good governance to ensure that potentially invalid laws do not remain in force. The government therefore supports the Joint Standing Committee on Delegated Legislation's recommendations and the motion to disallow the Shire of Broome Parking and Parking Facilities Amendment Local Law (2) 2017.

HON DONNA FARAGHER (East Metropolitan) [7.10 pm]: In line with the recommendations made in the eleventh report of the Joint Standing Committee on Delegated Legislation, and the comments made by Hon Robin Chapple and the minister, the opposition also supports the disallowance.

Question put and passed.

NATIONAL DISABILITY INSURANCE SCHEME — DEAFBLIND COMMUNITY

Statement

HON ALISON XAMON (North Metropolitan) [7.11 pm]: I recently met with Mr Eddie Szczepanik, the chairperson of DeafBlind West Australians, and other representatives of the deafblind community. I rise to speak because I thought it was important to raise in this place the issues they brought to my attention. We discussed at length some of the challenges that the deafblind community specifically is having in seeking National Disability Insurance Scheme funding, and their involvement in the transition to the NDIS. I want to speak about some of the issues that were highlighted. It is also worth noting that although some of the issues we raised are specific to the deafblind community and are significant in and of themselves, many of the concerns and experiences relayed to me are applicable to other people I have met with—other communities with different types of disability. I think it serves as a concrete example of some of the potential issues that I raised last year when we discussed my motion on the NDIS and what would happen if effective mechanisms were not put in place to ensure effective communication, co-design and systemic advocacy.

The people who met with me were at pains to impress on me that although there have been challenges in accessing appropriate funding and having to go through systems of appeal, there is greater concern for members of the deafblind community who are socially isolated and do not have the resources available to be able to advocate for themselves in the same way the delegation I was able to meet with has. The delegation encountered its own problems, but it was very keen to say that if it was bad enough for its members, it was particularly concerned about how it was affecting more isolated members of the deafblind community. It was made very clear to me what I think are their entirely reasonable hopes—that access to the NDIS needs to be consistent and equitable. I am being told again and again that it cannot be based on an individual's capacity to self-advocate. We need to make sure the systems are readily available to everyone.

A fundamental issue facing us is the lack of accessible information about the NDIS specifically for Australians who live with deafblindness. It means that communication breakdowns occur frequently for people with deafblindness around the best means for them to learn new information. People who are deafblind need to be able to access information through face-to-face interaction so that information can be repeated and specifically clarified. The feedback I have received is that the NDIA staff at all levels, unfortunately, as well-meaning as they are, lack an understanding of the specific needs of people with deafblindness. That means that it is taking considerable time and effort to explain the complexities associated with living with combined vision and hearing loss. NDIA staff are repeatedly not acknowledging the complexities of adequately and appropriately meeting the needs of a person with dual sensory impairment. Some of the specific issues raised with me include not understanding the need to put therapy hours in a plan, because at the moment there are no hours being put in for interpreting to access this therapy; increasing hours of support coordination that will not be utilised due to support coordinators not having an understanding of deafblindness, but providing no hours of specialist support coordination that would address the complex communication needs of the individual; reducing funding of specialist support coordination from one plan to the next, despite the level of complexity and need remaining exactly the same, if not increasing; and insisting on an occupational therapy assessment before purchasing equipment, even though no occupational therapist with experience in deafblindness is available, while staff with skills and experience in assistive technology specifically for people who live with deafblindness are ineligible to provide the service.

Getting the planning right up-front is absolutely essential. Asking for plans to be reviewed is not easy. If an applicant is requesting support beyond the typical support package, at the moment there is a six-month backlog

before the request can even be looked at. There needs to be room for flexibility when these plans are being developed. The nature of disability is that no two people are ever going to present with exactly the same diagnosis and needs. One of the more persistent problematic issues is that people with deafblindness are being required to prove deafness again to meet eligibility requirements. Many people who live with deafblindness have access to multiple government departments throughout their lives and have already provided extensive evidence of their disability. The community really wants to have this evidence recognised, especially when the disability is known to be permanent and/or progressive. I have to say that that is not an isolated story. I have had people who live with multiple sclerosis, for example, being asked when it is expected they are going to recover. There is a real concern about not understanding the nature of what people are living with.

The Auslan interpreter and communication guide workforce shortage is another impediment. The South Australian government has recently supported fast-tracking interpreter training in order to try to fill the huge gap that has emerged in the provision of Auslan interpreting in people's plans. Given these experiences, Deafblind WA is advocating for a number of changes to the application and the planning processes. Firstly, if an NDIS participant is identified as being deafblind, they need to work only with senior, more experienced NDIA staff. Ongoing specialist support coordination needs to be recognised as necessary to support Australians with deafblindness to action their goals and plan. Due to the lifelong complex issues and needs of individuals with deafblindness, allied health professionals with training in deafblindness are best placed to provide this complex support requiring additional skills and deep understanding of deafblindness. Professionals with demonstrated skills, training and experience working with people with deafblindness and assistive technology, regardless of profession, are eligible and preferred for undertaking assessment of needs, training and the provision of support for people with deafblindness. New proof of deafness or disability is not required for this cohort, as it already exists within multiple systems. These are concerns that are systemic and not just a problem with a transition—but that has certainly aggravated the situation. There needs to be avenues in place that enable people with disability to work with the National Disability Insurance Agency to address these sorts of issues. Mechanisms for co-design of services and funding for systemic advocacy are central to try to resolve these sorts of problems, and we need to look at that, ensuring we are catching up with what is happening in other states, particularly around areas such as funding of systemic advocacy so that we can ensure the successful implementation of the National Disability Insurance Scheme within Western Australia.

WESTERN POWER — MAINTENANCE OPERATIONS — WOODVALE

Statement

HON TJORN SIBMA (North Metropolitan) [7.20 pm]: Earlier today during question time I brought up a matter concerning something reasonably routine, nevertheless it is an issue that directly affects the quality of life of people in our community—it was effectively the expectation that they have functioning streetlights at night. Two days ago a matter came to my attention. A gentleman who lived in Acheson Crescent in Woodvale advised me, as he advised a number of other members of the broad North Metropolitan constituency, that in February this year some routine works were conducted by Western Power in his street, which removed a faulty streetlight. About a month later he sought an update from Western Power about when replacement streetlights might be installed and electrified. He was advised at that time that the ordinary practice of Western Power was to remediate the situation within around five working days. In good faith, he took that advice. Nevertheless in following up his inquiries, he was subsequently advised that the remediation of that problem might in fact take a little longer. He sought to understand why a problem he was originally told would take five days to fix had suddenly blown out to something closer to 12 weeks. I might just read some extracts from correspondence this gentleman engaged in with the people at Western Power. He quite rightly asked —

> Are you able provide a reason why it takes so long? —

Twelve weeks —

> … seems like a long time to be left in the dark.

That is a fair question. This was nearly four or five weeks after the incident occurred. He received some advice that directly contradicts an answer I received today from the responsible minister, the Minister for Energy. This gentleman was advised why the problem was taking so long. The correspondence states —

> As we are government funded we do have budget and therefore staffing restrictions which do inhibit our response times to incidents that are no longer classified as emergencies.

That is a significant claim for a customer service person at Western Power to make. I think that advice was pretty accurate and given in good faith.

Hon Stephen Dawson: Member, you should table the letter and I can follow it up for you.

Hon TJORN SIBMA: I have addressed the issue and it is being rectified. I am somewhat assured by the minister's claim that this issue, and issues concerning 49 individual cable faults in the broader Woodvale area, will be remediated or repaired by July. It is great that that pledge has been given, but should we need to deal with these

issues in a parliamentary setting? If this gentleman had not sought satisfactory recourse from his represented members, how much longer would this situation have continued for? It concerns me that somebody at the customer service coalface in Western Power quite truthfully, I would say, advised an aggrieved customer that they could not get satisfaction earlier, notwithstanding any technical problems, because there were "budget and therefore staffing restrictions". When I asked today whether budget or human resourcing constraints at Western Power were constraining the government trading enterprise's ability to undertake routine maintenance and replacement activities, the Minister for Energy, in an otherwise very helpful and informative response, said no. Who are we to believe? Are we to believe the minister or someone who deals with these complaints on, I would expect, a daily basis, and resolves customer service disputes at the coalface? Was that person incorrect? I tend to side with the person in the customer service division of Western Power who provided the advice that that was the reason. I find it extraordinary that Western Power, a GTE that is largely inoculated from competition and returns 65 per cent of its net profits to the government as a dividend—which is ordinarily well over $100 million and probably closer to $200 million—each financial year, and which has a net asset value of over $2.1 billion, cannot fix streetlights in Woodvale quickly because of budgeting and human resources constraints. I think that sums up the travails of this government since it was elected. It is big on rhetoric and big on hiking —

Hon Stephen Dawson: Table the letter and we can follow it up for you. You are suggesting the minister has lied.

Hon TJORN SIBMA: Minister, I will take this interjection and I will respond helpfully. I do not need to table this letter. I will not disclose the personal information of a constituent. If the minister wants to know, he should ask his friend the member for Kingsley. He should ask her what she has done to satisfy this person and about bread-and-butter issues that matter to people.

Hon Sue Ellery: She's a great member.

Hon TJORN SIBMA: You might say that. I do not need to table it. If members want the information, they should speak to her. She will give it to them. She has exactly the same information as I have. I do not know what she has done. If it were not for me bringing this to Parliament's attention, I do not think there would be a time line and there would be absolutely no justification given about why a simple matter is taking so long.

APPROPRIATION (RECURRENT 2018–19) BILL 2018

Receipt and First Reading

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

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [7.28 pm]: I move —

That the bill be now read a second time.

This bill seeks supply and appropriation from the consolidated account for recurrent services and purposes during the 2018–19 financial year as expressed in the schedule to the bill and as detailed in the agency information in support of the estimates in the 2018–19 *Budget Statements*. Total expenditure is estimated to be $22 046 903 000, of which $2 664 596 000 is permanently appropriated under other statutes, leaving an amount of $19 382 307 000, which is to be appropriated to the services and purposes identified in the schedule to this bill.

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

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

[See paper 1425.]

Debate adjourned, pursuant to standing orders.

APPROPRIATION (CAPITAL 2018–19) BILL 2018

Receipt and First Reading

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

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [7.30 pm]: I move —

That the bill be now read a second time.

The bill seeks supply and appropriation from the consolidated account for capital purposes during the 2018–19 financial year, as expressed in the schedule to the bill and as detailed in the agency information in support of the estimates in the 2018–19 *Budget Statements*.

Included in the capital expenditure and financing transactions estimates of $3 181 457 000 is an amount of $615 433 000 authorised by other statutes, leaving an amount of $2 566 024 000, which is to be appropriated in the manner shown in the schedule to the Appropriation (Capital 2018–19) Bill 2018.

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

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

[See paper 1426.]

Debate adjourned, pursuant to standing orders.

COURT JURISDICTION LEGISLATION AMENDMENT BILL 2017

Receipt and First Reading

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

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [7.32 pm]: I move —

That the bill be now read a second time.

The Court Jurisdiction Legislation Amendment Bill 2017, together with recently announced increases to the resources of the District Court, aims to improve the timeliness, efficiency and effectiveness of the criminal justice system for all Western Australians. It does this by adjusting the jurisdictional boundaries between the Supreme Court, the District Court and the Magistrates Court in their criminal jurisdiction to ensure that offences can be dealt with in a timely manner and in the most appropriate jurisdiction. The amendments proposed follow a review of the jurisdictional boundaries of the courts conducted by the Solicitor-General. In conducting the review, consultation occurred with the Chief Justice of the Supreme Court and the Chief Judge of the District Court, on behalf of their respective courts, and the Director of Public Prosecutions. Data was also provided by the Department of Justice on the performance of the superior courts.

The first part of the bill deals with the jurisdictional boundary between the Supreme Court and the District Court. The original jurisdiction of both courts relates to indictable offences. Traditionally, the division between the two courts has related to offences that carry a term of life imprisonment and to other offences. Although the Supreme Court has jurisdiction over all indictable offences, the District Court, generally, does not have jurisdiction over offences for which a sentence of life imprisonment may be imposed. This is the consequence of section 42(2) of the District Court of Western Australia Act 1969.

As the maximum penalty for certain offences—for example, arson—has been increased to life imprisonment, this has meant that offences previously tried in the District Court have become part of the exclusive jurisdiction of the Supreme Court. The nexus between life imprisonment and the exclusive jurisdiction of the Supreme Court was, however, removed with the passage of the Misuse of Drugs Amendment (Methylamphetamine Offences) Act 2017, which enabled offences involving the trafficking of methylamphetamine, for which a life sentence is now provided, to be tried in the District Court. This bill enables other life sentence offences to be tried in the District Court, including perjury in relation to life imprisonment offences, arson—criminal damage by fire—armed robbery and assault with intent to rob. It does this by confining the Supreme Court's exclusive jurisdiction to those offences that are essentially homicide offences. These offences include section 279, murder; section 280, manslaughter; section 283, attempt to unlawfully kill; section 288, procuring, assisting suicide; and section 290, preventing birth of a live child. In addition, the bill provides that regulations may be made enabling other offences to be within the Supreme Court's exclusive jurisdiction. This is necessary to deal with commonwealth offences, jurisdiction for which is conferred on the state courts by reference to subject matter. There are a number of commonwealth offences punishable by life imprisonment, involving homicide, for example, that should remain with the Supreme Court. Other commonwealth offences, particularly those dealing with the trafficking of drugs, are better dealt with in the District Court.

There are a number of reasons why it is preferable for the District Court's jurisdiction to be increased in this way. The District Court is, predominantly, a criminal trial court, with a far greater proportion of its judicial resources being devoted to criminal matters than is the case in the Supreme Court. The overall number of lodgements in the District Court is much higher than in the Supreme Court and the average length of each trial is shorter—a matter that is largely a function of the complexity of homicide trials. This has meant that there are efficiencies that may be employed in the District Court, including the significant over-listing of trials, which currently is at between 40 per cent and 50 per cent. The same cannot be done in the Supreme Court. The District Court's jurisdiction also means there is a substantial accumulation of expertise in criminal matters, particularly drug offences, which raise similar issues in both state and commonwealth offences. The proposed division is also consistent with the approach in other states where the Supreme Court is, essentially, a homicide court. To meet the additional jurisdiction, and

also to take account of these efficiencies, the government, in the recent budget, made provision for an additional two judges to be appointed to the District Court. These judges, who are due to commence in the new year, are intended to address the court's already increased workload and the additional jurisdiction proposed by this bill. At the same time, this bill makes reforms to a number of offences that can be tried in either the District Court or the Magistrates Court as "either-way" offences. The first set of changes relates to property offences that are each-way offences and for which a summary conviction penalty is provided. In relation to a number of such offences, there is a monetary value of the property, above which the charge is not to be dealt with summarily. These offences include section 401, burglary; section 409, fraud; section 426(2), stealing and related offences; and section 527, fraudulent dealing with a judgement debtor.

For each of these offences, the monetary limit, above which the charge is not to be dealt with summarily, is $10 000. This amount was set in 1996 by the Criminal Law Amendment Act 1996 and has, therefore, not been increased for over 20 years. It is well overdue for reform and updating. By increasing that amount to $50 000 there will be more flexibility to allow the Magistrates Court to determine a matter, when it would otherwise have to transfer the matter to the District Court. The final changes relate to unlawful threats, contrary to section 338B of the Criminal Code. Currently, when an unlawful threat is a threat to kill, the offence may be tried only in the District Court, whereas all other unlawful threats may be finalised in the Magistrates Court. The Director of Public Prosecutions has advised that although a charge of threat to kill sometimes accompanies sexual offence charges, most frequently it is charged with associated domestic violence charges. Often, the associated charges can be dealt with only in the Magistrates Court, such as common assault or breach of a violence restraining order, or they are either-way offences that could be dealt with in either the District Court or the Magistrates Court. Frequently, the count of threat to kill is the only charge that must be dealt with in the District Court.

As a result, the Director of Public Prosecutions advises that many matters that could otherwise be finally determined in the Magistrates Court are committed to the District Court together with the threat to kill charge. In addition, because charges under this section are difficult to prove and can be discontinued as a result of insufficiency of evidence or because they are an inappropriate complication in an already difficult matter, the final result is that matters are unnecessarily committed to the District Court, with consequential delay in finalisation. The DPP advises that these issues cause impediment to the early resolution of domestic violence cases. It also means that often there may be a multiplication of proceedings for a single incident, which is undesirable, particularly for victims of domestic violence. For this reason, it is proposed that, in an appropriate case, a charge of threat to kill can be determined in the Magistrates Court by imprisonment for three years and a fine of $36 000. It should be stressed that none of these changes require that the case be finalised in the Magistrates Court. The Criminal Code already requires that when, in a particular case, an appropriate penalty could be given only in the District Court, the case must be committed to the District Court. These changes simply provide more flexibility to enable the matters to be determined in the most appropriate forum.

The Chief Justice of the Supreme Court, the Chief Judge of the District Court and the Chief Magistrate have all agreed that these changes are sensible and appropriate. Although efficiencies are expected, precisely how the changes impact on the workload of the courts will require analysis once the changes are in place. The government has committed to each of the courts that it will keep these resourcing issues under review so as to continue to improve the delivery of criminal justice in this state.

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

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

[See paper 1427.]

Debate adjourned, pursuant to standing orders.

House adjourned at 7.40 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

LANDS — COASTAL EROSION CONTROL — BROOME

1099. Hon Robin Chapple to the minister representing the Minister for Transport:

I refer to the Business case proposal for Revetment Work to Protect and Control Erosion of Broome's Coastal Cliffs from Town Beach to Catalina's, which has received $2.8 million from Lotterywest, and question on notice No. 3262 asked in the Legislative Council on 16 June 2015, and I ask:

(a) the previous Minister for Lands stated that he was not satisfied there was sufficient understanding of the causes of erosion at the area proposed for revetment at Town Beach, has there been further work to determine the cause of the erosion;

(b) if no to (a), why not;

(c) if yes to (a), will the Minister table the work that shows what the causes of the erosion are;

(d) if no to (c), why not;

(e) is the Minister satisfied the proposed revetment work would not cause erosion or other problems elsewhere along the coastline, including along the foreshore past the Catalina's development up to the foreshore of Matso's Brewery, Moonlight Bay and beyond;

(f) if yes to (e), will the Minister table the evidence to show that this is the case;

(g) if no to (f), why not; and

(h) what are the projections for sea level rise for this area of Broome into the future?

Hon Stephen Dawson replied:

(a) Yes, the Shire of Broome has prepared a Coastal Vulnerability Study which included this section of coast.

(b) Not applicable.

(c) [See tabled paper no 1423.]

(d) Not applicable.

(e)–(f) The Shire of Broome proposed the revetment work to physically constrain further erosion of the cliffs. The development of the CHRMAP has been informed by two community information forums which were held in July 2016 and two community workshops held in August 2016. The workshops provided participants the opportunity to identify and prioritise assets in the coastal zone, assess the consequence of these assets being affected by coastal hazards, and consider a variety of adaptation options for key areas in Broome, including Chinatown, Cable Beach and Town Beach.

(g) Not applicable.

(h) The projected sea level rise in Broome in the next 100 years is 0.9 m.

SPORT AND RECREATION — OPTUS STADIUM OPEN DAY

1124. Hon Martin Aldridge to the Leader of the House representing the Minister for Sport and Recreation:

I refer to question on notice No. 529, answered on 10 April 2018, and I ask:

(a) with respect to the tabled paper in response to part (d) of the question, the cells within the table that have no number, what does this represent or is this an error; and

(b) with respect to the tabled paper, please identify the persons who received tickets within each of the following categories:

  (i) Optus Stadium contractual guests;

  (ii) Ministers and guests; and

  (iii) Premier and office staff and guests?

Hon Sue Ellery replied:

(a) The allocation in each of these instances was via VenuesLive to a variety of groups where there were no requirements for RSVP.

(b) (i) Optus Stadium contractual guests

Representative – Western Australian Cricket Association	Ken Michael
Representative – Western Australian Cricket Association	Christina Matthews
Representative – Fremantle Dockers	Dale Alcock
Representative – Fremantle Dockers	Steve Rosich
Representative – West Coast Eagles	Russell Gibbs
Representative – Perth Glory	Tony Sage x 2
Multiplex	Grant Annear
Multiplex	Bill Mcevoy
Joint Football Working Group and Cricket Negotiations	Richard Marshall
Joint Football Working Group and Cricket Negotiations	Amanda Cox
Joint Football Working Group and Cricket Negotiations	Gavin Taylor
Westadium	Mike Butcher

(ii) Ministers and guests

Minister	Hon John Quigley MLA x 4
Minister	Hon Ben Wyatt MLA x 2
Minister	Hon Mick Murray MLA x 12
Minister	Hon Simone McGurk MLA x 2
Minister	Hon Sue Ellery MLC x 2
Minister	Hon Rita Saffioti MLA x 4
Minister	Hon Michelle Roberts MLA x 3
Minister	Hon Dave Kelly MLA
Minister	Hon Paul Papalia MLA x 2
Shadow Minister for Sport and Recreation	John McGrath MLA
Leader of the Opposition	Hon Mike Nahan MLA x 2
Former Premier	Hon Colin Barnett x 2
Former Minister	Hon Terry Waldron x 2
Former Minister	Hon Bob Kucera
Former Minister	Hon John Kobelke
Member for Belmont	Cassie Rowe MLA x 2

(iii) Premier and office staff and guests

Premier	Hon Mark McGowan MLA x 5
Deputy Premier	Hon Roger Cook MLA x 2
Ministerial staff attending with Premier	Daniel Pastorelli
Ministerial staff attending with Premier	Jamie MacDonald
Ministerial staff attending with Premier	Caitlin Goddard
Ministerial staff attending with Premier	Patrick Ashforth
Ministerial staff attending with Premier	Lannie LaPatterson
Ministerial staff attending with Premier	Stacey Hearn
Premier’s Guest	Jo Gaines x 3
Premier’s Guest	Lannie Le-Patterson x 8
Premier’s Guest	Jasmine Calgaret x 6

MINISTER FOR CITIZENSHIP AND MULTICULTURAL INTERESTS — MOORA VISITS

1144. Hon Martin Aldridge to the minister representing the Minister for Citizenship and Multicultural Interests:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Alannah MacTiernan replied:

(a) No.

(b) Not applicable.

(c) I travel to regional areas of Western Australia on a regular basis. Visiting the Moora Wheatbelt region is not scheduled within the next 12 months but this may change depending on portfolio specific requests.

MINISTER FOR DEFENCE ISSUES — MOORA VISITS

1145. Hon Martin Aldridge to the minister representing the Minister for Defence Issues:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Alannah MacTiernan replied:

(a) No.

(b) Not applicable.

(c) I travel to regional areas of Western Australia on a regular basis. Visiting the Moora Wheatbelt region is not scheduled within the next 12 months but this may change depending on portfolio specific requests.

MINISTER FOR SMALL BUSINESS — MOORA VISITS

1146. Hon Martin Aldridge to the minister representing the Minister for Small Business:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Alannah MacTiernan replied:

(a) No.

(b) Not applicable.

(c) I travel to regional areas of Western Australia on a regular basis. Visiting the Moora Wheatbelt region is not scheduled within the next 12 months but this may change depending on portfolio specific requests.

MINISTER FOR RACING AND GAMING — MOORA VISITS

1147. Hon Martin Aldridge to the minister representing the Minister for Racing and Gaming:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Alannah MacTiernan replied:

(a) No.

(b) Not applicable.

(c) I travel to regional areas of Western Australia on a regular basis. Visiting the Moora Wheatbelt region is not scheduled within the next 12 months but this may change depending on portfolio specific requests.

MINISTER FOR TOURISM — MOORA VISITS

1148. Hon Martin Aldridge to the minister representing the Minister for Tourism:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Alannah MacTiernan replied:

(a) No.

(b) Not applicable.

(c) I travel to regional areas of Western Australia on a regular basis. Visiting the Moora Wheatbelt region is not scheduled within the next 12 months but this may change depending on portfolio specific requests.

MINISTER FOR SPORT AND RECREATION — MOORA VISITS

1153. Hon Martin Aldridge to the Leader of the House representing the Minister for Sport and Recreation:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Sue Ellery replied:

(a)–(c) No.

MINISTER FOR VOLUNTEERING — MOORA VISITS

1154. Hon Martin Aldridge to the Leader of the House representing the Minister for Volunteering:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Sue Ellery replied:

(a)–(c) No.

MINISTER FOR SENIORS AND AGEING — MOORA VISITS

1155. Hon Martin Aldridge to the Leader of the House representing the Minister for Seniors and Ageing:

I refer to Moora in the Wheatbelt region of Western Australia, and I ask:

(a) has the Minister travelled to Moora on official business at any time since 11 March 2017;

(b) if yes to (a), what was the purpose of the travel; and

(c) does the Minister have any plans to visit Moora in the next 12 months?

Hon Sue Ellery replied:

(a)–(c) No.

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