Parliamentary Debates
(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2021

LEGISLATIVE COUNCIL

Wednesday, 17 November 2021

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

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [1.03 pm]: Members, as required by standing order 169, I advise that I have granted permission to the Standing Committee on Estimates and Financial Operations to meet today at 4.15 pm, for 15 minutes.

LAND RESERVE — SUBIACO

Petition

HON NEIL THOMSON (Mining and Pastoral) [1.04 pm]: I present a petition containing 2 134 signatures couched in the following terms —

> To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned strongly oppose the Government's plan to sell vital land reserves to property developers at the expense of the community's health, wellbeing & recreation in Subiaco. Any sale of our precious reserve is unsustainable & would severely undersupply playing fields for future & existing residents. It creates unnecessary & avoidable WA firsts which allow high rise apartments, bars, hotels & short stay accommodation overlooking our schools compromising resident & student safety, security, privacy & wellbeing.
>
> The wishes of the community today are not different to those expressed over a century ago. We submit the need is even greater today and what remains of the reserve must be returned to the people as a Class A Reserve vested in the City of Subiaco, as it was in 1904 by the then Premier Henry Daglish. We note some of the road names have changed since 1903 and the Reserve today includes Lot 500 and heritage listed Lot 501.
>
> We therefore ask the Legislative Council to recommend and support the plea of the petitioners, as it did in 1903.
>
> **We your humble petitioners, ratepayers and residents of Subiaco, Leederville and West Perth being interested in the preservation of the Reserve lying between Subiaco and Mueller Roads and Thomas Street and Rokeby Road, desire respectfully to bring under your notice —**
>
> - **That we earnestly desire to have the Reserve placed in Class A for the health and recreation of the people for ever. It virtually adjoins the three Municipalities of Perth City, Subiaco and Leederville and would prove a priceless boon in the future to the large population settling round it.**
>
> **And we, as in duty bound, will ever pray.**

[See paper 886.]

WORLD PREMATURITY DAY 2021

Statement by Minister for Mental Health

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [1.06 pm]: I make this statement today representing the Minister for Health.

I rise to inform members of the house that Wednesday, 17 November is World Prematurity Day 2021. The global theme for 2021 is "Zero Separation—Act now! Keep parents and babies born too soon together." World Prematurity Day raises awareness of the challenges and burdens of preterm birth for babies, their families and the community. Approximately 3 000 families per year are affected by prematurity in Western Australia. Another way of saying this is that one in 12 pregnancies is preterm; the rate is almost doubled amongst Aboriginal and disadvantaged communities. Preterm birth has a significant impact on families and the community in WA, as preterm birth is the most common cause of death and disability in the first five years of life. Raising awareness of preterm birth is the first step to lowering preterm birth rates. In recognition of World Prematurity Day, the facade of Perth Children's Hospital will be illuminated purple.

The enormously successful WA Preterm Birth Prevention Initiative has continued to evolve with the preterm birth prevention clinic at King Edward Memorial Hospital for Women. The clinic offers support for women who have a complex medical history that puts them at higher risk of delivering a preterm baby. The clinic is staffed by specialist

obstetricians, midwives and sonographers, and women receive an individualised management plan. The clinic aims to refer women back to their usual healthcare provider once the personalised plan is in place, but a small number of women will need ongoing care at KEMH with either the preterm birth prevention clinic or the high-risk obstetric antenatal clinic.

The Women and Newborn Health Service is grateful to have on staff one of the world's leading authorities in the prevention of preterm birth, Professor John Newnham. His 35-plus year contribution to the field of obstetrics has positively impacted and saved the lives of countless women and infants.

I encourage honourable members to find more information on the Women's and Children's Healthcare Australasia and the Australian Preterm Birth Prevention Alliance websites.

PAPER TABLED

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

AUSTRALIA DAY — DATE CHANGE

Motion

HON WILSON TUCKER (Mining and Pastoral) [1.10 pm]: I move —

That this house recognises that —

(1) (a) Australians deserve a national holiday around which we can all rally and celebrate our positive achievements and experiences to date;

(b) 26 January is not an appropriate date for that purpose because for many Indigenous Australians it marks the beginning of a period of immense loss and trauma at the hands of European settlers;

(c) as Australia becomes more multicultural, issues of identity and belonging are becoming more important, and governments cannot afford to ignore them; and

(2) expresses its support for a change to the date of Australia Day, and calls on the Premier to request that the commonwealth government makes this change.

I rise today to speak on the topic of Australia Day, specifically the date of 26 January, which Australia Day falls on and which coincides with the landing of the First Fleet at Sydney Cove in 1788.

I have decided to raise this now as it is in line with the values of the Daylight Saving Party, which is to promote a positive cultural shift in the date time of the state, but, more importantly, because I believe this conversation is long overdue in the WA Parliament and the people of Western Australia are open to having a conversation and ultimately supporting a change to a more inclusive date that all groups can rally behind.

I have intentionally tried to keep this motion as apolitical as possible so that we can have an open and honest debate with the knifes put away. Hopefully, all members will support this motion today to recognise that 26 January is not an appropriate date for our national holiday and to signal to our federal colleagues, and the east coast, that here in WA, we want to be on the right side of history when it comes to Australia Day.

This situation is a real tragedy, President. I believe we should have a day on which all of us, regardless of race or heritage, can come together as Australians and celebrate our country, and our achievements. I am not alone in this belief, with a recent poll of 60 000 Australians showing majority support for this issue. That is an increase in support of 12 per cent since 2019, with the younger generation and women leading the charge. The poll shows that 65 per cent of Australians aged 18 to 24 years, and 71 per cent aged 25 to 29 years, as well as two-thirds of women, are in favour of the change.

By now we are all familiar with the history of the change the date movement and the opposition to the date of 26 January by Indigenous Australians. For today, I will share some observations, having lived in the United States and witnessed firsthand the rise of the Black Lives Matter movement, which was a result of a country not making adequate reparations to marginalised groups for the wrongs of the past.

Race relations in the US are terrible, and the divisions run deep. Protests, riots, and violent clashes between police and activists were a common occurrence last year. I am not sure whether members in this chamber are familiar with the history of the Capitol Hill Autonomous Zone in Seattle, or CHAZ. Capitol Hill is a suburb of Seattle, and last year a protest rally occurred there that continued for several weeks. It was sparked by the Black Lives Matter movement and the death of George Floyd. I do not oppose protests, as they are an effective way to introduce social change, but they can become dangerous when they are hijacked. CHAZ started off peacefully; Capitol Hill was a great place to hang out with friends, drink a beer and eat a hotdog. But the tension escalated when Trump declared the protest groups to be terrorists, and eventually CHAZ was hijacked by right-wing radicalised groups with a different agenda from promoting African American rights.

Returning to Australia recently, it was both fascinating and confronting to see how American movements have spread to our shores. The rise of BLM protests here in Perth and in other cities around this country is no trivial matter. In June last year, thousands of people flocked to a BLM protest in Langley Park, in defiance of COVID orders and

the Premier's objections, to call for an end to systemic racism and Aboriginal deaths in custody. Just last month we saw protests outside a Perth court after the acquittal of a police officer for the fatal shooting of a Yamatji woman in Geraldton. I am certainly not here to reflect on the court's decision in that case, but I acknowledge the profound impact a fatal shooting can have on a small community, and my heart goes out to the family and friends of "JC".

Those protests were all too familiar. I am sure members will recall the Kalgoorlie protests in 2016 over the tragic death of a teenager. Those protests reached boiling point, and for a short time broke out into violence. In recent months we have seen Australian sportsmen and women kneeling at the beginning of sports games, emulating the act of protest popularised by American football players.

These incidents, in isolation, may be quickly forgotten by some, but the passion, anger and sorrow on display cannot be ignored. With few exceptions, these protests have been peaceful and civil, but we do not have to stretch our imagination to see what happens when tensions boil over in Australia. Recent events in Sydney and Melbourne have shown us what happens when large protests groups clash with police, and the outcome is violent and only further serves to divide us.

Just like in the United States, Australia has no shortage of opportunistic and toxic groups looking to exploit racial tensions in this country for their own gain. Before COVID became the focus of every news outlet in the country, there was a surge of extreme right-wing rallies in almost every major city. It did not take long for these rallies to attract counter protests, and inevitably violence broke out.

On the back of recent events in the US, 59 per cent of people in the recent 60 000-strong survey agreed that the Black Lives Matter movement, which gained renewed traction last year, was making an important contribution to conversations about racial injustice in Australia. Australia is not so far along as the United States, but we cannot keep our heads in the sand on this issue. To guard ourselves against the fracturing of our society along racial lines, and the tribalism that comes with it, we need something around which we can unify. We ignore these warning signs at our peril.

Australia Day can be a powerful symbol of national unity, but not when it is celebrated on a day that causes such anguish and sorrow for our First Nations people.

As a Parliament, I believe we can walk and chew gum at the same time. Powerful symbolic changes that have a real impact on our culture are not contingent on other policy shifts. I believe changing the date, and closing the gap, go hand in hand. It is important to keep these issues of social change alive by having open conversations and putting pressure on Canberra to take action.

I hope all members will join me today in supporting this motion and advancing the conversation that this country wants to have on changing the date for our national holiday. Thank you.

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.17 pm]: I indicate from the outset that the government will not support this motion—right debate, wrong place! I want to canvass some of the reasons. It is an issue, as the honourable member has pointed out, that many people have very strong feelings about. I was genuinely interested to hear the honourable member's unique perspective from having been in the United States as the Black Lives Matter movement emerged in response to some truly appalling circumstances that we watched from afar. It was interesting to hear that, and I can see how observing that and living in that environment has influenced the honourable member's views on this as well. It is clear, as the honourable member pointed out, that more and more Australians are having an honest conversation about these matters, and more and more people are acknowledging that, for many Indigenous people, 26 January is not a day of celebration. The state government recognises that as well.

We, as a nation, need to reconcile our history—the good and the bad. As a nation, we need to find a way to recognise the arrival of Europeans and the impact that has had on us as a nation, and we need to recognise what happened immediately those Europeans arrived here. We also need to recognise the fabulous, beautiful, living culture that still exists today of Indigenous Australians.

The motion asks us to direct our attention to changing the date of a national public holiday—Australia Day. That is a federal issue. National public holidays are set by the federal government. Right debate, wrong place. It is not a question that this Parliament or the state government can resolve. It is something that we should be talking about as a community and working with the rest of Australia on. If I may be so bold, a more practical way of achieving that outcome, I would have thought, rather than having a debate in here, would be for the member to arrange to meet his local federal member of Parliament, Melissa Price, and ask her what her position is on this and meet with his local federal senators and ask them what their position is on this. In the next few months we will head into a federal election campaign. I encourage the member to campaign on this issue in his electorate during the election campaign.

Members who were in the previous Parliament might remember that a similar motion was moved in the second half of last year by former member for South Metropolitan Region Hon Aaron Stonehouse. The irony of where Aaron Stonehouse works now is not lost on me. That motion asked the house to agree to the exact opposite of what this motion is asking us to do. I made some comments at the time, which I think are still relevant, that whichever side of the argument or debate someone falls on, a better approach to this debate might be how we can decide on a way forward and what the process should be. As I have said, I think the answer is that we need the federal government to lead the way. It is its decision to make. If it did it properly, it would meaningfully and deeply engage with Indigenous people. That is not a mark of the current federal government, but that is what it needs to do to get this right. It is

not for the state government to decide on or to answer this question. There is an argument about whether it should be decided by politicians at all until and unless they have genuinely and deeply engaged with Indigenous people. It is a national issue and it is for the national government to decide, and the debate is to occur in the broader community. Spending our time on it in here will not change a thing.

What the state government can do, though, is focus on what we are constitutionally responsible for, which is the delivery of services. We can seriously invest resources in and work on the programs that address closing the gap in the areas in which we provide service delivery, be it health, education or law and order—those things that impact on the daily lives of Aboriginal people in Western Australia. That is something that this Parliament should spend two hours debating. We could achieve real outcomes by doing that. They are the levers that the state government can pull. This state government is committed to empowering and working in partnership with Aboriginal Western Australians to close the gap on all those areas, including cultural heritage, which we will be debating soon enough, and on health, education, and economic and social wellbeing outcomes. A key element of what the state government is doing is the recently released *The Aboriginal empowerment strategy*, which is truth-telling that ensures that the experiences of Aboriginal people are properly recognised and understood. One example is the Wadjemup project, a partnership between the WA government and Aboriginal people to acknowledge the cultural value of Wadjemup, or, as we know it, Rottnest Island, for the Whadjuk Noongar people, and also the island's history of Aboriginal incarceration, segregation, death and forced labour from 1838 all the way through to 1931. Other examples include the State Library's Storylines program and the excellent work of the Aboriginal history unit, which connect Aboriginal people to information and materials about their history. They are the things that the state government can and should be doing and which this state government is doing.

Beyond that, there are all the measures in Closing the Gap. In my portfolio are a range of programs about Indigenous young people in schools, whether it is programs for young Indigenous women or men. It is probably one of the areas in which we can have a strong influence on the next generation of Aboriginal leaders. We have committed $374 million in the recent state budget to ensure positive outcomes for Aboriginal people and communities across the three areas of building strong communities, improving health and wellbeing, and social and economic opportunities. My experience and my personal commitment to lifting standards and closing the gap is to Indigenous women. If we have strong Indigenous women, we will have strong Indigenous families. If we have strong Indigenous families, we will have strong Indigenous communities. If we have strong Indigenous communities, we will have a strong community, full stop. I try to focus my work and my influence, to the extent that I have any, on areas in which I can effect real change. I cannot effect real change as the Minister for Education and Training or the Leader of the Legislative Council in Western Australia on what the date is for a national public holiday. I cannot influence that. I can participate in the debate outside of here, but I cannot make that happen. What I can make happen is a real impact on how education and training is delivered to Indigenous people. I think that if we spent two hours on a Wednesday afternoon debating those things, we would be more likely to have an impact on Western Australia's Indigenous people than debating setting a national public holiday that we are not able to make a decision on. There are real changes, whether it is around the Aboriginal procurement policy, the fantastic Aboriginal ranger program, programs to address the appalling over-representation of Aboriginal and Torres Strait Islander people in the justice system or working in partnership with Aboriginal people and organisations to help address the over-representation of Aboriginal children in care. They are the things that the state government can influence.

Someone recently referred to me as the mother of the house. I have been here for 20 years. If I may be so bold as to offer a piece of advice to a new player, who may be here for only a short time: use your time well, because it goes in a flash. Use your time well and focus your efforts on those things on which you as a member can influence change. I understand the member's motivation for moving the motion today—I do—and I heard it in the honourable member's contribution. I will end where I started: right debate, wrong place.

HON TJORN SIBMA (North Metropolitan) [1.27 pm]: I was listening intently to the contribution of Hon Wilson Tucker in support of the motion standing in his name and was taken with his passion for the issue. I was also taken with and convinced by the contribution just given to us by the Leader of the Government in the Legislative Council, because I think it is grounded in absolute common sense. I think pragmatism is important.

The reason that I have decided to speak on this issue is largely driven by a personal interest. This issue partly supervenes one of my shadow portfolio responsibilities, multicultural affairs and citizenship. I think this is an issue that we should talk about, although perhaps this is not the appropriate forum at the appropriate time. However, this conversation will inevitably end in a conclusion of some kind. The decision on the date of Australia Day will be resolved one way or another. I imagine that that will happen within the next decade. To some degree, I share the observation Hon Wilson Tucker made that the attitudes towards the date of Australia Day are grounded somewhat in demography. Certain ages and gender of people come to this issue with a certain perspective. I feel obliged to at least outline my perspective to the degree that this is in any way informative. I saw an interesting introduction to a small article that appeared in this morning's *The West Australian*. It dealt with this motion and foreshadowed its debate. It ran something along the lines of: politicians who oppose changing the date will soon be outed. There was no by-line. I do not know who was responsible for that.

Hon Sue Ellery: Interesting there was no by-line, didn't you think?

Hon TJORN SIBMA: Yes. I might use this opportunity to out myself as someone who at this stage is unconvinced about the argument. I will explain why that is in the terms of motion that the member put. I do not disagree that Australians deserve a national holiday around which we can all rally and celebrate our positive achievements. In fact, we have a range of dates on the national calendar that call upon to us commemorate and recognise significant events in our national life, including Australia Day, Anzac Day and Remembrance Day. In Western Australia, we also celebrate WA Day, which was renamed by the previous Premier Colin Barnett from Foundation Day as a means, incidentally, to attempt to strip that day of its more establishment and empiric origins to make it more encompassing and more inclusive of a state with a more multicultural and diverse society.

My problem with the proposition of changing the date, aside from whether it affects any substantial material change in the lives of Aboriginal people in this state or this country, is that I think the concept of history it imposes is—I do not mean this to sound pejorative or in a personal way—a juvenile reckoning of history, because it categorises people into camps. In the broad historical sweep, someone can be only either a villain or a victim. Unfortunately, I think embedded in the motion, particularly as it is put in paragraph (b), is that European settlers and their successors are the villains in this piece and Aboriginal people are reduced to the point of victim. This is a peculiar but a now common view of history. It is how all historical issues are assessed. It is partly what is driving the platforming and the tearing down of statues and the like. I think that is an unprofitable way to go about building social cohesion. I suggest—I say this only from a personal perspective—that we should not run away from historically meaningful events. I suggest that there is potentially some value in retaining the day but recalibrating the way in which we mark it. I think that would provide an opportunity for a mature discourse, a conversation about coming to terms with the full sweep of our history and its consequences. It cannot be something rendered into either jingoistic triumphalism or a mournful, loathing twisted view of its successors and its crimes. Dispossession occurred, crimes occurred, murders occurred, but that is not all that happened. The risk in this debate is that we focus on considering history and historical life through one-dimensional lenses. We are reducing very complex dynamic phenomena to very simple digestible things, and I think our public life and discourse is degraded as a consequence of it.

As to paragraph (c), it is very interesting that the member should raise as one of the justifications that as Australia becomes more multicultural, issues of identity and belonging are becoming more important and governments cannot afford to ignore them. I agree with the sentiment, but it is meant with a slightly different intention when we consider the full sweep of the motion. I will speak to the multicultural dimension from a personal perspective and then from a more sort of professional perspective. Personally, we are largely here as the children, successors, of multicultural Australia. My father's lineage is from the Netherlands; my mother's is Scotch-Irish; my brother-in-law is a Noongar man; my wife's family is Lebanese; my nephew is Tamil Malay. My family, and indeed I imagine everyone's family here, represents the full multicultural kaleidoscope of modern Australia. We should cherish, protect, preserve and normalise that. It provides great vibrancy to the fabric of our cultural life. I do not necessarily think that that facet, that very laudable aspect of Australian life is analogous. Australian society has a different history and a different force than American history. I do not think the two are analogous.

I say this, of course, in a more professional sense. Attending citizenship ceremonies, even to the degree of performing a very meagre function, shaking somebody's hand, congratulating them on their journey to citizenship, providing the kids with a koala or a plant or wattle, or whatever, is a very significant part of informing these people's stories. Citizenship is prized. One of the most joyous large-scale occasions is attending one of the citizenship ceremonies that occurs on Australia Day. In recent years, at least in the northern suburbs, particularly insofar as the City of Wanneroo and the City of Joondalup are concerned, there was somewhat of an arms race pre-COVID about who could have the biggest and best Australia Day citizenship ceremony. I do not think I have any great answers to the question that the member rightfully raises about how we should commemorate and acknowledge our history and how we renew the bonds of fellowship so that we can ensure a cohesive and healthy community. I think part of the answer might be in what I witnessed at those Australia Day citizenship ceremonies, however. I would not be the only person who has seen people who come to Australia to refresh and formalise their commitment to a new country, and choose to do it on Australia Day.

My recommendation, if it ever gets to a point, would be to retain the day but utilise this spirit—harness this sentiment that I have seen expressed—and give life to it via these great citizenship ceremonies, and perhaps that is the way forward. That way we do not run from our history, we embrace it, but we also focus ourselves on the future. I think that might be the way to go.

HON DR BRAD PETTITT (South Metropolitan) [1.37 pm]: I rise in support of the motion before us today. I congratulate Hon Wilson Tucker for bringing it forward. It is the right debate and the right place for us to have these discussions because we are able to show leadership here and we can influence change. This is, of course, an issue that I have been intimately involved with over the last half decade or so and one that I have thought about a lot. I have come to some really interesting conclusions. I think probably a story worth telling members is around why the City of Fremantle was one of the first local governments in Australia to change the date. Interestingly, the story started on 26 January in 2016. As Hon Tjorn Sibma described, I was at one of the quite nice events where we were all enjoying Australia Day. It was quite inclusive and we had a welcome to country from one of our local elders and some dancers and music from some Aboriginal groups followed by a citizenship ceremony.

At the end of it, I was speaking to the elder about it and said what a nice day it was and he said, "It might be a nice day for you, but this is not a nice day for us." I said, "What do you mean?" He said, "This is not a nice day for us. We come along here because we want to support what you do and be included, but we could celebrate being part of this nation on another day, on a day that is really inclusive for us." That got me thinking. The City of Fremantle approached the broader group of elders in our community. I will be honest; I had never given this a second thought. I had always assumed that what we did in Fremantle was inclusive, good and culturally appropriate. We had a conversation and asked, "How can we make Australia Day, 26 January, better?" To be honest, I was a bit surprised by the response, which was, "The best way you can make it better is by doing something on another day so we can celebrate like everybody else." Although that was not a unanimous response from First Nations people in our community, it was overwhelming. That was the genesis for our decision to stop celebrating on 26 January and to hold an event that has become known as "One Day". I like the name "One Day" because it is literally one day on which we all come together as one. That day can be any day except 26 January. It has been held on 27 January, 28 January and a variety of other dates depending on what has been most appropriate. There is no specific day on which that celebration happens. I must say that they have been some of the most special events and they have shown me what Australia Day could and should look like, which is inclusive. I still remember the first event we had. I was at the concert on the Esplanade and I felt an extraordinary sense and I remember thinking, "Oh, my goodness!" There were about 15 000 people there but I had never been at an event at which there were so many Aboriginal families and so many people. I thought, "Where were these people before?" I realised that for the first time, Aboriginal people had come along because they felt that they could be part of the event. They were not sidelined because of the culturally inappropriate date of 26 January on which there exists a survival day corner whilst everyone else watches the fireworks and celebrates. This is a true event because it brings everybody together. It was extremely special. This goes well beyond symbolism.

In response to the comments of the Leader of the House, Hon Sue Ellery, I think we can do both. We can do the practical stuff around closing the gap in health care and closing the gap in the many ways that we need to do so whilst doing these important things because they matter to Aboriginal people, to reconciliation and how we move forward.

The idea that we all celebrate Australia Day on 26 January, which is a public holiday, is very recent. The year 1994 was the first year that we decided as a nation that we would have a national holiday on 26 January. It is not an ancient tradition that we need to hold sacrosanct. It is extremely recent and has been built on in recent times, so let us not pretend that it is an ancient holiday that defines us as a nation. In fact, I remember as a kid when we celebrated Australia Day with fireworks on different days depending on when the Monday fell. Interestingly, perhaps the solution is in largely going back to that.

In response to the point that this is the right debate but the wrong place, I want to push back against that and say that this is the right place because we are a place of influence. Local governments across the country from Flinders Bay to Fremantle to Yarra to Darebin to Byron Bay have changed the date on which they celebrate being Australian. If we as a state step up and say that we also think now is the time to do this, we will have an influence. The truth of the matter is that the idea of us all celebrating on 26 January is unravelling and it is unravelling to the point that it will never be brought back as a coherent date—that has been lost. In fact, my sense of it being lost was when after many years of running a campaign against moving the date, *The West Australian* literally flipped its decision in 2020, and it did so again this year. I congratulate it for that. It listened to the evidence and to what Aboriginal people were saying. There is a sense that this is becoming mainstream. The idea about changing the date is not some left-wing progressive idea anymore; it is a much more mainstream idea and that is why we as important leaders should step up and say that it is time that we did this. The motion is absolutely right in saying that it is time that we step up and ask the government to progress this issue. I appreciate that we might not get much movement out of the Morrison government, but us stepping up and putting the issue on the table will see it progressed. I do not think this needs to be a part of culture wars—the idea of a villain or a victor. This is about reconciliation and bringing people back together. It is also about leadership in this space.

Turning to the question about citizenship ceremonies—yes, people want to have them on Australia Day, but they do not care whether Australia Day is on 26 January. They would love to do it on Australia Day on 1 February or 8 May if that is what it ends up being. They want to be part of a nation in which we all celebrate together and, at the heart of this issue, 26 January can never be that date.

I want to finish with the words of Karla Hart, an Aboriginal Noongar person who is an award-winning filmmaker and actor in our community. Last year, she wrote a special op-ed on this very issue of changing the date in *The West Australian*. She states —

> This date is a small thing compared to a treaty, stopping deaths in custody, racism, our incarceration rate, our high suicide rates, about more importance nationally on our languages and closing the gap in education and health but it is a step towards building a relationship with each other.
>
> I have never felt patriotic on Australia Day. The only time I felt happy celebrating and for the first time realised what it felt like was when Fremantle changed their date and had their first One Day. It was euphoric and so new to me. It's just a date but it's a step towards the truth, towards acknowledging there was people here first and towards making things right.

HON DR BRIAN WALKER (East Metropolitan) [1.46 pm]: I rise also to support this motion. I heard the words of the Leader of the House, which I also support, I must say, because the practicality of change is at the federal level, but what I heard here just now from Hon Dr Brad Pettitt is entirely correct; our job here is to provide leadership and if we can provide leadership for not just people but in leading the conversation, which is not being heard in Canberra, it would certainly be a good job well done.

When I speak with Indigenous peoples and tell them that I know a little bit about how they feel, they look at me and think, "How can he know that?" The day of 16 April 1746 was a day when the Scottish forces were defeated at Culloden, thus starting the mass murder of Scots.

Hon Colin de Grussa: Are you still protesting the outcome?

Hon Dr BRIAN WALKER: Absolutely.

The forced removal of Scots from their homes and the diaspora in Canada started with the eviction of people from their tenanted lands. Their rights were removed. Even today, we find that the English—not all, but some—refer to Scots in a certain manner. For example, I have been called a "sweaty sock", which is another way of saying a jock or a Scot. It was not until the 1960s that the Gaelic language was not beaten out of children in playgrounds in the highlands—physically beaten out. It was not the language spoken by educated people. It was a language that had been there for thousands of years—poetry of utter beauty—but it was almost exterminated by people who came from abroad and exterminated the culture and the people of the land they occupied. We do not speak about that much—well, yes, we do—and it is not true of all the English. It is a system that was perpetuated throughout all the colonies and lands when the invaders came, and here was no different.

I vividly recall setting foot on Australian soil for the first time as a 10-year-old when I was brought here from Malaysia for my schooling—a country where my ancestors settled and took over, or removed, if you like, the cultural traditions. They have now been reclaimed, of course, by the Malays, but it irrevocably altered their society. I moved to a country that, I remember, in the 1960s still had the White Australia policy. The few Indigenous people I came across were very much on the sidelines of society—detested, abused and certainly not respected at all. They had no right to vote. I had no idea about that, because as part of the conquering nation, it was entirely natural and normal for that to be the case. How would I, a ten-year-old boy, know any different? People have been raised and educated for generations to be racist.

We can now sit back and take a look at this with our own eyes and say: this is wrong. Whatever form discrimination takes, it is wrong. Are we going to discriminate against people who are less strong, who are weaklings, who are not as good as us on the footy oval? Are we going to discriminate against people who hold different views? We have recently had a situation in which people who have been vaccinated have been sidelined. What about people who come from abroad and look different? It was not so long ago that my wife would have been abused for her skin colour, and my children would have been called "half-breeds", and cast out from society. Is it any wonder, then, that there is anger amongst the Indigenous population that their culture has been vandalised? The Juukan Gorge caves were recently destroyed without a second thought; it was only when the financial penalties came in that people thought, "Maybe we ought to have done things differently." The abuse is ongoing.

I agree with Hon Tjorn Sibma that perhaps changing the date is not so very important, although it probably is; what should change is the thought processes. It does not really make a difference what date we celebrate; any date would be fine, living in a fine country. I want to say, this is the best country in the world. I have lived in many countries but I consider Australia to be my home. It is the best country I have lived in. I can find other areas of beauty, true, and other areas of cultural significance; but Australia is our home. It is a place we can value and a place where people can come in, as Hon Tjorn Sibma said. Unlike the melting pot of the United States, where everyone is supposed to be the same, we have here a variety of cultures that build a tapestry of beauty that we should celebrate every day we live here. The people with whom we live, with different languages, cultures, food and expressions, are our people, and this is our land.

We can learn such a lot from the Indigenous people, who host us—although we fail to admit that. For example, we could learn from the Indigenous people how to manage bushfires and the environment and how to live better in a peaceful society by looking at the examples they could set us. We certainly need to work towards some idea of understanding different cultures living together in harmony.

Some members may be aware of the Baha'i Faith, which tells us that this is one world and we are but one people in that world. There is no such thing as a foreigner; we are all brothers and sisters, mothers and fathers, sons and daughters. We are related to each other; these are our people. We should do anything we can as leaders to bring us forward in harmony, using that very misunderstood word, love; not carnal love or temporary love, but the love of all that is nature. If we can bring that into our lives, we might, as leaders, suggest that a change would be appropriate. Perhaps we can progress that movement here, as leaders in society, that maybe a change of date could mean a change in thought processes, leading to better harmony, understanding and tolerance—not just in the context of Australia, but exporting that through into the areas where such thoughts are foreign, allowing the world to come together as one. Why would we not want to lead that movement?

I commend this motion. I appreciate that it is not going to happen, but I commend heartily to all of us that we develop this thought further, bring it out to the population and take it beyond our borders and be seen as the leaders we should be. Let us foster harmony and peace for all peoples.

HON SOPHIA MOERMOND (South West) [1.54 pm]: I rise to speak in support of this motion, and I thank my colleague Hon Wilson Tucker for bringing it forward. I also acknowledge that this is a federal government issue, and appreciate the considered contributions from my other colleagues.

Although I agree that 26 January is not ideal, I see that a schism has been created recently in our society. Through the actions of the federal government, various state governments, happily sensationalised by sections of the media, a schism has been created to break the Australian spirit, with the result that no matter what day is chosen, the original intent of unification will be lost. Many people have contacted me to speak about their distress at how easy it has been for their human rights to be violated and how easy it has been for their voices to be silenced, drowned out and ridiculed, with many feeling so defeated that the desire to participate in our society has been extinguished at the soul level. This concerns me greatly, and saddens me greatly as well. "Australians all let us rejoice, for we are young and free." That has been actively made a lie recently, and I am so incredibly sad about that. The people of Australia deserve better.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [1.56 pm]: I would like to put the official opposition position on the motion before us today. Unfortunately, the opposition is not in a position to support the motion. I appreciate and congratulate all those who have contributed to the debate on the sensitivity in which they conducted themselves; I think that has been very positive. Probably the most disturbing thing for me about this debate is how often I am going to be agreeing with the Leader of the House—a habit that I try not to get into too often, but one that I will probably fall into a little today! My apologies to the various other members of the house; there will be a degree of bilateral agreement today!

I turn firstly to some of the comments that have been made by the various speakers before me, particularly those of Hon Dr Brad Pettitt. As I am sure members know, 26 January 1788 was the date on which Captain Arthur Phillip arrived at Sydney Cove with the First Fleet—11 convict ships from Great Britain—and hoisted the British flag. That is why 26 January was chosen as the date of Australia Day. One might argue that that is east coast-centric, because post–Indigenous migration there were many other European landings on the Australian continent; obviously, the Dutch came to present day Western Australia more than 200 years earlier. However, that is the date that was picked.

Hon Dr Brad Pettitt referred to the fact that it has been a public holiday only since 1994, and that is true in that it has been an annual public holiday only since that date, but its history goes back significantly further. That is only part of the story. In 1804 the *Sydney Gazette* first referred to Foundation Day. Of course, in 1804 Australia was not a Federation or a commonwealth; this was the first colony. In 1804, not that long after the First Fleet arrived in 1788, we had the first references to Foundation Day—I believe "First Landing Day" was an alternative title—in New South Wales. The first 26 January public holiday was in 1818, to observe the anniversary of the original Foundation Day. That is a fair while ago, well over a century, so there is some history of Australians, mostly focused in New South Wales, celebrating this day as a holiday. It was in the 1930s, 80 years ago, that the campaign first started for an Australia Day. Various dates were looked at. At this stage, Foundation Day in New South Wales in particular was still a regular day. It was a regular celebration, but it was not a regular public holiday. As Hon Dr Brad Pettitt said, it was in 1994, after some great and long discussions on this, that the date was decided to be an official public holiday, designated as Australia Day. There is a pretty long history here. That is not to say that I agree that this is the best date on which we could possibly celebrate our nationhood, but it is the date that has been celebrated the most consistently over time, and that is probably why many Australians are wedded to that particular day.

I took, I guess, a little exception to paragraph (1)(c) of the motion before the house, which states —

> as Australia becomes more multicultural, issues of identity and belonging are becoming more important …

I may disagree with my good friend Hon Tjorn Sibma on this because I think issues of identity and belonging have been critically important for a very long time. It is not limited to new arrivals or migrants; in fact, some of the fiercest debates I engage in over issues of traditionalism are with an older generation of people who probably are of the more traditional kind of Anglo-Saxon immigrant sources. I think that issues of Australian identity have been very important for a very long time. That does not mean we have necessarily got it right, and I think it fluctuates somewhat, but it is certainly the case that there are many passionate people of all ages who have held those opinions for a long time, so I am not convinced that this is something newly invented.

I took on board Hon Wilson Tucker's comments about his history in the United States, which I think were quite interesting. The US has a national day—Independence Day on 4 July—which, effectively, commemorates the congress of the north-eastern states of the US effectively declaring themselves independent from their colonial bosses in Britain, which was, effectively, a declaration of war, which got there not much later. That is not necessarily an all-embracing position to take for all those people who now call the US home, but I suspect it would be a pretty long-fought and bitter debate to change 4 July to an alternative date because it is not seen to be equally embracing of all people of all denominations, ethnicities and history. There is something of a comparison—that to some degree when a date is chosen, we make the best of that particular date.

In furious agreement with the Leader of the House, I think a far more productive debate would be about how we deal with Indigenous disadvantage in Australia. I know that the symbolism of changing the date is deemed to be very important in some areas, but I agree with the Leader of the House that we could spend our time on significantly more productive issues with which we have more direct authority as the Parliament in Western Australia. Undoubtedly, the Australia Day celebration is run at a federal level. It is an eastern states decision, if you like, based on the history of Sydney. That is what happens when we are 10 per cent of the population. It is very hard to suggest that something that occurred in Western Australia up around Shark Bay might, for example, be a better event. It is very difficult to change that debate, but we could be spending our time talking about the key issues that the Leader of the House raised. I absolutely agree with the Leader of the House that empowering Aboriginal women as part of finding solutions to Aboriginal disadvantage is critical. I think that was a very good contribution to make.

Where I will take an opportunity to disagree with the Leader of the House was the implication that the commonwealth government is not actively engaged in consultation with Indigenous communities. Hon Ken Wyatt, as the first, I think, Indigenous affairs or Aboriginal affairs minister—I am not sure precisely what his title is —

Hon Stephen Dawson: He is Minister for Indigenous Australians.

Hon Dr STEVE THOMAS: I thank the minister. Hon Ken Wyatt is the federal Minister for Indigenous Australians. I can tell members that he has spent an enormous amount of time in engaging in consultation with Aboriginal people. He is an Aboriginal man from Western Australia and he has put enormous effort into engaging with Aboriginal people in this state and promoting their welfare and benefit. I think we would struggle to find a lot of people who have put in an equivalent effort. He has not necessarily been rewarded for the extent of his effort, but he has certainly put in a huge effort to try to improve outcomes for Western Australia.

I agree with the Leader of the House that we should focus on education as a critical role going forward. That is absolutely true. That is the way we lift communities out of disadvantage and give them an equal opportunity to take advantage of all the opportunities that exist in a state like ours. The critical issues of education and housing in particular are absolutely vital. The other one, of course, is employment. A debate about how those three things are brought to bear would be really useful and healthy, and that is perhaps where we should be focused.

I am not convinced, as Hon Wilson Tucker said in his address, that Closing the Gap and changing the date go hand in hand. I think the problem is that that could be a remarkably dangerous position to take and a dangerous statement to make, because if, ultimately, the majority of Australians do not want to change that date, to some degree we will limit ourselves to the outcomes we might deliver to Aboriginal people and communities in terms of repairing that disadvantage. I would like us to focus very much on repairing the disadvantage rather than having a primary focus on shifting the date. I do not think it is necessarily a token debate, but I do not think it has the weight of substance that the rest of the debate might have, and might have had in the house.

I guess the other question we should ask ourselves is: if not 26 January, when? I guess we could select a completely random date, but I am not sure that that would fulfil the purpose that has been put forward. Indigenous Aboriginal history is so steeped in time that I am not sure that current calendars have a great significance in relation to selecting a date, and that therefore becomes problematic. If we look at significant events in Australian history, we might argue that Federation was probably the foundation of Australia as it exists, because members will be aware that before that we were, effectively, a group of disparate colonies. The only thing that was common before and after Federation was that Western Australians had a healthy distrust and disrespect of everybody in the eastern states. I do not think that changed significantly with Federation. I suspect it is probably still there. But Federation was probably the one unifying event that we could look at and go, "Perhaps that is an event that we might select." The problem is the enormous amount of debate around it, because Federation officially occurred on 1 January, which is already taken. Potentially, a lot of business leaders would suggest that dropping a public holiday might be a good idea because they will then not have to pay double time or time and a half, but I suspect if we suggest to Australians that we take away one of their public holidays because we want to have two on the same day, we might have an issue. Part of the problem is that if we do not choose that particular day, which day do we choose? That is the argument. I do not have an absolute answer for that. It is hard to find an alternative day, a specific date, that has that level of historical significance. Therefore, if not the current Australia Day, when?

I agree wholeheartedly with the contribution from Hon Tjorn Sibma. From here the critical thing that I would like to see is us making the best of the date that is currently in use. Although there is some division, perhaps we should be focused on removing the division rather than changing the date—perhaps that should be our greatest focus. In my view, there is no issue in recognising what happened to Indigenous people, Aboriginal people, as a part of the Australia Day celebrations. It does not have to be all positive. Most life stories, whether they are of country or people, involve some degree of tragedy. In fact, I suspect that the best countries are a bit like the most developed people: they have to have experienced tragedy to be able to develop and grow to a point at which they can deliver their best, and that is absolutely the case in Australia. Therefore, if we are focused on whatever day Australia Day is, let us recognise those very negative things that occurred to Aboriginal people. There have been numerous apologies for that from various levels of politics and Parliaments. Let us embrace those. Let us embrace a sense of unity around that, and let us try to make the day that we currently have as positive an experience as we can. Understanding that

some people are not going to accept that, if we as parliamentarians and as a Parliament lead by trying to make the best and most positive message that we can around the day that we currently have, we can deliver the best outcomes for the people of Western Australia.

It is unfortunate that the opposition cannot support the motion, particularly in its current form. I think we might have been able to look at perhaps changing it to a more appropriate form, but that is complicated and perhaps a little disrespectful to the member who moved motion. We fully take on board the intent of the member and his serious approach to the issue. The very sensitive and formal way that he has dealt with this is a credit to him. It has been a good debate. Many members have made very positive contributions, but the opposition is not in a position to support the motion as it currently stands.

The ACTING PRESIDENT (Hon Dr Sally Talbot): Hon Wilson Tucker in reply. Member, you have 15 minutes.

HON WILSON TUCKER (Mining and Pastoral) [2.13 pm] — in reply: I would like to thank all the members for their contributions today. I would like to acknowledge the contribution by Hon Dr Brad Pettitt, who has real-world experience on this issue. I believe the City of Fremantle's action at a local level is an example of taking a grassroots position on something that, despite being a federal issue, can signal to federal colleagues that we are ready for change.

Hon Dr Brian Walker and Hon Sophia Moermond shared personal experiences and real-world examples of racism and multiculturalism affecting not only Australia, but also other countries.

Hon Dr Steve Thomas, as always, gave an informative history lesson and spoke of the symbolism and historical importance of the date that we have in place right now—26 January. I agree with the comment that there are more pressing issues affecting Indigenous members of our community in Western Australia, and these comments were echoed by the Leader of the House. However, I think this is an appropriate forum to raise this issue. I do not suggest that we raise this issue weekly or even yearly, but spending two hours talking about a national holiday that marginalises the Indigenous population of Australia is entirely appropriate.

Hon Tjorn Sibma was very articulate, as always, in his defence of taking a more sober view of history, particularly in the way it implies how historical events may be viewed and reflected on. I would like to point out that my view of Australia Day as a day of sorrow is not exclusively my view. It is not a "Wilson Tucker thought bubble". It is a view held by many Indigenous Australians.

I acknowledge and agree with the Leader of the House's comments that this is not a state Parliament issue. I understand that this is a federal issue. The leader's assertion that we cannot effect change from this chamber, I believe, is disappointing and it rings somewhat defeatist. On matters of cultural change, they can be effected no matter where that legislation or statutory power lies.

This motion was an opportunity for members of the WA Parliament to make their views known, and, as representatives of the Western Australian community, I think it is entirely appropriate for us to discuss the issue. Social change starts at the grassroots level and has a bottom-up approach. This motion was intentionally worded to be non-specific in terms of the actions that I was calling for. By virtue of representative democracy, if we all agree to this, it will send a powerful signal to Canberra that WA supports a change, and then the issue can actually be taken up in the appropriate place.

I am certainly under no illusions that we are going to solve the debate here today. I acknowledge the Leader of the House's comments that politicians should not be the ones to choose a day and I completely agree with that. However, I believe that, as politicians, it is our responsibility to raise these issues and propose steps forward. I appreciate the conversation and the feedback today. I will take the Leader of the House's advice on talking to federal colleagues about this issue as a step forward. It is disappointing that we could not have a wider debate and agree on this motion, but I am thankful for the contributions made by all the honourable members today.

Division

Question put and a division taken, the Acting President (Hon Dr Sally Talbot) casting her vote with the noes, with the following result —

Ayes (4)

Hon Sophia Moermond	Hon Dr Brad Pettitt	Hon Wilson Tucker	Hon Dr Brian Walker *(Teller)*

Noes (29)

Hon Martin Aldridge	Hon Sue Ellery	Hon Steve Martin	Hon Dr Sally Talbot
Hon Klara Andric	Hon Donna Faragher	Hon Kyle McGinn	Hon Dr Steve Thomas
Hon Dan Caddy	Hon Peter Foster	Hon Shelley Payne	Hon Neil Thomson
Hon Sandra Carr	Hon Nick Goiran	Hon Stephen Pratt	Hon Darren West
Hon Peter Collier	Hon Lorna Harper	Hon Martin Pritchard	Hon Pierre Yang *(Teller)*
Hon Stephen Dawson	Hon James Hayward	Hon Samantha Rowe	
Hon Colin de Grussa	Hon Jackie Jarvis	Hon Tjorn Sibma	
Hon Kate Doust	Hon Ayor Makur Chuot	Hon Matthew Swinbourn	

Question thus negatived.

COMMITTEE REPORTS — CONSIDERATION

Committee

The Deputy Chair of Committees (Hon Dr Sally Talbot) in the chair.

Joint Standing Committee on the Corruption and Crime Commission — Second Report — If not the CCC … then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force — Motion

Resumed from 13 October on the following motion moved by Hon Dr Steve Thomas —

That the report be noted.

Hon NICK GOIRAN: I will continue my remarks from more than a month ago, when this matter was last considered by the Council. This is no small matter. This report deals with the issue of excessive use of force by members of the Western Australia Police Force. In Western Australia, a first-class democracy, the vast majority of police officers do the right thing and do a fantastic job. As was most recently seen in the extraordinary investigation and recovery of a young Western Australian girl who had been allegedly kidnapped. We saw an extraordinary performance by Western Australian police officers, and it has certainly been my observation that that is consistent with the conduct of WA police officers across the board. However, a small number of Western Australian police officers commit what is known as police misconduct and, in particular, in certain circumstances, excessive use of force, and that is the subject of the report before us at the moment. Not every Western Australian has the power, as a police officer does, to use force against other Western Australians. It is appropriate, therefore, that there is an oversight regime to make sure that if excessive use of force occurs, somebody investigates that police misconduct.

As I say, deputy chair, this matter was last before us more than a month ago. Where is the government's response? It is nowhere to be seen. Once again, the McGowan Labor government has no regard for the processes of Parliament. An entire calendar month has passed, and no-one within the state government has thought it desirable to provide a response to this report. I suspect that if somebody from the government is inclined to respond to this matter, they will draw our attention to page 13 of today's *Daily Notice Paper*. We see on page 13 that a government response on this matter is due on 9 December 2021. Some members may think that I am not being charitable enough to the government by making this point now, on 17 November, when according to the *Daily Notice Paper*, the government has until 9 December to provide a response. What those members might like to remind themselves of is that this is not a new report. The second report before us was tabled in both houses on 9 September this year, but it is merely a reproduction of the findings and recommendations made in a report of the previous Parliament. Indeed, there are some 52 findings and 13 recommendations. The report of the last Parliament, as I seem to recall, was tabled in October last year. The government has had more than a year to prepare a response, and this is not the first time the government's attention has been drawn to this matter. The government's attention was drawn to this matter more than a month ago. A month ago, the government had had a year to prepare a response, but it did not happen. Here we are a month later, and still nothing has happened.

As I may have mentioned, without having had the opportunity to peruse and consider the *Hansard* of the previous discussion, I anticipate that this government, in its typical arrogant fashion, will leave it until the very last second before it provides its response. Totally ignoring —

Hon Stephen Dawson: We did operate within the standing orders.

Hon NICK GOIRAN: We have an interjection from the honourable minister, and I am happy to take it, on whether the government is going to comply with the standing orders. There is no question about that. As I have been saying for the last few minutes, according to the *Daily Notice Paper*, the government has until 9 December 2021 to provide a response.

Hon Stephen Dawson: The Leader of the House is aware of the impending due date for the response, and she is —

Hon NICK GOIRAN: Expediting it.

Hon Stephen Dawson: No—encouraging colleagues to make sure there is a response.

Hon NICK GOIRAN: Encouraging —

Hon Stephen Dawson: You hammer us for being late from time to time; you can't hammer us for being on time, though.

Hon NICK GOIRAN: I do not think that under any reasonable interpretation this could be considered to be on time. The point I am making, Deputy Leader of the House, is that the government has known about this matter for more than a year and in its typical shifty fashion it relied on the fact that Parliament was prorogued and said, "That's all right."

Hon Darren West: It's not shifty. It is not 9 December!

Hon NICK GOIRAN: It is not shifty? Maybe the honourable member can answer this question, since he wants to engage in this debate: does the honourable member think the people of Western Australia are entitled to a response to this matter?

Hon Darren West: You're calling the government shifty!

Hon NICK GOIRAN: That is right. I am calling the government shifty—my word, I am!

Hon Darren West: How is that shifty?

Hon NICK GOIRAN: In October last year, a report was tabled and there was an expectation that the government would provide a response. The people of Western Australia entrusted four members—two from this place and two from the other place—to do a massive inquiry on police misconduct, and the report has 100-odd pages.

Hon Darren West interjected.

Hon NICK GOIRAN: I did call the government shifty. Your government is shifty; that is right. The member can keep repeating it. I agree with him. I furiously agree with him. The McGowan government is incredibly shifty, and this is the latest example of it. It is outrageous that the government has had more than a year to prepare a response. Sure, the standing orders now allow it to wait until 9 December, but what has been going on for more than 12 months? Why does it take this long to provide a response about the excessive use of force by police officers? This is a very serious matter. It requires a serious response from government, yet no-one is prepared to do it.

Hon DAN CADDY: Members will know that this is the first time I have stood to address the second report of the Joint Standing Committee on the Corruption and Crime Commission entitled, as was the fifteenth report of the previous committee, *If not the CCC … then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*. Given this is my first time addressing this report, as is standard, I thank the committee members for their hard work: the chair, Mr Matthew Hughes, MLA, member for Kalamunda; the deputy chair, Hon Dr Steve Thomas—over there with his hands up—a member for the South West Region; and also the other members, Shane Love, MLA, member for Moore; and Hon Klara Andric. The chair's foreword is a good place to start. It refers immediately to the fifteenth report of 2020. As Hon Nick Goiran alluded to, this was the original report and it was tabled, by my records, in September, although the honourable member said October. I am sure one of us will be correct; there is not much in it. Some of the things to come out of the fifteenth report, which the honourable member alluded to, are worth talking about.

Hon Nick Goiran: The member is quite right; it is 24 September. So you have had a little more time to prepare a response!

Hon DAN CADDY: There you go! I am helping the honourable member make his case.

The fifteenth report is a good place to start because it informs this report in its entirety. This report deals only with the findings and the recommendation of the fifteenth report. As we have just established, it was laid on the table in the Legislative Council on 24 September 2020 by Hon Jim Chown. The inquiry that led to this report was commissioned with a very narrow scope. It is important that members realise that the committee's precise role was to look at the oversight role of the Corruption and Crime Commission in investigating police misconduct in the jurisdiction of Western Australia. Many speakers before me may have already noted this, and no doubt some eloquent speeches were given on this fifteenth report by the previous make-up of this chamber—I have no doubt Hon Nick Goiran spoke on it as well—but I will quickly read into *Hansard* the scope of the report, which is very short, and the terms of reference for this inquiry. It is not onerous at all; they are not long. The report states —

> An inquiry into the Western Australian Corruption and Crime Commission's oversight of police misconduct investigations, particularly allegations of excessive use of force, with an examination of:
>
> 1. The nature and prevalence of allegations of excessive use of force by WA police officers.
> 2. Circumstances in which allegations of excessive use of force are investigated internally by WA Police.
> 3. Circumstances in which allegations of excessive use of force are investigated and/or oversighted by the Corruption and Crime Commission.

This point interests me, and I will speak about it later. It continues —

> 4. The Corruption and Crime Commission's 'active oversight' policy and its adequacy in dealing with allegations of excessive use of force.
> 5. The nature of sanctions for excessive use of force allegations which are substantiated.

The DEPUTY CHAIR (Hon Dr Sally Talbot): Member, just before you go on, I ask you to be aware of the microphone in front of you with your papers.

Hon DAN CADDY: I will stand back.

The DEPUTY CHAIR: I am conscious that although it does not affect us terribly much, there may be a Hansard person somewhere in the building who is wearing headphones and you may have taken a few levels off their hearing capacity.

Hon DAN CADDY: Thank you, deputy chair, for your sage advice and guidance.

If I am going to refer to the fifteenth report, which is the basis for the second report, it is also worth noting for the benefit of the chamber, and as many members will probably realise, the world events that were taking place at the

time this inquiry was occurring—the backdrop, if you will, to this report. It was mentioned earlier today during Hon Wilson Tucker's motion that the Black Lives Matter movement brought the issue of police use of force into mainstream conversation in a way that people not only in this country but also around the world had never heard before. I make the point that the committee was quick to point out that this was not the reason—not even a reason—behind the inquiry; the timing was coincidental, but it is worth making that point.

It is also critical to recognise before I move on what this inquiry was not. This was not an inquiry into why excessive force may be used or may occur, and it was not an inquiry into when it occurs, or how it might have been prevented; it was simply, very importantly, an inquiry into how alleged excessive force is investigated and the role the CCC has in this process. The foreword by the committee chair is lengthy. The chair of the committee in 2020 was Ms Quirk, MLA, now the member for Landsdale, and anyone who knows Margaret will know she is extremely thorough. I will read a few pertinent excerpts from her foreword. The purpose of the report was to provide —

> … an examination of whether the independent oversight contemplated, almost two decades ago, functions well for allegations of excessive use of force by police?

The foreword stated that the committee always conceded that the sheer number of allegations makes a triage process necessary. I will touch on this later. The foreword continued and stated that the committee concluded that even if there were more robust internal police oversight, the CCC still had a clear responsibility. Margaret Quirk made the point that members of the WA Police Force have well over two million interactions with members of the public each year and an average of 400 allegations of excessive use of force are made each year. Quite deservedly, police in this state are held in very high regard. They face challenges and confronting situations on a daily basis. This final point made by the chair is an important one, which I will speak to later. The point was —

> The recent progressive roll out of body worn cameras for police is already proving to be invaluable. Fewer vexatious allegations are made which police officers have to defend, investigations can then be expedited, and the public can be confident that they provide technological oversight of conduct which may be lacking otherwise.

This shows how good governance, good government and good government policy help our frontline officers on the street. This was, if I remember rightly, an initiative of the McGowan government and the extremely hardworking former Minister for Police and now Speaker in the other place, Hon Michelle Roberts.

As I go through the report, I point out that it is important that we, as a chamber and as members of this place, are cognisant of the process for CCC investigations into police misconduct and how it works and the number of cases involved.

Hon PIERRE YANG: I rise today to make a contribution to the current report. I will take up from where I left off when I spoke on the first report a few weeks ago. Before I go to the substantive part of my contribution today, I want to respond to a few words Hon Nick Goiran used in his contribution. I think he called this government shifty. I reject the premise of the honourable member's argument and put on record that this government is an exceptionally honest government that has always acted with impeccable integrity and in the best interests of the people of Western Australia.

This government has been exceptionally stable. The first McGowan government and its cabinet served the people for the full term and the McGowan Labor government's second ministry has continued in that fashion. All the ministers have exhibited excellent and great competence and, as I said, impeccable integrity in their deliberations when making decisions for the people of Western Australia. I wish to put those words on the record and say that I am proud of the McGowan Labor government and its 17 ministers. I think that we are fortunate as a state to have a leader who is renowned for his integrity, honesty, generosity and also his down-to-earth approach. I think that if anyone on the street wanted to talk to him or grab a selfie, he would stop and do that. I am proud that he is my leader. It is important that we correct the record. I say to the honourable member that I disagree with his statement that this is a shifty government. I think it is a great government that has integrity. It always has been a government with integrity since the day it was elected back in March 2017.

On the last occasion, I talked about the police service in Western Australia. I think I finished talking on the history of the Corruption and Crime Commission. As we heard from Hon Dan Caddy, the fifteenth report of the fortieth Parliament formed the basis for the second report of the forty-first Parliament. When I referred to the fifteenth report a few weeks ago, I talked about how the CCC came into being. That is articulated in chapter 3, if I may just quickly refer to page 25 of the fifteenth report. The legislation came into being after the Kennedy royal commission back in 2001 formed the legislative framework for the CCC.

Today, I want to continue talking about the CCC's oversight role of the WA Police Force, but before I talk about that, I will touch on one thing. As I said on the last occasion, members would agree with me that we have one of the best police services in the world, and we should be very, very proud of the work that the police men and women have done for us and the community by putting their own interests on the line for the safety and wellbeing of the people of Western Australia. It is an essential service. Members may not think that such an essential service could be privatised around the world. However, when I was doing some research, I came across a few examples of that in the United States. I wish to quickly touch on those.

It is reported that in 2014, in Camden, New Jersey, that city disbanded its entire police force because of the rising crime rate and lack of funding, leading to the city transferring law enforcement duties to the next level of government. In Millbrae, California, the police force was disbanded and the city contracted out policing to a county sheriff's department in an effort to save $1.1 million. I am not aware of the exact situation or the policing services in those two jurisdictions, but I do want to say that policing is an essential service. However, around the world, despite it being an essential service, it can be privatised. If any member who is listening thinks that I am advocating for our police service to be privatised, that is absolutely not the case. I am saying that we should treasure what we have in this state and support the good work that our police men and women are doing. It is absolutely important that we support its work as a government and as a community, because when there is a lack of funding around the world, as we have seen, such essential services can be privatised. I am not too sure whether it is a good or bad thing, but I can say that a private organisation will be chasing profits. A public police force is not about chasing profits or the bottom line; it is about providing that critical, essential service to maintain peace and order in the community.

I want to put on record that it is very important that we support WA police. This is not to say that we leave a huge organisation such as WA police to its own devices. For many, many decades the Western Australian government and the Western Australian community have always taken an active role in ensuring the integrity and the honesty of the conduct of our police men and women. Page 27 of the fifteenth report referred to the oversight role of the Corruption and Crime Commission from the beginning. The Australian Law Society—I am just trying to find the full title of this organisation so I do not make a mistake. I may come back to this. The ALSWA made a report —

Hon Nick Goiran: Aboriginal Legal Service.

Hon PIERRE YANG: Thank you, honourable member, my learned friend. It raised concerns, including that the CCC rarely interviewed complainants.

[Member's time expired.]

Hon STEPHEN PRATT: I rise to make a contribution to the tabling of the second report of the Joint Standing Committee on the Corruption and Crime Commission *If not the CCC … then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force. I* think this could be my first contribution to committee reports. We will see how this goes.

Several members interjected.

Hon Martin Aldridge: Plenty more to come.

Hon STEPHEN PRATT: I am looking forward to it; do not worry. I am glad that members opposite are engaged and waiting in eager anticipation.

Several members interjected.

Hon STEPHEN PRATT: In fact, there are two reports, so I will refer to the original, as Hon Dan Caddy did and thank the members of the original committee who did a mountain of work to pull this together. I thank the chair, Margaret Quirk, Hon Jim Chown, Matthew Hughes and Hon Alison Xamon and the committee staff who helped pull that together. I thank the chair, Matthew Hughes, Hon Dr Steve Thomas, Shane Love and Hon Klara Andric for bringing this second report to the house. I want to narrow the focus onto a couple of areas. As has been stated by members of the house, most police interactions do not result in allegations of excessive use of force. However, it is critical that any allegations of such are properly and vigorously investigated. Proper investigation of any complaints against police strengthens the service the WA police provide and ensures there is proper and effective oversight of what is a critical service for the WA community. As I mentioned, I would like to focus in on the issues around police interaction with Aboriginal people and people of different cultural backgrounds. Reconciliation with our First Nations people is undoubtedly a focus of this government and, importantly, this nation. Clearly, more must be gone repair this relationship. One of the recommendations jumped out to me. Recommendation 10 reads —

> The Corruption and Crime Commission should establish mechanisms to improve its engagement with Aboriginal people in Western Australia. Initiatives developed could also facilitate better engagement with other diverse groups, including those that may be marginalised or vulnerable.

I know that points to the commission's role in this space, but I think it is important to note some of the work that WA police do in this space. Earlier in the year, members may recall being invited to a briefing from WA police about the Yarning app. This is an innovative approach to how WA police can better communicate with members of the Aboriginal community. It is a language interpreting app and it can interpret all the different dialects across the WA community. It allows officers to select from eight Aboriginal languages and play out loud key issues relating to issues, including rights in custody and the COVID pandemic. It is hoped that this will improve understanding among Aboriginal people who do not speak English as their first language, particularly those in remote communities. The app was developed with the assistance of Aboriginal Interpreting WA, and has been rolled out to all serving officers. Commissioner Chris Dawson at the time of the launch of the app said it has been trialled in the Pilbara region; it is the first of its kind in Australia and by providing key messages in Aboriginal languages we are being fair and showing the care we have for that community.

Last night, many of us were able to enjoy the Diwali coming to WA Parliament and I ran into a member of the WA Police Force, Sam Lim. Mr Lim speaks 10 languages, which is pretty impressive in itself. Even more so is the award that he received this year when he was given WA police's highest honour, officer of the year, for his work with multicultural communities during the COVID pandemic. It was great to see him there and take the opportunity to grab a photo as the Diwali celebrations took place. Like many members have pointed out, I look forward to seeing the government response to the many recommendations and findings in this report. I think I will conclude my comments there.

Hon JACKIE JARVIS: I also want to take this opportunity to make some contribution to the Joint Standing Committee on the Corruption and Crime Commission's second report, *If not the CCC … then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*. This is also the first time I have contributed to debate on a committee report—so many new exciting adventures.

Several members interjected.

Hon JACKIE JARVIS: As we have heard, the report is focused on the previously tabled joint standing committee report that was tabled on 24 September 2020, so I want to focus on that report from the fortieth Parliament. Like my colleague Hon Stephen Pratt, I want to focus on "Chapter 6—Matters affecting Aboriginal people". I think it is timely today given the conversation we had earlier around Australia Day and the focus on that. Hon Stephen Pratt spoke about recommendation 10. I want to focus on a couple of the earlier ones. For those members who have not read the report, I recommend newer members of this place, like me, look at the fifteenth report that was tabled by the Corruption and Crime Commission in the fortieth Parliament. There are some really interesting findings. I want to refer briefly to a couple. Finding 46 is —

> The relationship between the Corruption and Crime Commission and the Aboriginal Legal Service of Western Australia appears to be dysfunctional, with the Aboriginal Legal Service stating that it more often goes directly to the WA Police Force with allegations of excessive use of force rather than to the Corruption and Crime Commission.

Finding 47 is —

> The Committee is deeply troubled that the Aboriginal Legal Service of Western Australia has reached a point where it believes that complaints from Aboriginal people can't 'cut through' to gain the attention of the Corruption and Crime Commission.

There is a concern that there is not a prioritisation of complaints. It is really worth reminding ourselves of the section on page 70 of the original report from the fortieth Parliament. It notes —

> Western Australia has the highest rate of over representation of Aboriginal and Torres Strait Islander adults and juveniles in the criminal justice system in Australia. Aboriginal and Torres Strait Islander people represent 3% of the population but constitute 27% of the adult prisoner population across the nation.

I found this really pertinent—

> The ALSWA makes two points regarding this situation, firstly that crime statistics do not measure the true prevalence of crime in a community, rather they measure the demographics of those people who are caught and punished for criminal behaviour.

It goes on to say —

> Many of ALSWA's clients experience socio-economic disadvantage, a continuing negative impact of colonisation and dispossession, trauma from the stolen generations, intergenerational trauma, substance abuse, homelessness and overcrowding, lack of education, and physical and mental health issues. These factors can underpin people's enmeshment in the criminal justice system.

I want members to bear that in mind as we look further in the report and address the concerns of the Aboriginal Legal Service of WA about the use of WA police dogs. We know that this matter was discussed in this place recently. It may have been when we were debating the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021, which we finished yesterday. I believe Hon Neil Thomson lamented the fact that a police dog is not permanently based in Broome and that a dog had to be flown in to assist with the tracking of an escaped prisoner. I think the term he used was "FIFO dog". I note that Hon Neil Thomson is out of the chamber on urgent parliamentary business, but I absolutely recommend that he look at page 73 of the report if he has not done so already.

I want to highlight a few things. The report states that the ALS has called for a systemic review of the use of police dogs in WA. According to the Aboriginal Legal Service, available data shows that 43 per cent of all victims of police dog bite victims in Western Australia over a three-year period were Aboriginal. It submitted that —

> … 'Available data from Western Australia shows that nearly one fifth of all victims of police dog bites were 18 years and under. Further, most of those victims (12 out of 17) were Aboriginal.'

The report contains some compelling case studies. The first case study refers to a nine-year-old Aboriginal male who was playing with his friend at a regional football club. They broke into the club and stole a can of soft drink. The police entered with a police dog on a long leash. The boy was bitten by the dog. When he fell over, the dog grabbed his leg and dragged him along the floor. He required treatment in hospital. The second case study refers to a 15-year-old Aboriginal male who was arrested on suspicion of stealing a bike. When the police attended the scene, he dropped the bicycle and ran away, unaware that a dog was chasing him. The dog launched at him and bit him on the buttock. He was left with an injury that was 0.5 centimetres deep and, again, he required hospital treatment. The third case study refers to a 15-year-old Aboriginal female who was arrested in a regional town for noncompliance with her curfew. She was located at a residence. A struggle ensued and a police dog was deployed. She received treatment in hospital for three wounds to her upper thigh. Her injuries were serious enough that the wounds were still bleeding when she presented at the Aboriginal Legal Service regional office the next day.

The Western Australia Police Force do an amazing job in Western Australia under incredibly trying circumstances most of the time that they are on duty. The report notes that the police have around 2.2 million interactions with the Western Australian public each year and we can compare that with the approximately 400 allegations of excessive force each year. The role of the police was best summed up in the chair's foreword in the original report of the fortieth Parliament. I will read some of what the chair, Margaret Quirk, MLA, said because she sums it up really well. She wrote —

> Deservedly, police in this State are generally held in high regard, facing challenging and confronting situations on a daily basis. All the more reason that any system that thoroughly oversights the unacceptable behaviour of some enjoys the support, confidence and endorsement of the public.

I think we can all agree with that.

Issues have been raised about the time it has taken for the government to respond to this report. I note that we are waiting for the Attorney General and the Minister for Police to propose what action the government will take about the recommendations of this committee. Given the highly sensitive nature of both—we are dealing with our hardworking police force and matters concerning Aboriginal people, like those I have just raised—I do not think it is unreasonable that the Attorney General and the Minister for Police take the time to make a considered response. We have asked a lot of WA police, particularly over the 18 months. I am sure that when they joined the force, many police officers did not expect that they would be dealing with an emergency response to a global pandemic that has dragged on for well over 18 months. I look forward to the government's response to this report in a timely manner. I know that it will be a well-considered response.

Hon MARTIN PRITCHARD: I was not going to provide a response to the report today. I note that in previous Parliaments there was tendency to defer consideration, which, I think, is pretty important given that we get only four hours in total to debate these reports. I was hoping to wait until we had the government's response, which is due relatively shortly, before contributing and having a good debate on this very important report with that response at hand. But the way things seem to be going at the moment, we will have very little time after the government response to debate it. As I keep mentioning, there seems to be a willingness from the opposition for all backbenchers to make a contribution to these reports. I have not made a contribution on the report so I thought that before we run out of time, I had better make some comments.

I acknowledge, as have others, that a power of work was done by the previous committee. It did a handsome amount of work and brought down a very comprehensive report. I would have liked to have had the government's response, which is imminent, so that I could make a more in-depth contribution. I also thank the current committee for the foresight of re-tabling the report so that it did not fall off the table with the proroguing of the last Parliament.

It is very important to acknowledge finding 1, which states that the police hold a very privileged position in society in that they are able to use reasonable force to uphold the rule of law. Of course, I do not think anybody in this chamber or the state of Western Australia would want it otherwise. When we feel threatened, we call on the police to protect us and uphold the law. It is very important to acknowledge that they have a privileged position. In every situation in which I have come into contact with the police, they have been very helpful, obliging and correct. Similar to people becoming members of Parliament, anybody who joins the police force does so for all the right reasons. As I often say to people, I think members from both sides come to Parliament for all the right reasons. People join the police force for all the right reasons. We put a lot of stress and pressure on them and expose them to many situations that would test the best of people. We expect them to conduct themselves in an appropriate manner even though they face many stressful situations and time pressures. Sometimes things go wrong and that is highly regrettable. The police need to be held to account but, as I said, I have a lot of respect for the police. These days they are a very professional outfit. I remember in my youth that the police often took shortcuts. I had friends in the police force; it was a different situation back then.

Again, I want to acknowledge finding 1 for the record. We grant the police the privilege of using force and we would not want it any other way, but that means allegations are sometimes made. Some of them are made for good reason, while others can be frivolous or mischievous. I note that finding 7 suggests that the use of police body-worn cameras has reduced the number of allegations made. It is my hope that it will knock out all the frivolous or mischievous allegations and that the allegations that remain are ones that need to be investigated and acted upon.

There have been some very high-profile cases, in Western Australia and in the rest of the world, that have painted some police in a bad light. It is very important to take into account the pressures that are put on the police and the decisions that they make. If there are cases in which the police have obviously acted incorrectly in a premeditated way, we should be hard on them. In other circumstances, I think we should assist them with retraining and such to help them do their job better. I personally do not believe there is a large percentage of police who have ill intent.

I just wanted to raise those couple of issues. I hope we do not have a situation in which all the time for this report has been utilised prior to the government's response becoming available. I think it would greatly help debate to have the government response available. I cannot share the opposition's concerns about the government response not being tabled prior to the set date. If we set a date for something, we set a date. As long as it is achieved by that date, the government has done everything that is required of it. I look forward to that; it is fairly imminent. I also hope there is enough time left for me to make a better contribution when we have the government's response in hand.

Hon NICK GOIRAN: Hon Martin Pritchard made some interesting remarks with regard to this matter. He indicated that he was concerned that time would expire before we received the government response, and he quite rightly drew to our attention that in previous Parliaments we have, from time to time, deferred consideration of reports so that we could wait for a government response. I thought, "Actually, there's something to be said for that, and potentially we should do that for this report." However, I make the observation to the honourable member that under the new standing orders, we will have a maximum of four hours to debate these committee reports, and we are not yet at the halfway mark, although we shortly will be. I think there would be some benefit in having a preliminary discussion before the government provides its response because it could help to inform what the government might include in its response. Assuming that that will be the case in this instance, we will still have another full two hours of debate to consider the government response.

The other point I make to the honourable member is that I share his concern that we might see a large chunk of time elapse before the government response is provided. I encourage him to do everything possible to get the government to expedite its response. With regard to the so-called time line of 9 December, if that was the first and only time that the government had seen this report, I would agree with the honourable member that it would be unreasonable in those circumstances to expect the government to provide a response prior to 9 December. However, as Hon Dan Caddy reminded us in his contribution, the government has had this report since September last year. There was a deadline last year and the government did not meet it, for the reason that it said, "No, we can't possibly provide the information because Parliament's prorogued." If we accept that, why does the government not provide the response once Parliament resumes? It is because this government will not do anything unless it is absolutely forced and compelled to do so. We have seen that time and again, and now we have to wait until 9 December. In that context, I think this arbitrary, fake and phoney deadline of 9 December is unreasonable. The government is using and manipulating the system to provide the response at the very last moment. Thankfully, as the honourable member quite correctly drew to our attention, we will still have some time in which to debate the government response, but guess what? That will not happen until next year.

I must say, Hon Margaret Quirk must be the most thanked Legislative Assembly member in the history of the Legislative Council, and I share with members my thanks for her hard work in the fortieth Parliament on this committee. When she tabled the report in the other place it was in the calendar year 2020. In 2020, the committee drew to our attention this serious matter about police misconduct and excessive use of force, but the whole of 2021 will pass before we get the opportunity to debate the government response because in the government's shifty fashion, it will provide the response on 9 December, unless the Leader of the House is going to quickly go and grab the response for us now; that would be fantastic. We could then make some expedited progress. But in the absence of that, we are going to have to wait for the shifty response to be provided on 9 December. We will not then be able to have a discussion on it until February next year. That is the point I make on that matter.

Some honourable members have quite rightly expressed concerns—I thank those members for taking this report seriously—about the damning findings with regard to the Aboriginal Legal Service. It is one thing for members to come in here and say, "We are very concerned about this. Did you see what Margaret Quirk's committee had to say about this?" That is what I have been saying, so what is happening? This was drawn to our attention in September last year so if members are, like me, concerned about it, they should knock on cabinet ministers' doors and ask them what is happening about it. These findings are not acceptable, so if they are as concerned as I am, they will have more capacity to go and knock on those doors. If I were to try to knock on them, I am sure they would be slammed shut, but if government members do so, they may actually get a response. Finding 46 states —

> The relationship between the Corruption and Crime Commission and the Aboriginal Legal Service of Western Australia appears to be dysfunctional …

If government members are genuinely concerned—I take it they are—what are they doing about it? They should not come back here every Wednesday and say, "Well, I'm concerned about finding 46." They have the power to do something; they should go and open some doors. Finding 46 continues —

> … with the Aboriginal Legal Service stating that it more often goes directly to the WA Police Force with allegations of excessive use of force rather than to the Corruption and Crime Commission.

Finding 47 states —

> The Committee is deeply troubled that the Aboriginal Legal Service of Western Australia has reached a point where it believes that complaints from Aboriginal people can't 'cut through' to gain the attention of the Corruption and Crime Commission.

What are government members doing about that? The whole point of consideration of committee reports on Wednesday afternoons is to draw our concerns and grievances to the attention of the government—the people with the power to do something about it.

We saw yesterday how quickly the government can act when it wants to do something such as electoral changes—I will not call it reform. It could drop everything and make it happen in less than a year. Remember, about February–March this year the Premier said it would not be on the agenda and here it is November and it is done—finished. It can be done in less than a year when the government wants to do something, but when it comes to allegations of excessive use of force, which the government has known about since September last year, and here it is November, there is nothing, not even a response. That tells us that for the McGowan Labor government, changes to the electoral laws are more important than allegations of excessive use of force by the police. It is more important to the government than fixing this so-called dysfunction that the committee said was deeply troubling regarding the Aboriginal Legal Service. It is not important to the McGowan government, at least not as important as electoral changes. The reason we have consideration of committee reports on Wednesday afternoon is so that we can draw these matters to the attention of the government.

For whatever reason, certainly in the forty-first Parliament, the Deputy Leader of the House has had to suffer through a few of these Wednesday afternoons. However, I have noticed that sometimes when matters are drawn to his attention, the next time we find there have been some changes and some progress. It is my hope that courtesy of the remarks made by a number of members across the chamber about this important matter—excessive use of force by police, concerns about a dysfunctional relationship between the Corruption and Crime Commission and the Aboriginal Legal Service—given there appears to be bipartisan concern about that, when we next meet, we might see some progress.

The next time the Legislative Council is due to convene on a Wednesday, as I understand it, is 30 November. We will be back on 30 November and will see whether the government has provided its response to this matter, which has received so much attention this afternoon, but, of course, the government is not due to respond until 9 December.

Hon Stephen Dawson: It is 1 December.

Hon NICK GOIRAN: Sorry; I am looking at the calendar for 2022, thank you, honourable members. It will be 1 December and the following occasion will be 8 December. There will be two opportunities for us to consider these things between now and the end of the year. When does the government need to respond? It is not until 9 December. Watch, members; it will be very interesting to see on the first two Wednesdays of December whether we will have the government's response to something it has had an opportunity to do something about since September last year, or will it leave it until Thursday, 9 December, the very last moment before it provides the response? It will be a true test. People have talked about integrity. This will be a test for the McGowan government. I suspect it will fail but it can try to prove me wrong.

Hon PIERRE YANG: Thank you, Mr Chair. I wish to continue where I left off earlier today. The 2008 review of the Corruption and Crime Commission Act 2003 was obviously done in that year, 2008. I was touching on the Aboriginal Legal Service submission concerning the Corruption and Crime Commission. I indicated that the ALS was concerned that the CCC rarely interviewed complainants and, furthermore, it was concerned that the CCC did not often interview witnesses identified by a complainant.

Consideration of report adjourned, pursuant to standing orders.

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

MUTUAL RECOGNITION (WESTERN AUSTRALIA) AMENDMENT BILL 2021

Introduction and First Reading

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

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [3.25 pm]: I move —

> That the bill be now read a second time.

Attracting skilled workers to Western Australia to support our state's strong economic growth and pipeline of works is a priority for this government. The Western Australian government is working with the Australian government and other states and territories on important reforms to address barriers to labour mobility across the country. Western Australia has agreed to establish a uniform scheme for automatic mutual recognition—AMR—of occupational licences and registrations. This was formalised when the Western Australian government signed on to the intergovernmental agreement on 11 December 2020. This bill proposes to amend the Mutual Recognition

(Western Australia) Act 2020 to adopt amendments made to the Commonwealth Mutual Recognition Act 1992 that introduces the AMR scheme. This important reform builds on the existing mutual recognition arrangements for the free movement for goods and services that Western Australia has participated in for nearly three decades, since 1995, and readopted in 2020. This bill does not alter the operation of the mutual recognition of goods. The new scheme will allow a person who is registered or licensed for an occupation in one state or territory to be authorised to perform the same work in another state or territory, without the need to apply for recognition and pay for a further licence. This scheme will make it easier for registered and licensed workers to respond to job opportunities in Western Australia and assist in addressing current skills needs. For example, a registered builder from Victoria could begin work immediately in WA after notifying the regulator. The individual would not have to pay a fee to undertake the same activity. This would save the individual over $900 and the time it would have taken to have their licence recognised, and will help them to start work without delay to support our thriving construction industry.

The scheme will apply to all occupational registrations and licences issued within Australia as defined by the Commonwealth Mutual Recognition Act 1992, unless an exemption is in place. The scheme will not disrupt existing national registration schemes, state model law schemes or state-based AMR schemes. PricewaterhouseCoopers estimates that these reforms could lead to an additional $2.4 billion in economic activity nationally over 10 years as a result of savings to workers and businesses, productivity improvements, and extra surge capacity in response to natural disasters. All jurisdictions, including Western Australia, are expected to benefit from AMR through higher economic activity.

But of course, the right checks and balances need to be in place to ensure the safety of the Western Australian community. A number of safeguards are embedded into the scheme to maintain high standards of consumer and environmental protection, animal welfare, and the health or safety of workers or the public. Western Australia can exempt an occupation for a renewable period of up to five years when a significant risk is identified. Workers will be required to comply with the relevant occupational licensing Western Australian laws, including screening requirements such as working with children checks. Individuals subject to disciplinary, civil or criminal action, will be excluded from the scheme and regulators will be required to share this information. To support the commencement of the scheme, the Western Australian government will require the majority of those seeking to use AMR to simply notify the relevant regulator when working in WA This will allow regulators to confirm a licence or registration is held, and ensure that workers are aware of state-based laws and requirements. The government looks forward to further engagement with industry, regulators and key stakeholders over the coming months to assess any significant risks for particular occupations and determine whether any exemptions are required. The Western Australian government is working towards commencing the scheme from 1 July 2022. This aligns with the majority of other states and territories, which aim to be fully in the scheme by 1 July 2022.

Pursuant to Legislative Council standing order 126(1), I advise that the bill is a uniform legislation bill. The bill will give effect to an intergovernmental agreement to which the government of the state is a party, and will introduce a uniform scheme for the automatic mutual recognition of occupational licences and registrations.

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

[See paper 887.]

Debate adjourned and bill referred to the Standing Committee on Uniform Legislation and Statutes Review, pursuant to standing orders.

COVID-19 RESPONSE LEGISLATION AMENDMENT (EXTENSION OF EXPIRING PROVISIONS) BILL (NO. 2) 2021

Time Limits — Statement by Leader of the House

HON SUE ELLERY (South Metropolitan — Leader of the House) [3.29 pm]: I advise the house that the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill (No. 2) 2021 is a COVID-19-related bill. Accordingly, I have consulted with the party leaders and can advise that the maximum time limits for each stage of the bill, pursuant to the temporary order made on 25 May 2021, are: second reading stage, 150 minutes; committee stage, 160 minutes; and third reading stage, 15 minutes.

Second Reading

Resumed from 10 November.

HON MARTIN ALDRIDGE (Agricultural) [3.30 pm]: I rise as the lead speaker for the opposition on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill (No. 2) 2021. By now, members of this place, even new members, should be well versed in the content of this brief bill because, if I am not mistaken, this is the fourth occasion, and the second occasion in this Parliament, on which the subject matter of this bill has been considered.

This bill was introduced into the Legislative Assembly on 20 October 2021, and was second and third read on 9 November 2021 before its introduction into the Legislative Council on 10 November 2021. I observe that it is interesting that the Leader of the House has activated the COVID-19 temporary orders at this point, notwithstanding

that this bill could have been considered on 10 November, 11 November or 16 November. It is on 17 November, the fourth sitting day on which the bill has been able to be considered by this place, that it has been listed as the highest priority for the government. It is interesting to also note that we sat into the early hours of this morning debating the then number one priority of the government, which was amendments to our electoral system, particularly with regard to the Legislative Council. It is now plainly obvious and indisputable that the COVID-19 response comes second to the government's electoral reform agenda.

As I said, this is the fourth occasion that this subject matter has been considered by the Council, and the third occasion on which an extension has been sought to the powers contained in and relevant to this bill. The original bill's passage occurred in April 2020 and the bill applied for an initial period of 12 months. As members would recall, that was in the immediate response to the then emerging international pandemic that we now know as COVID-19. In late 2020, an extension was sought for a further 12 months, but the Council granted a period of only six months to provide for the period until after the election and the resumption of the houses, and then in May 2021, that was extended until January 2022. This bill now seeks an extension to those provisions to July 2022.

From the outset, I indicate the support of the opposition for this extension. It is most likely that COVID-19 will reach Western Australia, as the government now predicts, sometime in this period of extension to July next year. I pause at this point to reflect on the second reading contribution of the Minister for Emergency Services, delivered on 20 October 2021 in the Legislative Assembly, when he said —

> The Delta variant is a serious threat to the community, as we have seen in the eastern states. Due to the virulent nature of this strain, Western Australia is under threat of an outbreak and we continue to require the powers to issue directions to protect Western Australia and to limit and reduce the risk of spread, if and when it arrives.

The minister obviously missed the memo that the government has moved on from crush and kill—that was the election strategy—to a strategy of acknowledging that COVID-19 will arrive in Western Australia, probably in the very near term. As I just said, it is important that these powers are extended for at least the time necessary to manage that period of response. It is fortunate that the government has reflected on the words delivered in the Assembly, having repeated them in the Council. It is good that it has done a little homework in that intervening period. Although the opposition supports this extension for six months, it does not mean that this bill should not be subjected to a level of scrutiny. This is really the only opportunity that the Council has to scrutinise and seek some transparency and oversight over the application of these powers, which the government itself defined as draconian, from the initial periods of introduction of these powers under the former Minister for Emergency Services, Hon Fran Logan. That scrutiny will obviously need to be applied within the restrictions of the temporary orders and the time limits that have been set down by the government, notwithstanding the time line that leads us to this place today.

Unlike the previous occasion when we dealt with this matter in May, I have received some considerable correspondence on this bill. It was interesting to find out from conversations with other members, particularly government members, that their level of correspondence has perhaps not been the same, but I have certainly received a lot of correspondence seeking my opposition to this bill, unlike the previous three occasions that we have dealt with this matter. I think the underlying concern is that application of this bill will be used for mandatory vaccination purposes.

At my briefing, I sought some confirmation around the application of, particularly, the section 72A powers in the Emergency Management Act for those purposes, and I was relieved to hear that the government's intent is to continue to use the Public Health Act for those types of responses and it is not the intention to use the powers found in temporary section 72A. I suspect that will allow the stages of this bill to progress more quickly, but it perhaps also alleviates the many concerns of people who have written to me about this bill. I would like the government to confirm that to be the case, as I received that confirmation at my briefing. It may allow us to explore that a little further during the Committee of the Whole stage, but I think it will, in the short-term, alleviate some of the contention, as I said.

There may be ancillary matters. When the Chief Health Officer issues directions pursuant to the Public Health Act, some vaccine-related matters might be deemed ancillary and the Emergency Management Act directions could be used. A couple that come to mind are, for example, our existing controlled border arrangements, whereby current directions are in place and entry occurs on certain terms. I think there are vaccination requirements in place for entry to occur, but also, as part of the government's transition plan, we are hearing that there may well be increased restrictions on access to public venues, in particular public transport and other areas of high risk. It would be interesting to know the government's thinking around the Public Health Act or Emergency Management Act and the appropriate instrument for enforcing elements of its transition plan, noting that I believe there was some significant tension in the government in the early days of the COVID-19 response about which powers ought to be used primarily in the COVID-19 response.

The other point I raised in my contribution in May that I want to raise again is the need to commence a timely review of the Emergency Management Act. As far as I can tell, this act was last reviewed in 2013 by the State Emergency Management Committee. It is a 2005 vintage act. I think the review clause in it requires the typical five-year review. Section 103 provides for a review after the expiry of five years from the commencement of the act. I think that review

was completed in June 2013, as I found it as a tabled paper in the Legislative Assembly. When we last had this exchange, minister, we were talking about 2016, but I think it may indeed be 2013, unless another review was conducted in 2016, but I would find that unlikely. Given that this is the fourth extension of these extraordinary powers, it is time that we consider a review of the Emergency Management Act in its whole form. I do not accept—whereas perhaps I have, previously—that the best time for this to occur is after the COVID-19 response, because who knows when that will be. We may well be onto another disaster or emergency—it may well be another pandemic. I think the government has the resources and capability to review the Emergency Management Act 2005, or at least turn its mind to the recommendations of the 2013 review, which I understand were not acted upon thereafter. I say that because of some of the reforms that are now coming from the government, including local government reform, electoral reform and puppy farming laws—you name it; it is coming. As critical as the Emergency Management Act is at the moment to the state's ability to respond to the COVID-19 pandemic, it should be prioritised by the government for review.

Another point I will make is that there is a body of work on the review of the emergency services acts that goes back some time. I think there are three or four acts, but this act is not one of them. That project goes back eight or nine years and we are still waiting to see the culmination of that project. But the Emergency Management Act is not incorporated in the review of the other emergency services acts that the government currently has underway.

I do not intend to go into this matter of section 72A in great detail, because, as I said, this is the fourth occasion, and the second occasion in this Parliament, on which we have canvassed this issue, so there has been significant consideration of these provisions. Obviously, a significant number of provisions in the bill that originally amended the Emergency Management Act were permanent amendments to that act, but section 72A was a temporary measure. The government said at the time, and it continues to say, that the sunset clause was to apply to ensure that the provision would be applied only to respond to a COVID-19 emergency. The Minister for Emergency Services in the other place said —

> These are the same as those considered earlier this year. I will reinforce why it is important that they are extended to ensure that the state can continue to respond appropriately to COVID-19.

He went on to say —

> The intent of this sunset clause was to ensure that the section 72A powers were applied only to the circumstances of an appropriate emergency response to the COVID-19 pandemic.

That has been the consistent position of the government, which described these laws as draconian and not being its preference, and as laws that should be used only for a COVID-19 response, and therefore a sunset clause was appropriate.

One thing I learnt that I am sure the minister has been made aware of is that, at my briefing, I asked whether these powers had been used for a response other than for a COVID-19 emergency. I must say that it was with some surprise that I learnt that the answer to that question is yes, they have been used for a matter other than a COVID-19 emergency. It was brought to my attention that, pursuant to sections 67 and 72A of the Emergency Management Act 2005, directions titled Evacuation (Houtman Abrolhos Islands) Directions were issued on 9 April 2021 at 1830 hours. Obviously, these directions were issued for the declaration of an emergency situation arising from tropical cyclone Seroja, which impacted the midwest—in fact, it impacted a significant part, if not all, of my electorate of the Agricultural Region. These directions were reliant in part on section 72A, so I want to understand through a response from the minister either in her second reading reply, because I do not think this matter was properly ventilated in the other place, or perhaps when we get to the Committee of the Whole, the reasons why, contrary to the consistent position of the government, including the position it outlined in the other place in October 2021 that these powers will apply only to an appropriate emergency response to the COVID-19 pandemic, they were utilised in responding to tropical cyclone Seroja, particularly in directing a class of persons and requiring information from them with regard to their evacuation. That is something I want to flag as part of scrutinising the application of these extraordinary powers before we provide this bill with clear passage through this place. I want to understand how these extraordinary powers will be utilised in the next six-month period that the Council is going to provide for.

I might move on from the Emergency Management Act to the Criminal Code. I say at the outset that I am no expert in the Criminal Code. It does not fall within my purview of responsibility and I am sure that it will be taken up further by the shadow Attorney General at a later stage of this debate. It is interesting to compare some information on these provisions. Members will be aware that the original Criminal Code Amendment (COVID-19 Response) Act 2020, which we are amending, provided for an amended form of sections 318 and 338B of the Criminal Code. Members have to turn to the original 2020 act to see the contents of the changes to those provisions in sections 318 and 388B. Section 318 is titled "Serious assault" and subsection (1A) states —

> For the period of 21 months beginning on the day on which the *Criminal Code Amendment (COVID-19 Response) Act 2020* section 4(1) comes into operation, subsection (1) applies as if amended by inserting after paragraph (l) —
>
> (la) to imprisonment for 10 years if —
>
> (i) at the commission of the offence the offender knows that the offender has COVID-19; or

(ii) at or immediately before or immediately after the commission of the offence the offender makes a statement or does any other act that creates a belief, suspicion or fear that the offender has COVID-19;

It then goes on with other subsections. Section 338B deals with threats. I might have to come back to that provision, but I understand that that provision has not been used in the context of the COVID-19 pandemic. That is based on the information that I was provided in both my briefing that occurred on 6 May and my briefing that occurred just recently on 29 October, which confirmed for me that between those two dates, 6 May and 29 October, the number of charges laid under section 318 or section 338B has remained consistent at 16 persons charged with 24 offences.

In that period between May and October no charges were laid under these provisions I have just mentioned. Perhaps that is not surprising. It was made clear to me in the briefing that during that time we substantially lived without COVID-19, whereas in some of those earlier periods there was some community spread of the virus and perhaps an increased anxiety about it. We saw a number of charges laid during the period; 16 persons were charged with 24 offences.

The amendments to the Criminal Code simply increase the ability to apply higher penalties of the court. As I understand from looking at this, and I will probably explore this further in Committee of the Whole House, of the 16 persons charged, 11 have been sentenced so far. Sentences ranged from a $300 fine to 12 months' imprisonment. If I am not mistaken, the ordinary provisions of section 318 of the Criminal Code well exceed 12 months' imprisonment. I am happy to be corrected, but I think it is fair to say that even if these higher penalties had never existed, the 12 months' imprisonment would still have been likely under the existing section 318 provision. It was put to me at my briefing that these higher penalties act as a deterrent for the circumstances, and I am not sure whether the circumstances have been detailed in my supplementary information. There were circumstances put to me of charges that had been laid when people might have been coughing on healthcare workers; there may have been some spitting offences, and offenders then went on to claim they had COVID-19, whether they did or did not, and in that context they were charged under section 318 of the Criminal Code. It was put to me in my briefing that these people who might commit these despicable acts will be more deterred from committing them because of the higher penalties that apply. I am not completely convinced. I know it is a line that governments like to use, but I am not that sure that the types of people who commit these despicable acts, largely against our police officers, healthcare workers and those types of public officers are that versed in the inner machinations of the Criminal Code and the higher penalties that apply through this extension of expiring provisions bill or that it is an active consideration when they commit these offences. I would be interested to know whether there is some better justification for that, but a case of a much more serious nature may occur in the future to which those higher penalties could perhaps be applied. In contemplating the Criminal Code and extension of expiring provisions, the minister could provide some clarity about whether the bill has been applied to the charges laid so far or whether the ordinary section 318 of the Criminal Code has sufficed. I understand that the increased penalty for section 318 has been increased to 10 years' imprisonment, so obviously the 12-month conviction that has occurred so far is the highest penalty. It would be interesting to know what the maximum sentence would have been without the higher penalty being available to the court, notwithstanding that it was not used on this occasion.

A number of prosecutions have not changed. My supplementary briefing information from 6 May to 29 October says that of the 16 persons charged, 11 have been sentenced, so despite the fact that there have been no new charges laid between May and October, five persons have not been sentenced. It surprises me a little bit, but perhaps it is normal that those delays are experienced in the court system with these criminal matters. I would like to see whether there is any clear advice about the matters remaining outstanding for sentencing. I understand that of 16 persons charged, only 11 have been sentenced so far, ranging from penalties of a $300 fine to 12 months' imprisonment. The other discretion I have identified in the briefing material after the hearing is that the range of sentences is said to have narrowed between 6 May and 29 October. On 6 May, there were 11 sentences listed, and in updated information on 28 October, that number decreased to nine, so we seem to have lost two sentences along the way. Could the minister clarify the correct information on those examples of sentencing?

The other question I asked was about prosecutions and infringements issued pursuant to the Emergency Management Act. The government has again provided some helpful information. I will not have time to read it in, but it shows a reduction in the number of prosecutions or infringements issued between information provided in May and October, and that is probably pursuant to the environment that existed in Western Australia during that period, which is not to say that that will remain the case in the near future.

The last point I want to make, because I think I nominated 30 minutes for my second reading contribution, was about the advice received by government. On the last two occasions during the course of the debate the government provided information from the State Emergency Coordinator about substantiating the period for extension. On the first occasion, it was by way of a letter dated 27 April 2021 from the State Emergency Coordinator, Chris Dawson, to the Minister for Emergency Services, and then on the most recent occasion it was a letter from 30 September 2021. When we consider the context of both of these letters, it would appear that the State Emergency Coordinator, who doubles as the Commissioner of Police and triples as the Vaccine Commander, on both these occasions endorses

a cabinet submission. Rather than this being a position of the government taking a decision based on the view of the State Emergency Coordinator, it is the State Emergency Coordinator endorsing the state government's cabinet submission on the period of time. The letter states —

> … I endorse the submission for the sunset date to be extended by no less than 6 months.

I would be interested to understand, if it was not the State Emergency Coordinator's advice that at least six months was required that led to the drafting of the cabinet submission, whose advice was it that at least six months was an appropriate extension of the sunset clauses with respect to the Criminal Code and the Emergency Management Act?

The last point I will make is that if members are of a mind, and I am not sure that any are, to oppose this extension requested by the government, as of 29 October there have been 413 directions issued that rely partially or to some extent on section 72A of the Emergency Management Act, and 98 of those are current directions. In effect, there would be nearly 100 directions; I have a very long list of them. Many of them relate to the restrictions that are put in place for lockdowns and matters related to lockdowns, which are called the Closure and Restriction (Limit the Spread) Directions. The other common one is the Controlled Border for Western Australia Amendment Directions, many of which remain active. As members can imagine, as each state and territory in Australia is assessed differently based on a risk matrix, that affects the government's response to the control measures placed at the interstate border. Those directions would not be able to be enforced without the extension of these provisions. As we enter this next period between now and July next year, I do not think there will be a more critical period in which those powers are going to be required in order to manage the transition that the government is talking about with COVID-19 entering Western Australia.

With all that said, the opposition supports the bill before the Council.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [4.01 pm]: I would like to make a reasonably short contribution in this time-limited debate on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill (No. 2) 2021. It is not a long or particularly complex piece of legislation. The bill before the house effectively, in a few short clauses, simply extends the existing legislation and regulations by six months, shifting from 21 to 27 months. It adds six months, so the expiry date will be 4 July for both the Criminal Code Amendment (COVID-19 Response) Act and the Emergency Management Amendment (COVID-19 Response) Act. As the opposition's lead speaker, Hon Martin Aldridge, said, we are very supportive of this legislation.

To work backwards from that, obviously we support the extension of the powers in this case, particularly the powers that are relayed under part 3, which is an extension to the Criminal Code Amendment (COVID-19 Response) Act 2020. This is the part that allows control for acts of spitting et cetera. Obviously, everybody deserves to be in a safe workplace, including all public sector workers, the police and health workers. The opposition is fully supportive of those parts of the legislation—in fact, of the legislation.

I want to focus my relatively short contribution today on the second reading speech provided by the government. It started out with a fairly bold statement. I quote —

> … Australia continues to face an unprecedented emergency with COVID-19…

Perhaps the word "unprecedented" might be a little bit of a stretch here. Those who looked at and explored the effects of the Spanish flu, for example, might suggest that this is not unprecedented in its impact. The Spanish flu, as I understand it, killed somewhere between 30 million and 50 million people worldwide in a population that was much smaller than it is today. Although it is absolutely important and I do not want to diminish the impact that COVID-19 has had, it is not necessarily an unprecedented emergency. Perhaps what is unprecedented is the worldwide response to this pandemic. I suspect that this is the first example of the world responding to a pandemic in a way that I think will set a standard for the future. It is going to be interesting to see the next pandemic. For members who are optimistically thinking this is the last one —

Hon Stephen Dawson: Let's hope it is another 100 years away.

Hon Dr STEVE THOMAS: Let us hope it is. I would have thought, biologically speaking, that as time goes by and population density increases, the intervals are likely to get shorter rather than longer, minister. That is the nature of biology and epidemiology. It is more likely that it will happen sooner than the last significant pandemic. I suspect the next one might be an influenza virus that has an even more intense transmission than COVID-19.

Hon Dan Caddy: You're a bundle of joy!

Hon Dr STEVE THOMAS: My advice to everybody is, "Be prepared." We have been discussing, in biological circles, the next pandemic for a long time. I suspect this one might be the practice run!

Hon Martin Aldridge: I'm not going to your dinner parties!

Hon Dr STEVE THOMAS: At my dinner parties, you might be more likely to catch animal diseases than human ones, but that is a whole other story from my work!

Hon Tjorn Sibma: We really sat far too long last night!

Hon Dr STEVE THOMAS: Yes. Veterinarians are subject to a whole range of diseases that are probably of more concern.

Hon Dan Caddy: No more war stories!

Hon Dr STEVE THOMAS: No more war stories; it is a very time-limited debate.

The question I really want to address is the set of statements on the first page of the second reading speech. I quote —

> The government has released the safe transition plan in line with expert health advice.

It sort of has. The second reading continues —

> It outlines the state's path forward to ease WA's controlled border for international and interstate travel from all jurisdictions, with testing and vaccination requirements.

We have sort of been able to tease that out a little bit. The following line is —

> It provides certainty on how businesses and WA's way of life can continue safely with the introduction of public health and social measures once COVID-19 enters our community.

That line is utter nonsense. To suggest that businesses have been given certainty around the plan to have an exit plan, which is known as *WA's safe transition plan* in this state, is absolutely ridiculous. I would like to see a bit of certainty delivered. I would like that line to be true, I really would. It is not the case that second reading speeches are delivered under oath, but I would really like that line to be true. It is obviously not.

Over the last few weeks, I have been asking a range of questions about what the transition plan is going to look like. I started that process to simply try to find out the legal situation that small businesses, in particular, face. If COVID-19 enters the premises of a small business and one of their staff members or a customer is infected, I would have thought it would be incumbent upon the government to work out the legal parameters and inform the business community. However, of course, the government hid behind the defence that legal advice cannot be sought in questions in Parliament. That is fine, except that there is then an obligation on government to explain its legal position. The government is claiming it has given small businesses certainty. It is in the second reading speech, so it must be true. It is almost as good as being in print! But that is not the case. Business has no certainty and does not know its legal requirements. We got into a debate in the house. I remember that the Minister for Regional Development gave us the advice, handed on, that businesses should seek their own legal advice. Rather than having certainty, as directed by the second reading speech, we have the government's advice that, to obtain certainty, they all need to get their own legal advice. I do not consider that to be providing certainty for businesses.

We did not stop there. I asked a range of questions. On 9 November, I asked question without notice 896 on how businesses will be assessed for compliance with the policy. I also asked what the government expects businesses to do with employees who refuse to get vaccinated. How will the government assist those employees? The answer to a couple of questions that I asked in a very similar vein was this —

> The government is currently consulting with affected industries on the mandatory vaccination requirements announced on 20 October 2021. That consultation will inform the drafting of legal directions and implementation issues such as compliance.

The problem is that this was a week ago and a set of mandates are coming in at the end of this month, and at the end of next month.

I turn to the second reading speech of this bill. I do not have the date on which it was delivered. It would be interesting to know the date. Maybe members can tell me. It says that the safe transition plan "provides certainty on how businesses and WA's way of life can continue safely". We should bear in mind that Tuesday, 9 November was last week. Since we have been dealing with other bills, I suspect that about the same time we got one second reading speech that said certainty is being provided, we had an answer to a question that suggested the government was currently consulting with industries and it would eventually get around to drafting legal directions as a result. I fail to see how that is delivering certainty. I would have thought that certainty would have had a fair bit more meat on the bones of this argument that has been delivered in the Parliament or to the business community of Western Australia.

The government should not get too excited and say that business is incredibly comfortable with this legislation. I understand that large industry representative bodies in particular are in favour of mandatory vaccination programs. Guess what, Mr Deputy President? I have stood in this place and said, "So am I." I am not opposed to mandatory vaccination programs. That is not my argument. My argument is: how does business deal with it? The industry bodies may well be in favour of these programs, and they should be. The problem we have is that individual small businesses have no idea how they will manage the process. What will be the compliance mechanism? If someone runs a small business in the state of Western Australia and one of their employees refuses to get vaccinated and they do not immediately terminate that employee, what is their next step? Or if they immediately terminate that employee, who do they notify? How will compliance be maintained? Will compliance officers carry out any checks? During the early stages, we had this debate to some degree. The minister said, "Well, there will be some sort of compliance if there's an outbreak in your business."

Hon Kyle McGinn: The same with normal compliance like OHS et cetera.

Hon Dr STEVE THOMAS: Yes, but these are not normal circumstances, member. There is a long slow paperwork trail around that sort of normal compliance of OHS or registering employees and all those components. The employee would be taken off. There is an urgency here that is not being recognised by the government. There is an urgency here that small business owners are immensely concerned about. It is not just me. I am contacted by business owners all the time who say that they are not certain of the rules. They do not know what the rules look like. Apart from the threat that if they do not sack employees, depending which tier they are, either by the end of this month or the end of next month or the end of the month after that, 75 per cent of employees in the state of Western Australia—we do not know what that looks like, apart from being told—could be threatened with a $100 000 fine. They are concerned about the impact on their employees. They are concerned about the impact on their businesses. What would happen to someone who runs a small business if one of the people they have to sack is a critical member of the staff, they are in an area in which they cannot immediately have someone walk in and walk out and they do not potentially have any control of the field in which they might replace that person? There is an enormous amount of uncertainty around businesses that will try to continue to operate.

I understand that some businesses, in anticipation of the issue, have already closed down, but that is anecdotal only. I have not inspected shops. A story about one of those businesses was running in the media last week. It involved a gluten-free organic baker. Two of the staff members refused to be vaccinated and the shop had to be closed down. Again, it was a media report; I do not know how accurate it was. We are only trusting. The information is as good as the media report.

Hon Kyle McGinn: But the ports have been through transition.

Hon Dr STEVE THOMAS: Some industries are further down the path than others.

Hon Kyle McGinn: And they transition quite well.

Hon Dr STEVE THOMAS: It might surprise the member to learn that the ports are not necessarily small businesses. I would have thought that a member of the Maritime Union of Australia would know that they are a reasonable size. Businesses the size of the port of Fremantle are not necessarily of concern; small businesses with one or two employees are concerned about how these laws will be managed.

I received an answer to a question without notice from the Minister for Mental Health representing the Minister for Health yesterday, which said that there were very high vaccination rates ostensibly amongst health staff in Western Australia. On the assumption that that represents all health staff, I think the government can probably take a measure of success out of that. Just to prove that the opposition is not always appositional, that answer looks as though the government has gone a long way in the health department. I know that Hon Colin de Grussa has been trying to get a similar total vaccination rate out of education staff. It is a little hard to tell from the survey. Ultimately, the minister may have further information down the track. It might be a matter of refining the questions to get the totality across staff.

Hon Sue Ellery: It's still happening now.

Hon Dr STEVE THOMAS: It is still going on, which makes it more difficult. The health staff obviously started in that first tier, which was a lot easier. Those numbers are probably a bit further down the track. The Minister for Mental Health might be able to ask the minister he represents about this at some point. A media article today suggested that the reason the number was so high and that the number of people who refused vaccination was so low is that a whole group was taking holidays instead, and they would come through. I would have thought that if they failed to get vaccinated, even if they were ostensibly on leave, they would still fall foul of the regulations. I wonder whether that is a valid argument. The minister might take that up with the health minister and inform us of the validity of that at some point.

We have spent a lot of time trying to determine exactly how business will manage this particular process. On 10 November, a week ago, I was still asking questions about this particular issue. Interestingly, I asked about public servants because I thought that would be interesting. I asked how many public servants are expected to choose not to be vaccinated and therefore be dismissed or resign. The answer was that there is no blanket policy and everyone eligible is encouraged to get vaccinated. It is very difficult to get information about the success of the process out of this government.

Once again, on 10 November—again, a week ago—in a follow-up question to the Leader of the House representing the Premier, I was told about one industry in particular—the one that probably includes abattoir workers, who are probably part of a bigger industry more likely to be further down the path and more organised, and therefore I suspect they are not too bad. Private sector businesses are engaged in that first tier of workers who will be required to have their first immunisation by 1 December. That is a couple of weeks away. I am still trying to find out when we will see the legal directions. At that point, legal directions were still being drafted. Some had been drafted but there is no complete plan. At the same time, I asked what the plan would look like if Western Australia, in a terrible set of circumstances, failed to reach the 90 per cent double vaccination rate set by the Premier. Other states have already got there. I suspect they have largely got there on the basis of outbreaks, which have encouraged people to go down the vaccination path.

Western Australia has had a very low infection rate and largely kept COVID out. Perhaps the government would argue that it has been the victim of its own success in keeping the disease at bay, and that is keeping vaccination rates low. I see that 80 per cent of Western Australians over the age of 16 have now received their first dose. We would assume we would get to at least 80 per cent double-dose compliance. We are not rapidly running to that 90 per cent mark. There are some concerns about both the rate at which this will happen and the impact of this on the opening up period. What is plan B? What will happen when we get to an 88 per cent vaccination rate and it stops? I keep asking these questions—I have asked a lot of them in the last month—and the answers do not cut the mustard. The government has an obligation to explain how all these things will be managed—the plan needs a bit of substance to it—but it does not. This is a trust-me situation. The government says, "We have kept you safe. Trust us. We will continue to keep you safe." But that is not enough. Business needs to understand what the COVID release plan will look like and under what circumstances. We have now been going through this COVID-19 pandemic since early 2020. It is nearly two years old. I would think that that has been enough time in which to develop a reasonable and sustainable plan. But the reality is that we are still guessing. The government is still drawing up legislation. Business does not know how it is supposed to respond, what compliance should look like or how it will be policed or whether it will be policed. At this time of the pandemic, I just think that that is not good enough. The words in the second reading speech—the plan to have a plan "provides certainty"—I think are a misnomer. I would like certainty to be provided. This bill is a fairly simple extension of time for what is currently occurring to go on for another six months. That in itself is not a plan; that in itself is not a transition plan out of COVID restrictions. We still do not know what that transition plan will look like. We do not know, and it is time the government told us. I say, surely, enough is enough.

HON TJORN SIBMA (North Metropolitan) [4.21 pm]: The content of the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill (No. 2) 2021 is no stranger to this chamber. As Hon Martin Aldridge outlined in his contribution, I think that this is the fourth time the substance of the issues at hand have been debated and passed and that this is the third occasion upon which the chamber has granted an extension of the expiring provisions. In normal circumstances, these provisions would be extraordinary in terms of their reach and their power. I want to talk to some issues foreshadowed by the government in the second reading speech, as well as some issues that are germane to the bill itself. But I will commence by acknowledging what should be a simple, self-evident fact; that is, the first responsibility of any government is to protect the lives, welfare and property of its citizens. I think in large part this legislation has been successful in discharging that obligation over the course of its different iterations.

We have in this participatory democracy a process by which we confer legitimate authority on a minority of legitimised individuals and institutions. That is done on the understanding that it is done through an orderly and legal process and that power is granted for protection and there are mechanisms of accountability and transparency when it comes to the execution of those powers. Quite obviously, it is also self-evident that there is a division of powers in this parliamentary democracy that are distributed among the executive, the judiciary and, us in here, the legislature.

I want to reflect a little bit on what this bill means, because it is now timely to contemplate some of these issues. They are not the short-term immediate issues that this bill is asking us to give attention to, but issues that might cause us to think about some of the medium to longer term implications. I think it is true to say that every Australian jurisdiction—the commonwealth, the states and the territories—has responded to the challenges of COVID-19 in its jurisdiction according to its own particular circumstances, but largely in the same way. This essentially has involved an extension of executive powers with a broadening and deepening of their reach. I think it is also true to say, although I do not ordinarily take a fixed-eye view of the universe, that somebody's benefit should not come at the expense of somebody else's detriment. I think it is a largely a defensible proposition that the extension of executive power that we witnessed not only in Western Australia, but also in Victoria, New South Wales, Queensland, South Australia, Tasmania or the territories, has largely come at the expense of legislative oversight. I think it is a defensible proposition that the role of the legislature has been diminished, particularly through the most acute phases of COVID-19, particularly in Victoria and New South Wales, which have had a horrid time over the last 18 months.

I do not think we have given full contemplation to the kind of situation that we have normalised out of necessity. One reason I say that this has come at the expense of oversight and transparency is largely because of the extenuating circumstances that prevailed last year in the fortieth Parliament, when we were dealing with the unknown to some degree. There are instruments, such as the temporary order for COVID-19-related business, that apply in this chamber. This debate itself is circumscribed and timed down in a way that may have been defensible, quite frankly, last year, but which I think is now possibly not as justified. The reason I put that to members is that if indeed this were an urgent bill that needed to pass by the end of this week, I would have expected it to be prioritised. I will not reflect on what occupied us yesterday and into the early hours of this morning, suffice it to say that if this was an urgent bill that we needed to get through today, the Leader of the House has the power under the temporary order, under which we are discussing this bill, to deal with all stages of this bill this evening. If that were the case, there would have been an opportunity as well to have dispensed with the consideration of committee reports that proceeded this debate.

Hon Stephen Dawson interjected.

Hon TJORN SIBMA: I am just saying: you take the priority of this bill to its logical conclusion and apply a consistent approach. There is non-government business that I look forward to debating tomorrow. There is also private

members' business that I am delighted to listen to tomorrow. But, again, those forms of business proceedings under the temporary order are potentially dispensable, if indeed I were to take seriously the government and the urgency of this bill. I know that will not happen because the opportunity to make that clear has passed.

I dwell on the issue of timeliness for good reason. The bill is essentially the rolling over, or the extension of, sunset clauses. When it comes to this bill, the sun never sets. The sun does not seem to set on the sunset clauses embedded in this bill. It does not. I say that not to make gratuitous observation; I think it is central to some of the issues that have been discussed. The fundamental question I put is: will this chamber be necessitated or obligated to consider a similar extension of provisions bill next year? I want to know—I seek advice from the government—whether the set of circumstances that necessitate the further rolling over of this bill will take us from July next year into January 2023. I think that is to some degree intimated in the second reading speech in a factual sense and also in some of its closing paragraphs.

I want to reflect on how indeed the contents of this bill relate to a declared state of emergency. The provisions that will be extended by virtue of the passage of this bill are related to, enlivened by and activated by a contemporary state of emergency being declared. They are rolled over. These have been rolled over time after time and time again. We have normalised in this jurisdiction, for understandable reasons, a perpetual state of emergency since April of last year. Yes, we live in unusual times. I do not think they are any longer unprecedented times; this has become the new precedent. It is well and good to have a precedent that preserves public safety, but I am absolutely concerned by the long-term consequences of the normalising of an extended—almost perennially extended—state of emergency declaration, because what does that really mean?

I am not putting words into this fine, upstanding public servant's mouth. The now Vaccine Commander, Commissioner Chris Dawson, has effectively admitted that we have been living in a benign police state since April of last year. We have, and that should give us some reason to feel a little less comfortable than we have become. I do not think that what I am saying is necessarily a very popular sentiment; it certainly does not dissuade me from the wisdom in ensuring that this bill passes. Again—I reiterate—the opposition believes very much in the merits of this bill and believes very much that it should pass, but it should not just pass on the nod. It should not just pass without due scrutiny and transparency. I say that because we are in an interesting phase of COVID-19 management in Western Australia. I will not reflect much on the Premier's announcement of what is referred to as the safe transition plan.

Debate interrupted, pursuant to standing orders.

[Continued on page 5540.]

QUESTIONS WITHOUT NOTICE

LAND TAX RELIEF GRANTS — COMMERCIAL LANDLORDS

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

I refer to the Auditor General report of 20 October 2021 titled *Roll-out of state COVID-19 stimulus initiatives: July 2020–March 2021*, which identified that only two per cent of the $100 million allocation for land tax relief grants for commercial landlords providing rent relief had been rolled out by 31 March 2021.

(1) What was the eligibility criteria for accessing the land tax relief grants and who determined that criteria?

(2) How many applications for land tax relief grants from commercial landlords were received by the department in the application period?

(3) How many grant applications were successful and how many were rejected?

(4) As a result of the low allocation to this program, has the remaining unspent allocation of $97 507 000 been redirected to another program or returned to consolidated revenue?

(5) Will the minister take responsibility for this failed COVID-19 stimulus initiative; and, if not, why not?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. I note it is not even Thursday and the funny questions are coming out! The following answer has been provided on behalf of the Treasurer.

(1) The eligibility criteria required that the commercial landlord waive the rent of a tenant for three months or equivalent in each qualifying period, starting from a date between 1 March 2020 and 31 August 2020 for the first round, and 1 September 2020 and 31 December 2020 for the second round. Each tenant must be a small business that has experienced at least a 30 per cent drop in turnover due to the impact of COVID-19. Each property included in the application must be valued at $300 000 or more at unimproved value or be subject to land tax. Landlords must not seek to recover the waived rent during or at the end of the three-month period and must not increase any outgoing charges for a period of six months, and there must be a valid tenancy agreement in place.

(2) Over both rounds of the program, 640 applications were received.

(3) Of those applications, 502 were successful, 101 were not approved and 37 were withdrawn.

(4) An allocation of $75 million was relocated to the COVID-19 industry support fund for a range of other targeted industry initiatives and $22 million was returned to consolidated revenue. This has provided a small fraction of the McGowan government's $9 billion in COVID-19 response measures to ensure our frontline services are well resourced to respond to the pandemic, support businesses and households and boost our economic recovery.

(5) The low uptake of the program is a result of the state government's proactive management of the COVID-19 pandemic and the strong economic recovery Western Australia has been able to secure. As a result, Western Australia has had some of the best conditions for small businesses in the country, allowing many to return to normal conditions quickly.

TIER 3 RAIL LINES — BUSINESS CASES

990. Hon Dr STEVE THOMAS to the Leader of the House representing the Minister for Transport:

It feels like a Thursday, President!

I refer to my questions without notice 317, 340 and 565, asked on 22 and 23 June and 31 August 2021, on the business cases being developed by the government for three tier 3 rail lines, and to the five months that have passed since the time of my initial question.

(1) Are the business cases finally completed for all or any of these three lines; and, if so, which ones?

(2) When are the business cases due to be given to the government?

(3) What is the deadline for the current funding round associated with submitting the cases to Infrastructure Australia for consideration?

(4) Which entities, agencies, departments and/or consultants are preparing the business cases, and was a time frame imposed upon the preparation of each business case?

(5) When will the three business cases be made public?

Hon SUE ELLERY replied:

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

(1)–(5) Development of the WA agricultural supply chain improvements stage 2 options assessment business case is ongoing and is expected to be finalised in the coming months. The McGowan government has secured $200 million for agricultural supply chain improvements package 1 and will continue to advocate for more funding for regional WA.

MINISTERIAL CODE OF CONDUCT — CONFLICTS OF INTEREST

991. Hon TJORN SIBMA to the Leader of the House representing the Premier:

I refer to the Ministerial Code of Conduct.

(1) Has any minister sought and subsequently received approval from the Premier to hold the position of director of a private company?

(2) If so, which minister and when?

(3) How is the cabinet secretary managing any potential conflict of interest that may arise from these private business activities of the relevant minister or ministers?

Hon SUE ELLERY replied:

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

(1)–(3) In accordance with the Ministerial Code of Conduct, all ministers are required to make declarations should they arise, in addition to any potential, perceived or actual conflicts of interest. As was the case under previous governments, these declarations remain cabinet-in-confidence. Section 10 of the 2021 Ministerial Code of Conduct details the procedures for managing any conflicts of interest, should one arise. The honourable member will also be aware that under section 11 of the Members of Parliament (Financial Interests) Act 1992, members of Parliament are required to declare interests and positions in corporations in their annual returns, which are tabled in Parliament each year.

ATTORNEY GENERAL — UNFAIR DISMISSAL CASE

992. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:

I refer to the Attorney General's answer to question without notice 973 asked on 16 November 2021 regarding the Attorney General's intervention into an unfair dismissal case brought by a former electorate officer of the member for Kwinana.

(1) Was the State Solicitor's Office the first to alert the Attorney General that the appellant had sought to have witness summonses issued?

(2) Did this occur on 19 October 2021?

(3) Did the Attorney General ever discuss this case with the Deputy Premier prior to 19 October?

(4) Whom did the Attorney General receive legal advice from on this intervention, which his spokesperson has said the Attorney General "always" receives in such matters?

(5) Given that the registrar's decision on 10 November was consistent with the Attorney General's submissions on 20 October, is the Attorney General continuing his intervention in proceeding PSAB 31 of 2020; and, if so, for what reason?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide the following answer on behalf of the Attorney General.

(1)–(3) On 19 October 2021, the State Solicitor's Office was the first to alert the Attorney General that the appellant had applied to have witness summonses issued. As this was the first time the applications were brought to the Attorney General's attention, he did not discuss the applications with any person before that date.

(4) The Solicitor-General.

(5) The Attorney General's intervention is confined to matters relating to the power to issue witness summonses.

MENTAL HEALTH — PERINATAL PILOT PROGRAM

993. Hon DONNA FARAGHER to the Minister for Mental Health:

I refer to the minister's press statement titled "$1 million boost delivers perinatal mental health pilot program for mums and dads" dated 27 July 2021.

(1) For each of the new perinatal pilot services awarded a grant as part of this announcement, will the minister advise —

(a) the total amount of funding allocated; and

(b) a breakdown of the service being provided?

(2) When does the grant funding for each of the services referred to in (1) conclude?

Hon STEPHEN DAWSON replied:

(1) (a) The grants for perinatal pilot services amount to total funding of $1 183 771, exclusive of GST.

(b) The breakdown of the services is provided in a helpful table listing the service, the funding amount and the service provided. It is in tabular form and I seek leave to have it incorporated into *Hansard*.

[Leave granted for the following material to be incorporated.]

Service	**2021 – 2022 Funding** (exclusive of GST)	**Services Provided**
Midland Women's Health Care Place	$170,000	Groups for mother's at risk of developing perinatal mental health issues. Additional Circle of Security Group programs for fathers.
South Coastal Health and Community Services	$155,000	To provide a facilitated psychoeducational group program for new fathers and extend the Circle of Security therapeutic model to provide support for women with, or at risk of developing, perinatal mental health concerns.
Fremantle Women's Health Centre	$150,000	Support to develop a co-designed group program for women who do not engage in traditional peri natal groups.
Gosnells Women's Health and Wellbeing Services	$177,500	Groups for mothers and fathers affected by perinatal mental health issues. Implementation of an app to further access help.
Women's Health and Family Services	$172,231	Groups for mother's at risk of developing perinatal mental health issues.
Radiance Network South West	$241,200	Delivery of Radiance Support Groups and Mother Baby Nurture Groups
Australian Association for Infant Mental Health	$117,840	Competency Endorsement pilot project to support development of a strong perinatal infant mental health workforce to deliver high quality services in WA
Total	$1,183,771	

(2) These pilot programs were funded for twelve months.

CORRECTIVE SERVICES — STAFF — SUSPENSION

994. Hon PETER COLLIER to the minister representing the Minister for Corrective Services:

(1) Are any staff from any Western Australian prisons currently under suspension for accessing particulars in relation to prisoners without authority?

(2) If yes, how many staff and from which prisons?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information has been provided by the Minister for Corrective Services.

(1) Yes.

(2) One non-custodial staff member from Casuarina Prison.

SECTION 18 APPLICATIONS — STAFF

995. Hon Dr BRAD PETTITT to the Minister for Aboriginal Affairs:

I refer to the media statement of Wednesday, 21 July 2021 titled "Red-tape reduction team part of $120m investment for WA projects" and the 150 frontline officers to speed up project approvals.

(1) How many of the officers allocated to the Department of Planning, Lands and Heritage as part of this $120 million investment are assigned to 2018 applications?

(2) How many staff in total are assigned to 2018 applications?

Hon STEPHEN DAWSON replied:

Honourable member, they are section 18 applications.

(1) Six officers.

(2) There are 22 staff in total.

FORCED ADOPTIONS

996. Hon WILSON TUCKER to the Leader of the House representing the Premier:

I refer the Premier to the Barnett government's 2010 apology to women, their children and families affected by past adoption practices. I note that the Premier and several of his ministers passionately supported the apology motion. I also note that despite inquiries in other jurisdictions, the Western Australian Parliament is yet to conduct an inquiry into the practice of forced adoption. It has been more than 10 years since the Western Australian government officially apologised to survivors of forced adoption. Will the government support a long overdue parliamentary inquiry?

Hon SUE ELLERY replied:

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

The Premier is not aware of any proposals for a parliamentary inquiry.

ABORIGINAL CULTURAL HERITAGE BILL 2021

997. Hon SOPHIA MOERMOND to the Minister for Aboriginal Affairs:

I refer to the lack of legal redress for Aboriginal knowledge holders to enforce for breaches under the Aboriginal Cultural Heritage Bill 2021, as detailed at paragraphs 22 and 31 of the early warning and urgent action request to the United Nations Convention on the Elimination of All Forms of Racial Discrimination.

(1) Why is it that the bill contains no procedure for just and legal redress?

(2) Will the minister withhold the introduction of the bill until it does contain appropriate redress procedures for Aboriginal knowledge holders to enforce in respect of instances of destruction of cultural heritage?

Hon STEPHEN DAWSON replied:

(1)–(2) The Aboriginal Cultural Heritage Bill 2021 includes significantly higher penalties to reflect the serious impact that harm to heritage has for Aboriginal people, with up to $10 million for a prescribed body corporate and $1 million or imprisonment up to five years for an individual. The bill provides that any penalties for harm offences will be paid into an Aboriginal cultural heritage compensation fund rather than to government's consolidated revenue, with compensation available to Aboriginal parties whose heritage has been harmed by the offence.

CORONAVIRUS — TESTING — WASTEWATER

998. Hon Dr BRIAN WALKER to the minister representing the Minister for Health:

I refer the minister to reports last month that suggested that viral fragments of COVID-19 had been detected in wastewater at Mansfield, Aireys Inlet and Apollo Bay in Victoria.

(1) What is the current state of wastewater treatment and monitoring efforts in Western Australia and are we testing or able to test for traces of COVID in wastewater as a matter of course?

(2) Have any positive test results been confirmed in WA to date?

Hon STEPHEN DAWSON replied:

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

The following answer has been provided on behalf of the Minister for Health.

(1) Western Australia has a wastewater surveillance program that detects SARS-CoV-2 fragments, the virus that causes the clinical illness COVID-19.The wastewater surveillance program involves weekly testing of untreated sewage from six metropolitan wastewater treatment plants—Alkimos, Beenyup, Gordon Rd, Point Peron, Subiaco and Woodman Point—and 12 regional wastewater treatment plants across the 10 regional localities of Albany, Broome, Bunbury, Busselton, Esperance, Geraldton, Kalgoorlie, Karratha, Northam and South Hedland.

(2) SARS-CoV-2 has previously been detected in the Subiaco wastewater treatment plant catchment in the context of known positive cases in hotel quarantine, and in the Beenyup wastewater treatment plant catchment in the context of a community outbreak. Those detections were expected. An unexpected wastewater detection of SARS-CoV-2 occurred in Broome in August 2021 when there were no community cases. This prompted a public health response. Repeat wastewater testing was negative and clinical testing did not detect any COVID-19 cases.

CORONAVIRUS — MANDATORY VACCINATIONS — FIRE AND EMERGENCY SERVICE VOLUNTEERS

999. Hon MARTIN ALDRIDGE to the Leader of the House representing the Minister for Emergency Services:

I refer to Legislative Council question without notice 979 asked in this place on 16 November 2021.

(1) Can the minister please table the Chief Health Officer's advice that supports mandatory vaccinations for fire and emergency service volunteers?

(2) I refer to the information published on the wa.gov.au website under the page titled "COVID-19 coronavirus: Mandatory COVID-19 vaccination information". Can the minister please direct me to which line or category specifies that fire and emergency services volunteers are required to be vaccinated and by which date?

(3) Will the minister commit to urgently updating the mandatory vaccination information on the wa.gov.au website and the Department of Health website to make this critical advice clearer for volunteers?

(4) Given the overwhelming majority of emergency service volunteers are engaged by local government and the changing advice and position of the state government in this regard, what support, if any, will be offered to assist local government and bushfire service volunteers to comply with the legal directions?

Hon SUE ELLERY replied:

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

(1) I table the document.

[See paper 888.]

(2) Fire and emergency services volunteers come under group 2 of the Chief Health Officer's mandate as they are considered a critical service necessary for the health, safety or welfare of the community. This means that volunteers need to have received their first vaccination by 31 December 2021 and be fully vaccinated by 31 January 2022.

(3) The Chief Health Officer's directions clearly outline this information.

(4) The Department of Fire and Emergency Services has and continues to consult with the Western Australian Local Government Association, local government CEOs, volunteer associations and volunteers on the implementation of the directions ahead of the upcoming high-threat season.

ROAD SAFETY — NARRIKUP

1000. Hon JAMES HAYWARD to the Leader of the House representing the Minister for Transport:

I refer to road safety in Narrikup.

(1) How does Main Roads Western Australia rank roads for priority attention to address risks and will the minister table the state's risk priority list?

(2) How many deaths and serious injuries have been recorded on Albany Highway near Narrikup in the past 20 years?

(3) How many more deaths on roads near Narrikup does Main Roads need to occur for the risk ranking to be upgraded for this stretch of road?

Hon SUE ELLERY replied:

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

(1) Main Roads state road trauma risk priority lists are developed and reviewed each year, and consider crash density and severity in relation to road environment aspects.

(2) Albany Highway between Spencer Road and Jackson Road, between 1 January 2001 and 31 December 2020, has seen three fatal crashes and two crashes resulting in hospitalisation.

(3) Risk rankings are not based on target numbers.

RENEWABLE ENERGY — SECTION 91 LICENCES

1001. Hon NEIL THOMSON to the Minister for Hydrogen Industry:

I refer to recent comments by the Minister for Hydrogen Industry at the budget estimates during the hearing for the Department of Jobs, Tourism, Science and Innovation on 21 October 2021 when it was said that exclusive section 91 licences were being issued for the purposes of renewable energy.

(1) How many section 91 licences have been issued to renewable energy companies?

(2) How many active applications for section 91 licences are being considered?

(3) For those licences issued and under consideration in parts (1) and (2) —

  (a) please list the companies, the location of the section 91 licence and the area in hectares of land affected;

  (b) is an Indigenous land use agreement a prerequisite to the granting of section 91 licences; and

  (c) how many of the licences allow renewable energy companies to construct infrastructure including windmills and solar arrays?

(4) Will the section 91 licences referred to above exclude any other activities over the sites?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information is provided by me, in conjunction with the Minister for Lands.

(1) Four licences have been issued.

(2) Ninety active applications are being considered.

(3) (a) NW Interconnected Power Pty Ltd, Pilbara, 660 000 hectares; NW Interconnected Power Pty Ltd, Goldfields–Esperance, 1 750 000 hectares; Hydrogen Renewables Australia Pty Ltd, midwest, 120 000 hectares; and Province Resources Ltd, midwest, 10 000 hectares. The details of the proposals under consideration are commercial-in-confidence.

  (b) No. The Minister for Lands will grant a section 91 licence when written consent has been obtained from the relevant native title party. An Indigenous land use agreement will be required for the grant of subsequent tenure.

  (c) The granted section 91 licences have allowed for various investigatory work, which may include the temporary installation of equipment to collect wind and solar data, subject to the agreement of the native title holders and any other entity with a legal interest in the land.

(4) No, but when they are exclusive section 91 licences, no other party will be granted access for a similar purpose.

SOCIAL HOUSING — REGIONS — MODULAR CONSTRUCTION

1002. Hon STEVE MARTIN to the Leader of the House representing the Minister for Housing:

I refer to the response provided to Legislative Council question without notice 750, asked on 16 September, and the response provided to Legislative Assembly question without notice 719, asked on 9 November, which clearly demonstrate that the "design phase" of the modular housing program has finished.

(1) How many modular homes will be allocated to each region and over which years?

(2) How many square metres is the internal footprint of the proposed modular homes, and how many bedrooms will each modular home offer?

(3) What is the anticipated construction time for functional delivery of the modular homes?

Hon SUE ELLERY replied:

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

(1)–(3) I refer the member to my previous responses on the matter, and draw his attention to the fact that the modular program is being delivered in two tranches, the second of which remains in the design phase as per my response to Legislative Council question without notice 750.

GRIFFIN COAL — COLLIE

1003. Hon Dr STEVE THOMAS to the minister representing the Minister for State Development, Jobs and Trade:

I refer to the Australian Securities and Investments Commission's laying of criminal charges against Griffin Coal for offences over alleged failure to lodge its audited financial accounts.

(1) On what date was the government made aware that ASIC had laid charges against Griffin Coal?

(2) Who within government, ministerial or departmental staff was advised of the ASIC charges, and by whom?

(3) What is the current volumetric customer coal supply delivered from Griffin Coal?

(4) Has Griffin Coal's volumetric supply of coal to customers returned to the same volumes as immediately prior to its declaration of force majeure on 21 July 2021?

(5) As Griffin Coal is indirectly responsible for the production of a significant share of power to WA's main grid, what is the government's contingency plan should Griffin cease operational production?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information has been provided by the Minister for Jobs, Tourism, Science and Innovation.

(1)–(2) The state government has not been notified by ASIC of the charges against Griffin Coal.

(3) Griffin Coal advises that its volumetric customer coal supply is based on customers' coal requirements, which is approximately 2.5 million metric tonnes per annum.

(4) Griffin Coal advises that Griffin's volumetric supply has returned to providing customers' burn rate requirements.

(5) This matter has been reviewed by government and there is considered to be no risk to electricity supply should the Griffin Coal mine cease operational production.

PILBARA ENVIRONMENTAL OFFSETS FUND

1004. Hon TJORN SIBMA to the minister representing the Minister for Environment:

I refer to page 127 of the Department of Water and Environmental Regulation's *Annual report 2020-21*, and to the Pilbara environmental offsets fund, or PEOF—a bit cheeky! That is what the government called it.

(1) What governance arrangements apply to management of this fund?

(2) How are the environmental objectives of the fund determined, and are these the sole factor in deciding whether environmental offset projects receive funding?

(3) How is the effectiveness of environmental offset projects evaluated, and by whom?

Hon STEPHEN DAWSON replied:

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

(1) The fund is a special purpose account, established under the Financial Management Act 2006. The special purpose statement for the account defines what can be receipted and expended from the fund. The governance framework includes a fund implementation advisory group and a project recommendation group. The implementation advisory group for the fund comprises traditional owners and representatives from industry, natural resource management groups, government agencies and the Western Australian Biodiversity Science Institute. The project recommendation group comprises representatives from the Department of Water and Environmental Regulation, the commonwealth Department of Agriculture, Water and the Environment, and the Department of Biodiversity, Conservation and Attractions.

(2) The environmental objectives of the fund are defined as part of conditions of approval under the Environmental Protection Act 1986 and the commonwealth Environment Protection and Biodiversity Conservation Act 1999. Environmental objectives and priorities are further defined in the implementation plan for the fund. The fund's implementation plan was released by the former Minister for Environment in November 2019.

(3) Delivery agents report on the effectiveness of management actions to DWER in their project reports. The project recommendation group reviews the project reports and advises whether the project should continue, be adjusted or discontinued. DWER monitors the impact of management actions on the condition of vegetation and habitat. The implementation advisory group assesses the project reports and the vegetation and habitat monitoring information and evaluates whether the fund is on track to meet its objectives.

ATTORNEY GENERAL — CRAWFORD V QUAIL

1005. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:

I refer to the recent matter of Crawford v Quail, which was discontinued last month without any order as to costs being made.

(1) When and how did the allegations made by President Quail against Magistrate Crawford, including those pertaining to her tampering with evidence, first come to the Attorney General's attention?

(2) Were any other allegations against Magistrate Crawford that were not raised in the above matter brought to the Attorney General's attention?

(3) Did the Attorney General initiate an investigation into any of the allegations made against Magistrate Crawford?

(4) If yes to (3), what was the result?

(5) If no to (3), given the seriousness of these allegations, why?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide the following answer on behalf of the Attorney General.

(1)–(5) It is not appropriate for the Attorney to address matters involving individual judicial officers.

EDUCATION — PSYCHOLOGISTS

1006. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to school psychologists employed by the Department of Education.

(1) What was the ratio of appointed school psychologists to students in the 2020 school year?

(2) Will the minister provide a breakdown by service of the number of psychologists employed by the department in 2020 in other service areas outside of the support provided directly in schools?

Hon SUE ELLERY replied:

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

(1) In 2020, there were 331.73 school psychologist FTE providing direct support to 316 715 students in public schools, with a ratio of 1:954.7.

(2) The answer is in tabular form and I seek leave to have the answer incorporated into *Hansard*.

[Leave granted for the following material to be incorporated.]

	2020
Consultancy support to schools (across all school types)	12.0
System support/interagency initiatives	14.08
Other	5.2

POLICE — HEALTH, WELFARE AND SAFETY DIVISION

1007. Hon PETER COLLIER to the minister representing the Minister for Police:

I refer the minister to the response to question without notice 975 asked on Tuesday, 16 November 2021. How many of the FTE within the health, welfare and safety division identified in the answer to question (2) were or are employed in the psychological services sub-branch in 2018, 2019, 2020 and 2021?

Hon STEPHEN DAWSON replied:

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

The Western Australia Police Force advises as follows.

The authorised full-time equivalent for the psychology services unit as at 30 June each year was 6.60 in 2016; 6.60 in 2017; 6.60 in 2018; 7.40 in 2019; 7.6 in 2020; and 11 in 2021.

BLACK COCKATOOS — SWAN COASTAL PLAIN

1008. Hon Dr BRAD PETTITT to the minister representing the Minister for Environment:

I refer to the 2017 report titled *Combined demographic and resource models quantify the effects of potential land-use change on the endangered Carnaby's cockatoo (Calyptorhynchus latirostris)* by Williams et al, otherwise

known as the government's population viability analysis. The report predicts a 56 per cent decline in population if the pines of the Gnangara Mound are removed without food replacement. I note that the Forest Products Commission's 2021–22 Gnangara Mound harvest will remove all remaining pines, and that the commitment to replant and maintain 5 000 hectares of pines for Carnaby's cockatoo habitat under the green growth plan has not been fulfilled.

(1) Will the government monitor and report on the population of Carnaby's cockatoos in the area?

(2) Can the minister please provide examples of adequate replacement of the pine plantation, which Carnaby's cockatoos currently depend on for food and roosting?

(3) Can the minister please advise whether the harvest has been referred to the commonwealth for assessment under the Environment Protection and Biodiversity Conservation Act 1999 as a matter of national significance, given the expected impacts on Carnaby's cockatoos?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following answer is provided on behalf of the Minister for Environment.

(1) The Department of Biodiversity, Conservation and Attractions, or DBCA, provides support towards the Great Cocky Count, a long-term citizen science survey coordinated by BirdLife Australia, which uses volunteers to count black cockatoos as they come into their evening roosts. This support consists primarily of assisting BirdLife Australia in coordinating the count, analysing the results presented in reports as well as participating in roost counts on the survey days.

(2) There are several initiatives occurring across the Gnangara–Moore River state forest to benefit the environmental values of this area, including Carnaby's cockatoo. This includes the retention of wildings—pine trees that have germinated following the pine harvest, which, when mature, will provide a food resource for Carnaby's cockatoo. DBCA has planted approximately 15 000 to 20 000 native plant seedlings in ex-plantation areas each year over the past five years.

DBCA also seeks partnerships and support of industry and community groups to achieve conservation outcomes. For example, in 2020, DBCA partnered with the Water Corporation to revegetate a 28-hectare site, and with BirdLife Australia to revegetate an adjacent 25-hectare area. DBCA will continue to explore opportunities for such partnerships to return native vegetation to the former pine plantation, balanced with the primary objective of maximising groundwater recharge to provide about 40 per cent of the Perth metropolitan drinking water.

In August 2020, the McGowan government released the Carbon for Conservation initiative, inviting the private sector to identify carbon farming opportunities within the state's conservation reserve system. One of the candidate sites identified for Carbon for Conservation is the northern Swan coastal plain area, including areas of harvested pine planation within state forest. DBCA is currently evaluating proposals received through the market-led proposal policy process.

(3) This question should be referred to the Minister for Forestry.

ENVIRONMENTAL PROTECTION ACT — COST RECOVERY

Question on Notice 333 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [5.02 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 333 asked by Hon Tjorn Sibma on 14 October 2021 to me the minister representing the Minister for Environment will be provided on 30 November 2021.

CORONAVIRUS — MANDATORY VACCINATIONS — FIRE AND EMERGENCY SERVICE VOLUNTEERS

Point of Order — Question without Notice 999

HON MARTIN ALDRIDGE (Agricultural) [5.02 pm]: During question time today, I asked a question to the Leader of the House representing the Minister for Emergency Services.

The PRESIDENT: It is a point of clarification, I am sure.

Hon MARTIN ALDRIDGE: The question was: please table the Chief Health Officer's advice that supports mandatory vaccinations for fire and emergency services volunteers. The minister tabled the directions that have been issued. Can I just ask the minister to check to see whether she has tabled the right document? It is not their advice; it is the directions that typically follow the advice.

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.03 pm]: I will check. That may well be the document, but I will check.

COVID-19 RESPONSE LEGISLATION AMENDMENT (EXTENSION OF EXPIRING PROVISIONS) BILL (NO. 2) 2021

Second Reading

Resumed from an earlier stage of the sitting.

HON TJORN SIBMA (North Metropolitan) [5.04 pm]: As I recall, I was last discussing this perennial state of emergency, which is being renewed without much of a murmur. The extension of the state of emergency, as described in the second reading speech, is a decision based on—this is one of the phrases that has been deployed extensively in not only this jurisdiction, but also other jurisdictions—"expert advice" from the State Emergency Coordinator and the deliberations of the State Disaster Council.

I do not quibble with the facts. The facts are the facts. That is absolutely true. If indeed this is a deliberative decision made in a sober, methodical way, I have a piece of advice for the government. It is this: do not use the opportunities of extending a state of emergency as another picture opportunity for Twitter. There has been a degree of grandstanding around this issue. I will not identify the ministers; it is not really that important. But if you are going to utilise something that should be in extremist measure, do not use that as the opportunity to show how safe you are being and how you are protecting us.

We need to start scrutinising the continual deployment of this state of emergency at the point at which we reach the vaccination target—such as that is; it appears to be 90 per cent—for those 12 and over in this jurisdiction. I say that because an insinuation seems to be embedded in the transition plan, as it has been described so far, and will continue to be refined no doubt, that the state of emergency will continue in some form. I am coming around to the view that that is quite problematic. We cannot justify the continuation of a state of emergency toward the end of next year if there is no precipitant new crisis in respect of the management of the COVID-19 pandemic. This is something that I think should become easier should we reach the 80 and 90 per cent vaccine thresholds.

I am not using this opportunity to make a political pronouncement. I just think that as a matter of principle there has to be a point at which a state of emergency is no longer required. I am seeking when that point is. It is actually a different question from when the border opens. This is a facet that most commentary has missed. Everyone is obviously focused on broader issues, but the capacity to control the border is itself dependent on not only the passage of this bill, but also the continuation of the state of emergency so declared. To me, that is the fundamental issue here, and it is one that I think, for understandable reasons, we have lost a little bit of sight over.

I want to very quickly talk about the directions that are enabled by the extension of these provisions. The most salient feature, the most powerful tool in the arsenal, is the capacity for the controlled border. I do not dispute the fact that the controlled border has contributed in large part to our exemplary COVID-19 performance. If we measure an exemplary performance, the fact that we have actually managed to keep COVID out is it. I have no disputation about that at all. However, the transparency of the deployment of those directions invites greater examination. I, like many others, have received emails over the last 12 months, but there is now a greater sense of urgency in some of them about the lack of clarity and questions about why there seems to be a privileged class of people who, for whatever reason, seem to get the VIP treatment when they apply for a travel exemption.

Hon Alannah MacTiernan: Like Nev Power?

Hon TJORN SIBMA: They might be Hollywood stars. I will utilise a phrase that the Minister for Regional Development used during another debate: they might be a baron of some kind or another. There seems to be a class of persons who can navigate the G2G PASS exemption process without a care in the world, while others—I am not a special case—such as members of my family, have found it to be exceedingly difficult. I will not name the member of the family, but a close member of my family has had to care for another member of our family on the other side of the country. This has struck me as odd, and I have held my tongue, but I think now is the time to say it: I cannot see why the mere fact that a person's ordinary place of residence or ordinary place of business is an address in Western Australia, and they have been compelled to travel interstate to care for a family member or a close person, means that their return journey is beset by confusion and murk because returning to their residence or place of business is not a high enough compassionate threshold. There is no implied return for residents. I find that an extraordinary provision. I do not know whether I have expressed it properly and technically correctly, but that is effectively the essence of the issue. It is no easy thing, particularly for someone in their 60s or 70s who is under stress for some reason, to put in multiple G2G applications on an iPhone or an Android phone when the automatic response is exemption denied, denied, denied—until there seems to be, miraculously, a breakthrough. I think there needs to be, at a suitable time, a dispassionate examination of how these exemption requests have been managed and precisely who the decision-maker is or whether there is a team of decision-makers. That has not been made clear at all in the course of the last 18 months or so.

I will reflect on the border controls to this degree as well. In my personal estimation, there should have been an effort last year, although it was difficult to do so. There should most definitely be an effort, or a resolve, by the government now to do what it can to facilitate the reunion of families in time for Christmas. If there is a consistent thread to the emails I have received and the conversations I have had with people, it is that they have missed out on two years

of family life. They understand that an Ashes test might be played in Perth—again, there is another privileged class of individuals. They understand that the AFL grand final was played at Optus Stadium, which was a great outcome for Western Australia, but, again, it established a privileged class of individuals. I acknowledge and welcome movement on creating at least some certainty insofar as the international student market is concerned. The minister is here and it is a sector I came from immediately before coming to this place. There is a common view, which I do not find very easy to dispute, that the foreign overseas student market is another privileged class of individuals. This is the sentiment, minister.

Hon Sue Ellery: How, when the same provisions apply?

Hon TJORN SIBMA: This is something that the government has given priority to and I understand it.

Hon Sue Ellery: The same arrangements apply for people arriving from overseas. They are the same.

Hon TJORN SIBMA: Okay. I have given three examples of privileged classes of individuals who seem to be able to enter the state on a whim, but there is absolutely no scope or certainty for family reunions.

Hon Sue Ellery: You are inaccurate on international students.

Hon TJORN SIBMA: I think the government has been absolutely murky in its communications, because it has reinforced—I do not think it has intended to do this—the perception that it privileges one class of individuals over another.

Hon Sue Ellery: No.

Hon TJORN SIBMA: It has.

Hon Sue Ellery: That is all spin.

Hon TJORN SIBMA: No, that is not spin.

Hon Sue Ellery: Yes, it is.

Hon TJORN SIBMA: No; it is 24 months of frustration, anxiety and disappointment.

Hon Sue Ellery interjected.

Hon TJORN SIBMA: I am sorry; the government has to wear the consequences of its policy. It has traded on its success. It went to a campaign and it campaigned on a mantra, so it also has to wear the downside.

Hon Sue Ellery interjected.

Hon TJORN SIBMA: It has to wear the downside.

The DEPUTY PRESIDENT: Members! One interjection at a time or through the chair, please.

Hon TJORN SIBMA: It is only this: it is important to provide certainty. It is the certainty that the second reading speech for this bill purports will be provided, but the government has not done it in time for Christmas. The government needs to move on with its mantras. It needs to provide a measure of certainty. I think the government has failed to achieve an achievable outcome in facilitating at least family reunions before this Christmas. That is a shameful missed opportunity, but it is an opportunity that will be missed. It will be missed in part—not completely—because our vaccination program has not yet achieved the kinds of outcomes that we have seen in other Australian jurisdictions. We are lagging the field. There is a range of reasons for that, but even since the apparent super Saturday campaign—the Bunnings COVID jab campaign—there does not seem to have been a demonstrable uplift in vaccines received. There is growth, but the growth rate is getting incrementally smaller. I think this is indicative of a really hard to reach sector.

The questions posed by Hon Dr Steve Thomas are appropriate to ask and to seek an answer to in this debate. If we have made certain decisions contingent on reaching certain vaccination thresholds, what will happen if we do not reach them? What will happen if we get stuck at an 85 per cent double vaccination rate? What will happen if we get stuck at 88 or 89 per cent? What will happen if we never get to 90 per cent? It is worth having some contingency plans. I hope we achieve those targets and go beyond them, but we are not setting the world on fire with that outcome. There is also going to be the need—I hope this is not the case, but it seems to be insinuated in public commentary—for the state to have to be segmented to some degree. What we will get is very clear when we compare the metropolitan vaccination outcomes with those in the Pilbara. I fully anticipate the return of regional travel restrictions. That is probably why the government has been quiet on the future of the state of emergency. I fully expect that to be an issue.

I am not here to win points; I am here to point out that the management of this phase is more complicated and there is a greater appetite by my constituents and ordinary people for more information about when life will return to normal. Although we live somewhat in blessed isolation, I do not think the appetite for the new normal is quite as deep as people sometimes like to think it is. The new normal is not normal—it is not.

I also want to ask some questions about the isolation provisions. I might misinterpret this as it relates, but this is effectively the power to compel a person to isolate on return from a jurisdiction. That is fine. I think this may have

been raised either in the course of debate here or in the other place in previous iterations of it. This seems to be something of a nonsense embedded in the isolation directions, because it is more than possible for a person to be compelled to self-isolate at a residence they share with people who do not have to self-isolate, and that has been the case over the last 18 months or so. I have just found it odd. There are some interesting facets in these directions. The outcomes are not clear. I think we are at a far more interesting stage.

This is a time-limited debate, so I will conclude this contribution only to round out where I was at the start. There needs to be greater certainty. At the moment, there is absolutely every imperative to support the government to get this bill through and as soon as possible, particularly as we are now at this crucial, crucial stage of reaching a defined-ish vaccination target. But once we reach that target and we see freedom of travel across all other Australian jurisdictions, I think the expectation then for greater certainty and clarity about how we are going to live our lives will rise to the surface, and I think it might complicate or at least make more challenging any government intention to bring again another extension of a provision like this in eight or nine months' time.

HON NICK GOIRAN (South Metropolitan) [5.21 pm]: I rise to speak on the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill (No. 2) 2021. I want to thank my colleague Hon Tjorn Sibma for the contribution he just made, and I hope some within government will take a measured approach and give it some due consideration, because above all else he is quite right when he says there is a genuine lack of certainty within the community. There is confusion, and it cannot possibly be only his electorate office and mine that gets bombarded with phone calls and emails. I am confident it is happening across the board. I know this to be true, because we have even had constituents contacting our electorate office saying they have tried to getting in contact with the member for Rockingham in his office, and in the event they can get through, the office has been completely unhelpful and unable to provide constituents with the information to steer them in the right direction. In other debates on different topics we have talked about the concept of navigators. Navigators are sometimes necessary, we are told, particularly in the health system, to try to help navigate people through the various complicated pathways. We talked about that in the context of palliative care, for example. It seems that people now need to have a navigator in order to navigate their way through the G2G PASS system and through the various directions applied.

The bill before us continues to do a number of things, particularly with respect to enhanced penalties under the Criminal Code, but also with regard to section 72A of the Emergency Management Act 2005. I want to take a moment to unpack the issues surrounding the Criminal Code and the increased penalties, but before I do so, I want members to pause for a moment and consider what section 72A of the Emergency Management Act does. As honourable members have said in their recent contributions, this is not the first time this matter has been brought to the attention of the house. Indeed, I think the Leader of the House when making the second reading speech to accompany the bill on or around 10 November—this time last week—mentioned that this is, if you like, a repeat episode. What are we repeating? The bill before us is some five pages in length. It traverses some nine clauses across four parts, but it is a relatively straightforward bill, because it simply seeks to extend the so-called sunset clauses for another six months in respect of two elements or provisions that the government has, interestingly, repeatedly referred to in its second reading speeches as "vital". I have not had the opportunity to do a word count, but the word "vital" appears on many occasions in the Leader of the House's second reading speech. This vital provision that the government asked us to continue to agree to extending in large part revolves around section 72A of the Emergency Management Act 2005. It is worth noting that until last year there was no such thing as a section 72A of the Emergency Management Act 2005. That provision was inserted into the statute books of Western Australia last year, courtesy, as I understand it, of the eleventh act of last year. Section 72A reads as follows. It is entitled "General powers during emergency situation or state of emergency". It states —

> (1) In this section —
>
> ***relevant information*** means —
>
> (a) relevant information as defined in section 72(1); and
>
> (b) information of a kind specified by the State Emergency Coordinator as relevant to the emergency.
>
> (2) For the purposes of emergency management during an emergency situation or state of emergency, a hazard management officer or authorised officer may take, or direct a person or a class of person to take, any action that the officer considers is reasonably necessary to prevent, control or abate risks associated with the emergency.
>
> (3) For the purposes of emergency management during an emergency situation or state of emergency, a hazard management officer or authorised officer may direct a person to —
>
> (a) give to the officer relevant information about the person or any other person closely associated with the person;
>
> or
>
> (b) answer questions intended to elicit relevant information about the person or any other person closely associated with the person.

(4) A person is not excused from complying with a direction given to the person under subsection (3) on the ground that giving the information or answering the question might tend to incriminate the person or expose the person to a criminal penalty.

(5) However, any information or answer given by a person in compliance with a direction given to the person under subsection (3) is not admissible in evidence in any criminal proceedings against the person other than proceedings for an offence under section 89.

That is what we are continuing to give life to. Section 72A of the Emergency Management Act 2005 did not exist until last year. It currently exists. I think it is due to expire on 4 January 2022, and the government is now asking us to agree to extend the life of section 72A for another six months.

There has been a lot of misinformation in the community about what this bill does and does not do. Hence, I am taking a few extra moments to specify precisely what this bill is doing. It extends what I have just read out, section 72A, for another six months. The government has indicated that such an extension is, according to the second reading speech, vital to the plan. That is the phrase that has been used by the Leader of the House. What plan is the Leader of the House referring to? Earlier in the second reading speech, she said —

> The government has released the safe transition plan in line with expert health advice.

According to the Leader of the House, this bill is vital to that plan, whatever people might think about the plan. There has been plenty of criticism about it being a non-plan. Keep in mind that the plan did not exist when section 72A was inserted into the Emergency Management Act 2005. The government has introduced a new reason for the extension. According to the government, it is vital because of the so-called safe transition plan. Interestingly, the second reading speech reads —

> Over the course of the pandemic, a large number of directions have been made in reliance, or partial reliance, on this section.

The Leader of the House was again referring to section 72A, which I referred to earlier. She went on to say —

> Those directions include, but are not limited to, —

I will come back to that; it is a crucial phrase that was included in the second reading speech. It continues —

> current versions of the Contact Register Directions, Controlled Border for Western Australia Directions, Isolation (Diagnosed) Directions, Exposure Site (Western Australia) Directions, Exposure Sites (outside Western Australia) Directions, Quarantine (Undiagnosed) Directions and Presentation for Testing Directions.

When I read that, I wondered, when the Leader of the House slipped into the speech the phrase "but are not limited to", how many others there have been. Reference in the speech is made to seven directions or categories of directions. That does not sound like too many. Thanks to the hardworking Hon Martin Aldridge, we know that the number is far greater than that. That hardworking member attended a briefing, which unfortunately I was unable to attend, and managed to extract some information out of the government. This is a very difficult government to extract information from because it has been known to be obsessed with secrecy. In this instance, Hon Martin Aldridge cracked the safe, and some information has come out of the safe. It might interest members to know that the total number of directions made during the state of emergency in response to the pandemic hazard that rely or partially rely on section 72A is 413. It is no wonder that the Leader of the House, in the second reading speech, had to insert that phrase "but are not limited to" because had she then had to recite the 413 directions, we would have been here for a very long time.

The information that has been extracted out of the secret government vault lists all 413 of these directions. Members would be interested to know how many relate to AFL and venues, umpires, the West Coast Eagles, the Western Bulldogs, Geelong, Greater Western Sydney, Melbourne and the like. When I read it, it reminded me of a recent controversy within the community. This goes to the point that some of my honourable colleagues have been making over the course of this debate about perceived double standards. I want to draw to members' attention an article from *The West Australian* last week, on 11 November. It is less than a week old. Comments are made recounting an episode in which the beleaguered Premier was being examined by the media on this issue. The article reads —

> Asked if the changing rules would also apply to anyone wanting to travel from COVID affected States to WA, the Premier replied: "It's subject to quarantine arrangements and bubbles.
>
> "But we've done it for football, for round-ball football, for cricket, for basketball for netball—for every sport over the course of the last two years. This is really no different."

When the Premier said that last week, Acting Premier—Acting President!

Several members interjected.

Hon NICK GOIRAN: Hon Steve Martin would be an outstanding Acting Premier, it must be said.

When the Premier said last week, "This is really no different", what was he referring to? What is the "this" he was speaking of? Of course, he is speaking of the alleged double standards after the relaxation of quarantine rules for international cricketers. It would appear to some in the community that, if you want to expedite your quarantine

or perhaps get some form of favourable treatment for a G2G PASS, the key is to present your application with your cricket bat. As long as you do that, you have a decent chance of getting an approval. If the cricket bat does not work for you, you might want to bring your football or, as the Premier refers to it, your "round-ball football". Of course, you could also bring a basketball or a netball. If you use one of those pieces of sporting equipment, you might find special favour within the McGowan government.

This has attracted some controversy, from not just the opposition and the hardworking shadow Minister for Health but also some people outside of politics, including the Australian Medical Association WA president, Dr Mark Duncan-Smith. He is quoted in the article as saying —

> "I believe that anybody entering WA should be subject to the same rules and the same regulations for quarantine.
>
> "I don't think it is appropriate to have double standards. And yes, I do think it has the potential to undermine people's willingness and confidence in the system if other people get special rules."

When the Leader of the House said in the second reading speech that the provisions in this bill that are being extended are vital to the plan, it would be of some assistance to people in the Western Australian community to know whether this plan is intended to continue to be one of double standards, or whether it will be equal for all.

Government members have made quite a bit of noise over the last 24 hours. In fact, as I look up at the clock, it seems not that long ago that we were here at one o'clock in the morning—today—finishing off yesterday's sitting session. Quite a bit of noise was made by government members who had recovered from their political laryngitis. In their comments, it became apparent that these members believe very strongly in what they refer to as equality of voting for the people of Western Australia. Various arguments were made. I never heard any of them raise this same principle when it comes to the treatment of individuals in quarantine and the like. When people like the president of the Australian Medical Association call out what they perceive to be double standards and special rules, it requires at the very least a response from government. Government members will no doubt disagree and hopefully they will have some persuasive, cogent explanation as to why they say this is not a case of double standards and people are not abiding by special rules. Nevertheless, a government that is not arrogant—a government that is committed to principles of accountability and transparency—will at the very least provide a response to what appears on the surface to be concerns that have some merits.

I also want to draw to members' attention a remark made by the Leader of the House in her second reading speech. She stated —

> As outlined to this house last time, one of the key directions using section 72A information-gathering powers is the Contact Register Directions. Contact records and the continued use of the SafeWA app are integral to the state's ability to efficiently respond to and control ongoing pandemic risks.

According to the Leader of the House, this is not the first time this has been raised. The section 72A powers, especially the information-gathering ones, are vital with regard to the SafeWA app. I want to draw to members' attention—those who have not yet recovered from their political amnesia!—a highly disturbing episode that occurred this calendar year. That was a set of circumstances that saw Western Australian police officers accessing data from the SafeWA app contrary to the decision made by key leaders within government. I have spent some time examining this matter, not only during public hearings with the Standing Committee on Estimates and Financial Operations, but also during budget estimates hearings and the like. When I say "key leaders", we are not talking just about the Premier; we are also talking about the Commissioner of Police. When the decision was made last year to tell Western Australians that they needed to comply with the SafeWA app, as one of the various means to comply with the contact register directions, they were assured that the data would not be used for anything other than contact tracing purposes. That decision that was made last year involved not only the member for Rockingham, the Premier of Western Australia, but also the police commissioner. The police commissioner was sitting around the desk at the same time as the Premier when the decision was made that this direction would be issued and an assurance would be provided to Western Australians that their contact details via the app would not be accessed other than for contact tracing purposes. No sooner did the Premier and the police commissioner make that decision—of course, the Premier, in his typical media-obsessed fashion, was out there beating his chest about this latest announcement—WA police officers continued to embark upon cracking open a different type of vault, which was supposed to be the SafeWA app data. I might add that none of this was revealed until after the election. The question remains: who knew about this prior to the election? Members are probably not aware of this because I doubt they have time in their busy schedule to peruse and consider the website of the Standing Committee on Estimates and Financial Operations. If they do, they will find a document that has been made public. It is a letter written by the director general of Health on 31 August 2021 to Hon Peter Collier, MLC, the chair of that standing committee. In this letter, the director general said to the honourable member, with respect to three sessions that took place —

> Please find the unredacted email at attachment 1. The information was previously redacted as it contains personal information which does not concern the conduct or operation of the Department of Health. The Department requests the email sign off —

It has the sign-off, and it is then redacted in this public document —

> be redacted if the document is published on this basis. Please note the remaining redaction is retained on the basis of legal professional privilege.

Appended to this public document is an email from one of the most senior individuals in Health, Mr Williamson. The second paragraph of that email states —

> When I was covering for you I (verbally) raised the issue of police access to the COVIDSafe app information (eg raceway shooting) with … —

Once again, a name has been redacted —

> and his colleague —

Whoever this mysterious individual is, whose name has been redacted, obviously a male —

> who attends the Premier's meetings. There seems to be minimal judicial oversight of such requests and I think 2-3 were made in connection with that incident. I have repeatedly called this out as a cause for concern which could threaten public trust.

This email dated 22 February this year, written by Mr Williamson, a senior official in Health, was to none other than the director general of Health. Once again, that confirms that people attending the Premier's meetings this year knew that WA police were accessing data from the SafeWA app, despite the fact that the Premier had provided an assurance around this time last year that that would not happen. This is the type of power under which the Leader of the House is asking the Parliament to agree to a further extension of six months. After the election, apparently, some senior ministers found out about this for the first time, including the Premier and the Deputy Premier. We know from some questions that I asked recently that the police commissioner admitted that he never raised this issue with the previous police minister, who is now the Speaker in the other place—he never raised it with any of these senior ministers, apparently—but we know all this was going on in January and February this year. In fairness to the government, if all of that is true and these senior public servants were keeping all of this secret from senior ministers, the first time that it came to their attention after the election, a bill was rushed in to fix this problem so it will no longer be possible for WA police to access this information. Once again, this goes to show the importance of scrutiny of these types of extraordinary powers.

It is too easy for bills like this to be rolled in. Members were asked to agree to an extension of six months and if we asked them whether they could articulate what they were agreeing to with another six-month extension, they would have no clue. They are just agreeing to an extra six months. An extra six months of what? What power are they giving the government that it previously did not have and that it recognised is of some significance that it warrants a sunset clause? If a routine rudimentary type of power was being provided to government, we would not bother having a sunset clause on the end of it. The government has recognised, once again, as proven by this bill, that it is appropriate for there to be an end to these extraordinary powers. I hope that in reply we get an explanation of the criteria by which the government will decide whether these powers need to continue to be extended. Has anyone in government thought that through? Is there a plan?

We have been told that there are plans, but is there a plan for when the government lays down the section 74A power or is it the government's intention to continue to extend the section 72A powers indefinitely? I think, either way, the government will need to come clean on its intentions. If its intention is to continue to extend them indefinitely, it should say so. If it is the intention of the government to lay down this section 72A power at some point in time, it has a duty to outline the criteria under which it will make that decision. At the moment, that is not evident.

If I am not mistaken, somewhere in the second reading speech mention is made of these types of powers only needing to be used for the COVID-19 pandemic. In the second reading speech, the Leader of the House made this remark —

> The intent of this sunset clause was to ensure that the section 72A powers were applied only to the circumstances of an appropriate emergency response to the COVID-19 pandemic.

I was away on urgent parliamentary business, but I think I caught a comment by my colleague Hon Martin Aldridge that he had uncovered that these powers have been used in a non-COVID-19 emergency. I hope that the Leader of the House is in a position to explain, at last, how that is consistent with what she told us a week ago, on 10 November 2021, when she said —

> The intent of this sunset clause was to ensure that the section 72A powers were applied only to the circumstances of an appropriate emergency response to the COVID-19 pandemic.

She used the word "only", yet we have found out that it has been used in other circumstances. Why is that the case? Is this another case, just like when the Premier said a year ago, "Don't worry about it; you can trust us. Sign up for the SafeWA app. Rest assured, it'll be like Fort Knox; no-one is going to be able to get in—certainly not WA police. They're not going to be able to access it. The only people who are going to access it are health officials when they do their contact tracing"? The exact opposite happened. Is this another circumstance like that? It is

another circumstance in which a senior person in government is telling the Parliament one thing and something else is happening. We are told that these powers will be used only for the COVID-19 pandemic but, in actual fact, if other emergency situations arise, they will be used.

That may well be; let us give the government the benefit of the doubt. Let us assume that there is a good reason why that should occur; but it should say so. It should come clean and say, "We've actually used these powers in circumstances other than in the circumstances that we told you about last time when this matter was before the Parliament." It should do that. Why? It needs to continue to build and maintain trust in this regime of extraordinary powers. As time marches on with this supposedly expedited and urgent bill before us, I note in passing that the only thing that is urgent about this bill is that it needs to be passed so that the government is able to maintain the life of the section 72A powers, and it needs to be done before the sunset date of 4 January 2022. Other than that, there is nothing particularly urgent about it, noting that we are due to still be sitting not only tomorrow but for another two sitting weeks. I again make this simple point: this is another example of a bill that does not warrant the use of the battering ram–type conditions that we find ourselves in when trying to scrutinise legislation. It is an unnecessary use of extraordinary parliamentary power. Nevertheless, that is where we are at the moment.

In the time remaining, I want to touch on another element of the bill, which is the amendments to the Criminal Code Amendment (COVID-19 Response) Act 2020. Members may recall that the purpose of that act was to provide a range of higher penalties in the event that Western Australians committed serious assaults and threats against public officers. The rationale behind that act was that if there was a circumstance in which a person threatened, for example, a police officer or any other public officer, particularly with respect to the COVID-19 disease, an extra penalty would apply to those individuals. Indeed, the house agreed to that and to subsequent extensions. I have not heard any concerns about those provisions with regard to the Criminal Code. In one sense, that is not surprising because, as I understand it—I think this was consistent with a briefing I attended more than six months ago—some provisions have never been used. My recollection is that we are dealing with two provisions of the Criminal Code—sections 318 and 338. I think that section 338 has never been used, but section 318 has been used on several occasions. It is no wonder that we do not get any complaints about section 338 if it has never been used. That is a point that is probably worthy of the government's response. If it has never been used, why do we keep extending it? There has been plenty of time in which to use it, but it does not appear to have been necessary, so let us lay this one down. It is not going to be used. It has not been used now; I do not know why suddenly it will be used. Again, if there is a very good persuasive reason for the government to say that it absolutely is "vital" for it to be extended, it should say so.

Regarding section 318 provisions in the Criminal Code, again the hardworking Hon Martin Aldridge managed to crack that government safe a second time. Not only was he able to find out the 413 directions, but also he was able to crack the McGowan government secret safe that keeps all the information on how many times there have been charges pertaining to section 318. I understand that the maximum penalty that somebody has received following a charge under section 318 —

[Interruption.]

Hon NICK GOIRAN: I know this will be of particular interest to Hon Samantha Rowe—the maximum penalty imposed upon a person for a breach of section 318 of the Criminal Code, I believe, is 12 months' imprisonment. If that is not correct, will the Leader of the House, please, during her reply, or otherwise on clause 1 during the Committee of the Whole, clarify what the maximum penalty is for a person who has been sentenced. I believe it is 12 months, from the information that has been provided to me. But my point is this: the provision that we are dealing with here allows for a very significant increase in penalty and, again, it appears as though these penalty provisions are not being used.

I anticipate that the response of the government will be, "Well, it's a good thing that they are not being used because there are all these people in the Western Australian community who would otherwise be looking to commit serious assaults against nurses and medical staff and Transperth personnel and the like, but they are restraining themselves from committing these offences because of the existence of this particular higher penalty." I doubt very much that that is the case, but I suspect that will be the response provided by government; in other words, it will say that it is an important deterrent and that this demonstrates that the provisions are working well. If that is true, then the government will also need to wrestle with the dilemma and tell us when it will lay down this particular provision. If it is such a tremendous deterrent, the argument surely follows that it should be left there in perpetuity, but, again, we know that that is not the current intention of the government, because it is not seeking that. It is seeking to keep these provisions alive for another six months.

In conclusion, I ask the Leader of the House to deal with a number of matters preferably in reply, but, if not, then perhaps we can tackle them when we are debating clause 1 in Committee of the Whole. Those matters that are of particular interest to me at the moment are: what are the criteria by which the government says that the section 72A powers in the Emergency Management Act 2005 will no longer be needed? To be clear, I am not asking when they will be used, because the government has already told us that they will be used only in a state of emergency; but these particular powers currently exist on the statute book, regardless of whether there is a state of emergency. They can be used only when a state of emergency has been declared, but they still remain on the statute book and they will continue to be until such time as the cessation date arrives. But the Parliament is constantly being asked

by the government to extend that cessation date, so what is the criteria by which the government will determine that it no longer wants the cessation date to be extended? I know that Hon Tjorn Sibma, who is away on urgent parliamentary business, forecasted that that would be after the opening of borders. That seems to me to be correct; nevertheless, what is not explained in that is the criteria by which the government will be making decisions. That is the first thing. At what point does section 72A get laid down by government?

The second thing that I think requires an explanation by government is: At what point in time will the extended penalties applicable in the Criminal Code also be laid down? In what circumstances would the government anticipate that it will no longer be necessary for the Parliament to extend that sunset clause provision? At the moment, the cessation date is 4 January 2022. After this bill passes, it will be, as I understand it, 4 July next year. Again, what are the criteria by which it is making this decision?

We know that some correspondence has been exchanged between the police commissioner in one of his various capacities—he has a few hats at the moment—and government in which he has written to provide support for this extension. I accept that that has occurred, and that has also occurred in respect of previous bills, but that in and of itself is not a justification. That is not the criteria; I hope it is not the criteria. I hope that the criteria by which the government says it is going to lay down these section 72A Emergency Management Act powers and the provisions in the Criminal Code are not solely reliant on a letter from the police commissioner. There ought to be substantive, accountable criteria that those of us entrusted with holding the government to account can assess and ask the government questions about. That would be the transparent way forward for Western Australians. It is in that context that I earlier referred to some people in Western Australia who are genuinely confused about their rights and privileges and what exactly is expected of them. When they contact the offices of members of Parliament and ministers, either the offices are uncontactable or they get vague responses, and that only heightens their level of stress. This is an example today of how the government can try to alleviate some of that stress by providing a clear and cogent response as to when these sunset dates will no longer be required.

I would think that this is a matter that cabinet would have already considered and discussed. I see no good reason that information cannot be transparently provided. We are not asking for any secret information from cabinet; we are just recognising that it will have made some form of decision, one would assume as a responsible government, to determine exactly when these particular provisions will come to an end. If that can be done, I anticipate that we might be able to conclude our consideration of this otherwise relatively straightforward five-page bill in an efficient fashion. But if the government is unable to provide some of those basic answers, regrettably, I anticipate we probably will need the full two hours and 40 minutes that has been allocated for the Committee of the Whole House stage.

The ACTING PRESIDENT (Hon Steve Martin): Members, the question is that the bill be read a second time.

Hon Sue Ellery: Before I stand, I had an indication that other members wanted to speak. They do not have to, but, if I stand, I end the second reading stage.

The ACTING PRESIDENT: I have asked. I give the call to the Leader of the House

HON SUE ELLERY (South Metropolitan — Leader of the House) [6.06 pm] — in reply: I thank honourable members for their contributions. There were a couple of consistent themes and then there were some specific questions asked, so I will deal with the themes and then get into the specifics, if I can, in my second reading reply. If not, we will be able to do it at the Committee of the Whole House stage.

We continue to face an unprecedented emergency with the COVID-19 pandemic. We are still facing uncertain times, and the COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill (No. 2) 2021 is key to our ability to continue to manage the pandemic. The powers enabled by section 72A of the Emergency Management Act continue to be required while we increase WA's vaccination rates and will be required to keep public health and social measures in place to protect the community from COVID-19 into the future. *WA's safe transition plan* outlines the state's path forward to minimise the impacts of COVID. It outlines safe conditions for interstate and international travel and provides certainty on how businesses and WA's way of life can continue safely with the introduction of public health and social measures once COVID-19 enters WA's community. The powers under section 72A remain vital to this plan and to effectively direct the isolation and testing of people arriving in Western Australia. We need to continue to have the capacity to make such directions. The powers will be needed to facilitate community-based events in a COVID-safe manner and for the safe movement of people in general, while having the agility to swiftly respond to any need to put in place further temporary restrictions. The powers are relied on for face-covering directions when necessary. They are also required for contact records and the continued use of the SafeWA app, which are integral to the state's ability to efficiently respond to and control ongoing risks. Ensuring that these provisions continue in the act for another six months is essential. The further extension will allow the government to respond to the challenges of the pandemic in the short term while vaccination rates increase, and in the longer term as we navigate the way forward.

Extension of the state of emergency will continue to be based on expert advice from the State Emergency Coordinator. It is critical that every tool that has served us so well to this point remains available to help keep us safe in uncertain times. In relation to amendments to the Criminal Code that increase the maximum penalties for the offences of serious

assault and threats committed in the context of COVID-19, the increased penalties reflect the seriousness of this unacceptable conduct and convey that the government and Western Australian community does not accept such conduct. Because we rely so much on our frontline essential staff, it is critical that any people who assault or threaten them in the context of COVID-19 can be dealt with appropriately. On that point, a number of members raised the issue of whether threats of such behaviour or the behaviour itself has stopped or slowed since what might be described as the peak period of COVID in Western Australia last year. It has been put to me by the advisers that it is just as important to have real measures in place to deal with these threats as it is to send a message to our frontline staff that we have their back. Regardless of whether charges have been laid or allegations have been made about someone with COVID threatening to cough or spit on someone, the advice to me from those who represent frontline staff is that it is important to send a message to those people that these measures are in place to protect them and that we take seriously the work they do on our behalf every day. The bill will maximise certainty that we have the necessary tools in place to do everything we can to protect our state and help us with a long-term strategy as we continue to cope with COVID-19.

I will now turn to some of the specific comments made by individual members who contributed to the second reading debate. Hon Martin Aldridge made reference to the section 72A powers as being "draconian". Those powers allow immediate and ongoing directions to be made —

Hon Martin Aldridge interjected.

Hon SUE ELLERY: I understand; the member was talking about how they had been described by government. I understand that.

The controls and processes that arise from the directions made under section 72A are proportionate and necessary to the measures needed to prevent, control or abate the risks to the WA community from the spread of COVID-19. They are not excessive or restrictive. They are, I guess, draconian to the extent that they are unusual and serious, but we say that a serious situation requires serious measures. Section 72A requires any action to be reasonably necessary to prevent, control or abate the risks associated with the COVID emergency. The power to obtain information for the purposes of COVID management is also constrained and can only be exercised for the purpose of emergency management, and the information must be relevant to the COVID emergency.

The honourable member also raised the issue of reviewing the Emergency Management Act. While we are under a state of emergency, the government does not consider it to be an appropriate time to consider any formal review of the operation and effectiveness of the Emergency Management Act 2005 or the powers introduced by the Emergency Management Amendment (COVID-19 Response) Bill 2020. The effectiveness of the emergency management framework in relation to the COVID-19 pandemic hazard is continually considered through the mechanisms available under the Emergency Management Act—for example, the State Disaster Council, which was deployed when the state of emergency was declared. The Emergency Management Act 2005 also establishes various committees and decision-making structures at local, district and state levels, with appropriate cross-agency representation.

Through these structures, and at agency level, observations and insights are being captured regarding the response to COVID-19. Significant issues are escalated for immediate action and attention. It is anticipated that we will learn from the ways we have used our emergency management responses to COVID-19, as well as to other significant events of the past year, including the Wooroloo bushfire and tropical cyclone Seroja. Any proposal to change the existing emergency management arrangements will need to undergo a vigorous consultation process. I understand the point the honourable member was making about the timeliness of conducting a review of one of the parent acts that this legislation amends, but the government's position is that while we are in the midst of a pandemic and need to be able to quickly respond to changes, it is not the appropriate time to undertake a review of that legislation.

With regard to multiagency responses, it is important to note the interaction between the Public Health Act and the Emergency Management Act. I am not sure that every jurisdiction around Australia has used two specific legislative levers simultaneously to manage their responses to COVID, but Western Australia has. I know that some particular members have views about vaccinations and how they might be managed. They are covered under the Public Health Act, not the two acts that are amended by the bill before us today. This is about moving people and tracing, not the provisions that go to who must be vaccinated and what the vaccinations are et cetera. That is a separate piece of legislation and is not covered by the bill before us today.

Border restrictions, including vaccinations, fall under the EMA, but not mandatory vaccination requirements. Vaccination of the workforce falls under directions under the Public Health Act 2016. A state of emergency declaration under the Emergency Management Act 2005 provides for a coordinated multiagency emergency response. The provisions of the EMA are in addition to, and do not detract from, those of the Public Health Act 2016. The Public Health Act allows the Minister for Health to declare and extend a public health state of emergency, having considered the advice of the Chief Health Officer following consultation with the State Emergency Coordinator and being satisfied that the criteria regarding the occurrence of a public health emergency and the measures required, are met. The Emergency Management Act allows the Minister for Emergency Services to declare and extend a state of emergency, having considered the advice of the State Emergency Coordinator, and being satisfied that criteria regarding the occurrence of an emergency and the measures required are met.

The relationship between the Emergency Management Act and the Public Health Act anticipates and provides a simultaneous use of powers. It is appropriate for directions to be issued by the Chief Health Officer under the Public Health Act and by the State Emergency Coordinator under the Emergency Management Act due to the corresponding purpose, scope and application.

In reference to the use of section 72A powers for tropical cyclone Seroja, they were intended to improve the legislative framework to respond to and deal with the pandemic response. They were identified as necessary to deal with the COVID emergency as it was a challenge that was not envisaged or contemplated by the Emergency Management Act. The intent of having a sunset clause for section 72A powers was for the powers to only be available when there is a COVID-19 pandemic, but the provisions were never restricted in application to COVID-19. Section 72A is titled "General powers during emergency situation or state of emergency". It was inserted into division 1, part 6 of the act; division 1 is titled, "Powers during emergency situation or state of emergency". Section 65 provides that division 1 of part 6 of the act will apply if an emergency situation declaration or state of emergency declaration is in force.

By their very nature, the powers under the Emergency Management Act are not ordinary powers and cannot be used in ordinary situations. For the Emergency Management Act to even apply, there must be an emergency of such a nature or magnitude as to require a significant and coordinated response. An emergency situation declaration of a state of emergency cannot be declared unless an emergency has occurred, is occurring or is imminent, and the requisite powers and measures in the act are required to prevent or minimise loss of life; prejudice to safety; harm to the health of persons or animals; or destruction of or damage to property; or destruction of or damage to any part of the environment. Section 72A provisions were introduced for the purposes of the pandemic.

Tropical cyclone Seroja was a one-in-50-year exceptional event. Evacuation powers existed with the requisite plans, procedures and guidelines established. However, tropical cyclone Seroja presented a unique scenario as it required a directed evacuation for islands. These were very limited and unique. The availability of the section 72A powers allowed for the safe evacuation of the islands and bolstered community safety. The powers altered the mechanism for retaining information that was needed to move people to a safer location.

Hon Martin Aldridge: It also posed some questions around the discretion in sentencing.

Hon Darren West: Hardworking.

Hon SUE ELLERY: Yes; I forgot to say hardworking Hon Martin Aldridge.

The highest penalty handed down so far, since the commencement of these temporary provisions, is 12 months' imprisonment. That case involved a perpetrator spitting at a police officer and stating that she had COVID-19. There are a number of reasons that comparing the sentence type and length under similar provisions against the minimum sentence available is not necessarily helpful. Firstly, in sentencing an offender, the court takes into consideration a number of factors pertaining to the individual offender, such as whether the offender pleaded guilty, whether they have a criminal record and whether there are mitigating factors such as cooperation with law enforcement and any attempt at restitution.

Secondly, maximum penalties serve a number of purposes, including providing a limit on judicial discretion when imposing a sentence.

Debate adjourned, pursuant to standing orders.

WORLD PREMATURITY DAY 2021

Statement

HON DONNA FARAGHER (East Metropolitan) [6.21 pm]: I rise tonight to say a few words in response to the ministerial statement presented by the Minister for Mental Health today, which alerted the house to the fact that it is World Prematurity Day. I must say that my ears pricked up at that because I did not realise it was today, so I appreciate that the minister brought it to the attention of the house.

In the minister's remarks he referred to the WA Preterm Birth Prevention Initiative, and particularly the Preterm Birth Prevention Clinic that operates at King Edward Memorial Hospital for Women. Members will know that, on occasion, I have spoken in this house about this important initiative and the invaluable role of the Women and Infants Research Foundation, and I know that other members have voiced similar comments. The foundation has been part of the Western Australian community for a number of years. I think it was established back in 1975. It was very much born out of a vision of wanting to understand and improve health outcomes for mothers, babies and women generally. The foundation is now an internationally recognised medical research institute.

For me, it is perhaps its work on preterm birth prevention that perhaps enabled me in the first place to learn more about the foundation and the incredibly important work it does in its research and charitable activities. As the minister said in his remarks earlier today, in Western Australia, around 3 000 babies are born too early. That equates to around one in 12 pregnancies, and that rate is almost double for Aboriginal and other disadvantaged communities.

Preterm birth is also the single greatest cause of death and disability for children under the age of five and, of course, there are a range of health implications. They can be both short and long term, but each can have a significant impact. They can be things like an underdeveloped immune system, chronic lung disease, learning difficulties and a host of other challenges. Initiatives that aim to safely lower the number of babies born too early very much deserve our support. The Preterm Birth Prevention Initiative, also known as the Whole Nine Months, is a very clear example of that.

Early identification and intervention is critical when it comes to many health issues, and pregnancy absolutely falls within that category. Although I do not intend to again go through the detail of my own personal circumstances tonight I want to say this: some members will know that during my second pregnancy I suffered a very rare condition that, as I was told at the time, affects only around one per cent of all pregnancies and carries with it an almost inevitable outcome, and that was that in all likelihood, my baby would arrive far too early to survive. That, of course, is not news that any expectant mother or family wants to hear. Despite a number of very, very near misses, and the odds that were clearly against us, my little boy held on. I will say that my family will always be incredibly thankful for the support and care provided to us through those very, very difficult days and we will always know how lucky we were then and are today. I say that because I know that if it had not been for the early detection and identification of a problem by my obstetrician—I did not realise there was a problem—and the subsequent support provided to me through an incredible team of specialist obstetricians, nurses and staff, some of whom were involved with the foundation and absolutely with King Edward Memorial Hospital for Women, the outcome for my family would have been very different.

That is why, when we were in government and when the initiative and clinic came to my attention—I have said this before—I was very encouraging, or perhaps incredibly persistent, with the then Minister for Health, Dr Kim Hames, in my request to see that the government provide some initial support, particularly regarding that clinic. I am very pleased that he did provide that support. The clinic and the initiative were launched formally back in 2014 and continue to have very successful outcomes. As the Minister for Mental Health indicated, a key component of it is the clinic, but there are other components that include a statewide public education program, otherwise known as the Whole Nine Months, and a state outreach and health professional service. I have to say that the results speak for themselves. I want to read a couple of key facts and figures from the Australian Preterm Birth Prevention Alliance website. It states —

> Western Australia has now hosted the world's first successful state-wide program designed to safely reduce the rate of preterm birth across a state. In 2015, which was the first full year of operation, the initiative reduced the rate of early birth across our state by nearly 8%.
>
> The real face of this reduction is that almost 200 women were prevented from having a preterm birth; safe from the prospect of long-term care and permanent disability for their child as well as the heartache and financial burden associated with it.
>
> It is also the first program in the world to have safely lowered the rate of preterm birth across the gestational age spectrum, including births as early as the 28–31 week category.

Like the Minister for Mental Health, I also would like to acknowledge Professor John Newnham, AM, and many others, including the specialist obstetrician who ensured that Harry was delivered safely, Professor Craig Pennell. He is no longer with the foundation or in the state, but he was closely involved in the initiative and the clinic and he was actually the person who first brought this initiative to my attention. As I have said in this place on many occasions over the years, we as members of the Western Australian community should be incredibly proud of the work undertaken through the foundation, through King Edward Memorial Hospital for Women and through the Preterm Birth Prevention Initiative. The various researchers, clinicians, specialists, and support staff, and all the other people in this state who are working on this important Preterm Birth Prevention Initiative, and I will also say those people who support those families who are going through a very difficult time, deserve our support and our recognition. Today is a very good opportunity for me, and I am sure everyone in this house, to simply say thank you.

Members: Hear, hear!

AUSTRALIAN CANNABIS SUMMIT

Statement

HON SOPHIA MOERMOND (South West) [6.30 pm]: I rise today to make a quick comment on the upcoming Australian Cannabis Summit to be streamed online from Brisbane on 26 and 27 November. The Australian Cannabis Summit will bring together some of most respected experts on cannabis from across the world. The event is free to attend, so anyone can join in and literally learn about cannabis from the comfort of their own home, in a very legal manner. There are still many myths surrounding cannabis, including the one that it is addictive, when there is actually no science to support that.

This is the highest quality educational event open to Australians. The Australian Cannabis Summit was launched in 2019 to help Australians access up-to-date information about medical cannabis regardless of their location or

financial situation. This is the third summit. So far in the short life of these summits, they have attracted thousands of everyday Australians, medical professionals and others eager to learn about the benefits of medical cannabis and how it will change the face of pain management especially.

The entire event will be streamed online, so members can tune in from their device and ask questions of experts during the panel discussions. I encourage all members of the public and as many members as possible of this place to log on on 26 and 27 November. Thank you.

INDUSTRIAL RELATIONS LEGISLATION AMENDMENT BILL 2021

Receipt and First Reading

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

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Industrial Relations) [6.32 pm]: I move —

> That the bill be now read a second time.

In June 2020, the McGowan government introduced the Industrial Relations Legislation Amendment Bill 2020 into Parliament. Unfortunately, the bill did not pass before Parliament was prorogued before the last state election. The government made an election commitment to reintroduce the bill and progress various other industrial relations reforms should it be re-elected. I am now pleased to bring before the house the Industrial Relations Legislation Amendment Bill 2021, which is largely an embodiment of the 2020 bill. The bill will implement key recommendations of two independent reviews—namely, the 2018 review of the state industrial relations system conducted by Mark Ritter, SC, and Stephen Price, MLA, and the 2019 inquiry into wage theft in Western Australia conducted by Tony Beech.

I would like to draw attention to key reforms in the bill. The first, and possibly the most important, is to remove exclusions from state industrial laws that currently mean that some employees in Western Australia have no employment protections whatsoever. State industrial laws exclude various categories of employees from their coverage, including employees engaged in domestic service in a private home. It is an unacceptable situation in the twenty-first century. The commonwealth government has identified these antiquated exclusions as a barrier to Australia ratifying the International Labour Organization's Protocol of 2014 to the Forced Labour Convention, 1930. This important protocol aims to support the global fight against forced labour, people trafficking and modern slavery.

The Office of International Law within the commonwealth Attorney-General's Department has confirmed that the gap in coverage in Western Australia results in Australia's noncompliance with article 2(c)(i) of the protocol. The Office of International Law has advised the McGowan government —

> … this obstacle to compliance with the Protocol could be overcome by Western Australia enacting legislative changes to ensure that the Western Australian industrial relations framework applies to all workers in Western Australia who are not covered by the national industrial relations framework.

The bill will ensure that no category of Western Australian employee is excluded from state employment protections, thereby enabling the commonwealth government to ratify the ILO protocol.

At the heart of the state industrial relations system is the Western Australian Industrial Relations Commission. The bill will broaden the commission's jurisdiction to address contemporary workplace issues, including bullying and sexual harassment. This jurisdiction will be similar to that of the Fair Work Commission under the federal Fair Work Act 2009. Workers will have a quick and inexpensive avenue via the commission to stop workplace bullying and sexual harassment. These provisions complement work health and safety laws and will help to promote cultural change at the workplace, benefiting both employers and workers.

In terms of other reforms to the commission's jurisdiction, the bill will empower the commission to make equal remuneration orders so that employees receive equal remuneration for work of equal or comparable value; enable the commission to proactively take steps to ensure comprehensive award coverage for state system employees in the private sector; and enable suitably qualified commissioners to be concurrently appointed as industrial magistrates—namely those who qualify for appointment as a magistrate. This will increase the resourcing of the Industrial Magistrates Court and enable claims before the court, such as underpayment claims, to be dealt with more expeditiously.

The McGowan government is committed to ensuring that employees are paid their correct entitlements and that law-abiding businesses are not undercut by businesses doing the wrong thing by their employees. To this end, the bill will significantly increase pecuniary penalties for noncompliance with state employment laws and introduce tough penalties for employers who engage in wage theft.

In 2019, the McGowan government commissioned the former chief commissioner of the Western Australian Industrial Relations Commission Tony Beech to identify the reasons that wage theft occurs, the impact of wage theft on employees, employers and the community, and solutions going forward. The inquiry found that wage theft—meaning

systematic and deliberate underpayment of wages and other entitlements—is occurring in Western Australia. The inquiry found the likelihood of wage theft to be higher in some industry sectors including cafes and restaurants, contract cleaning and horticulture. This finding is borne out by an ongoing proactive compliance campaign in the state's cafe and restaurant sector undertaken by industrial inspectors of the Department of Mines, Industry Regulation and Safety. Between October 2019 and June 2021, industrial inspectors inspected 234 cafes and restaurants. Of those businesses, around 80 per cent were noncompliant with their employment obligations. The department recovered just over $650 000 in underpayments for 865 employees. These figures are alarming.

The bill will implement a number of recommendations of the wage theft inquiry for legislative reform. There will be a prohibition on cashbacks, made infamous by 7-Eleven franchisees, whereby employers require employees to pay back part of their wages in order to circumvent employment laws. There will also be a prohibition on an employer dismissing or otherwise disadvantaging an employee because of the employee's right to inquire or complain about employment conditions, a prohibition on sham contracting arrangements and a prohibition on employment being advertised at less than the applicable minimum wage for the position.

The bill will implement two important election commitments of the McGowan government: to make Easter Sunday a public holiday in Western Australia, and to introduce a minimum entitlement of five days' unpaid family and domestic violence leave for state system employees.

Easter Sunday is a day of cultural and religious significance for many Western Australians. Despite this, it is not currently a public holiday in this state. This means that if employees are required to work on Easter Sunday, they receive no additional recompense for doing so. The bill will make Easter Sunday a public holiday in Western Australia, thereby ensuring that employees who work in seven-day industries receive the benefit of the new public holiday. Easter Sunday is already observed as a public holiday in Victoria, New South Wales, Queensland and the Australian Capital Territory. All these jurisdictions also observe Easter Saturday as a public holiday, as well as South Australia and the Northern Territory.

Consistent with the Fair Work Act 2009, the bill will introduce a minimum entitlement to five days' unpaid family and domestic violence leave. This leave will be available to all employees, including casuals. It is an important measure to support employees in crisis and recognises the sad reality that around two-thirds of assaults and one-half of homicides in Western Australia are related to family and domestic violence. I commend the many Western Australian employers who have already voluntarily implemented policies to support employees experiencing this form of violence. The new leave entitlement is a minimum entitlement only, and will hopefully lead to other workplace initiatives to support affected employees.

The final aspect of the bill that I would like to comment on is a legislative mechanism to enable Western Australian local government employers and employees to be exclusively governed by the state industrial relations system. It is the government's strong view that local governments, as part of the body politic of the state, should be regulated by state industrial laws rather than federal laws. This is already the case in Queensland, New South Wales and South Australia. It should also be the case in Western Australia.

The majority of local governments in Western Australia currently operate in the national industrial relations system on the basis that they are "constitutional corporations" or "trading or financial corporations". The Fair Work Act 2009 is largely underpinned by the corporations power of the commonwealth Constitution. However, the ministerial review of the state industrial relations system identified that there is significant legal doubt whether local governments can be validly regulated by the corporations power. This is currently a moot point. Some local governments argue that Western Australian local governments are, in fact, constitutional corporations. They must, however, fully appreciate the consequences of this proposition. Using the corporations power, the commonwealth Parliament could regulate a wide range of local government affairs. For example, the commonwealth could specify the electoral system to be used to elect members of any Western Australian local government. This would be a most undesirable outcome and an unwelcome intrusion into local politics. I draw members' attention to section 7A of the Salaries and Allowances Act 1975, which provides for the determination of the remuneration of chief executive officers of local governments by the Salaries and Allowances Tribunal. This provision was inserted into the act in 2012 by the former Barnett government, with the full support of the Western Australian Local Government Association. If the Parliament of Western Australia is the appropriate place to pass laws to regulate the employment conditions of chief executive officers of local governments, logic demands that other local government employees be similarly regulated by state laws.

The McGowan government has sought to work cooperatively with WALGA to ensure there will be a smooth transition of local government employees and employers from the national industrial relations system to the state system. Existing industrial arrangements from the national system will move to the state system for a period to give local government employers sufficient time to adapt to the state system. There will be savings provisions to ensure that employees' entitlements are preserved when they move to the state system. I am confident that the majority of Western Australians would support the government's endeavours to ensure that local governments are regulated by Western Australian laws and not laws made in Canberra. The bill takes an important first step to achieving this objective.

In conclusion, the bill will strengthen protections for vulnerable workers, while at the same time modernise the state industrial relations system. The state system was last comprehensively reviewed and updated in 2002 by the Gallop Labor government. The system is overdue for reform, which this bill will comprehensively deliver on.

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 889.]

Debate adjourned, pursuant to standing orders.

House adjourned at 6.42 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

FINANCE — EARTHMAC

303. Hon Dr Steve Thomas to the minister representing the Minister for Finance:

I refer to the construction of hard surfaces for sporting courts for schools by the company Earthmac in schools in Williams, Donnybrook and Manjimup, and I ask:

(a) was the company Earthmac paid for the work at all three sites;

(b) if no to (a), which sites were not paid for and why;

(c) what testing was done on any of the contract sites including those not paid for, and please provide the results of all of that testing;

(d) what attempts has the Government made to resolve any outstanding accounts; and

(e) is the Minister confident that procedural fairness has been achieved in the delivery and payment of this contract?

Hon Stephen Dawson replied:

The Department of Finance advises:

(a)–(b) Earthmac has been paid in accordance with its entitlements. Earthmac was paid in full for the work it completed properly on the Donnybrook and Manjimup High Schools. Earthmac could not properly complete the work at Williams Primary School, and therefore it was not paid, except for some ancillary costs.

(c) Following complaints from Williams Primary School regarding the quality of the work, an independent consultant engineer undertook an additional inspection of Earthmac's resurfacing of the quadrangle court area and tennis court in February 2021. The engineer reported several serious defects in the work, including cracking, spalling, an uneven surface and poor drainage. In March 2021, a resurfacing contractor undertook core sampling, which revealed substandard asphalt thicknesses in several locations across the quadrangle surface.

(d) The Department of Finance has met and corresponded with Earthmac on multiple occasions to resolve the disputed claims. The Department has obtained independent assessments of the quality of work and has provided Earthmac with the opportunity to rectify the defects.

(e) It is evident based on the information presented to me that the Department has provided procedural fairness to the contractor. The Department obtained independent assessments where it appeared the work did not meet requirements, it afforded the contractor the opportunity to both comment on those assessments and rectify the defects in the work, and it made decisions on the basis of the evidence available.

MINISTER FOR STATE DEVELOPMENT, JOBS AND TRADE — AFL GRAND FINAL TICKETS

305. Hon Martin Aldridge to the minister representing the Minister for State Development, Jobs and Trade:

I refer to the AFL Grand Final played at Perth Stadium on 25 September 2021, and I ask:

(a) did the Minister, a member of his or her family, a staff member, or another person receive tickets to attend the event either at discounted or no cost;

(b) if yes to (a), please identify the persons who received tickets;

(c) for each ticket, please identify the gift donor and approximate value of the gift;

(d) did the Minister, a member of his or her family, a staff member or any other person benefiting from tickets identified in (a) receive taxpayer funded transport to or from the stadium on the day;

(e) if yes to (d), please identify the transport provided and the beneficiaries of the transport; and

(f) did the Minister, or any member of his/her staff, make a conflict of interest disclosure arising from the gifts received?

Hon Alannah MacTiernan replied:

(a)–(f) I refer the Honourable Member to Legislative Council Question on Notice 313.

MINISTER FOR FINANCE — AFL GRAND FINAL TICKETS

307. Hon Martin Aldridge to the minister representing the Minister for Finance:

I refer to the AFL Grand Final played at Perth Stadium on 25 September 2021, and I ask:

(a) did the Minister, a member of his or her family, a staff member, or another person receive tickets to attend the event either at discounted or no cost;

(b) if yes to (a), please identify the persons who received tickets;

(c) for each ticket, please identify the gift donor and approximate value of the gift;

(d) did the Minister, a member of his or her family, a staff member or any other person benefiting from tickets identified in (a) receive taxpayer funded transport to or from the stadium on the day;

(e) if yes to (d), please identify the transport provided and the beneficiaries of the transport; and

(f) did the Minister, or any member of his/her staff, make a conflict of interest disclosure arising from the gifts received?

Hon Stephen Dawson replied:

I refer the Honourable Member to Legislative Council Question on Notice 313.

MINISTER FOR LANDS — AFL GRAND FINAL TICKETS

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

I refer to the AFL Grand Final played at Perth Stadium on 25 September 2021, and I ask:

(a) did the Minister, a member of his or her family, a staff member, or another person receive tickets to attend the event either at discounted or no cost;

(b) if yes to (a), please identify the persons who received tickets;

(c) for each ticket, please identify the gift donor and approximate value of the gift;

(d) did the Minister, a member of his or her family, a staff member or any other person benefiting from tickets identified in (a) receive taxpayer funded transport to or from the stadium on the day;

(e) if yes to (d), please identify the transport provided and the beneficiaries of the transport; and

(f) did the Minister, or any member of his/her staff, make a conflict of interest disclosure arising from the gifts received?

Hon Alannah MacTiernan replied:

I refer the Honourable Member to Legislative Council Question on Notice 313.

MINISTER FOR SPORT AND RECREATION — AFL GRAND FINAL TICKETS

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

I refer to the AFL Grand Final played at Perth Stadium on 25 September 2021, and I ask:

(a) did the Minister, a member of his or her family, a staff member, or another person receive tickets to attend the event either at discounted or no cost;

(b) if yes to (a), please identify the persons who received tickets;

(c) for each ticket, please identify the gift donor and approximate value of the gift;

(d) did the Minister, a member of his or her family, a staff member or any other person benefiting from tickets identified in (a) receive taxpayer funded transport to or from the stadium on the day;

(e) if yes to (d), please identify the transport provided and the beneficiaries of the transport; and

(f) did the Minister, or any member of his/her staff, make a conflict of interest disclosure arising from the gifts received?

Hon Sue Ellery replied:

I refer the Honourable Member to Legislative Council Question on Notice 313.

MINISTER FOR CITIZENSHIP AND MULTICULTURAL INTERESTS — AFL GRAND FINAL TICKETS

310. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Citizenship and Multicultural Interests:

I refer to the AFL Grand Final played at Perth Stadium on 25 September 2021, and I ask:

(a) did the Minister, a member of his or her family, a staff member, or another person receive tickets to attend the event either at discounted or no cost;

(b) if yes to (a), please identify the persons who received tickets;

(c) for each ticket, please identify the gift donor and approximate value of the gift;

(d) did the Minister, a member of his or her family, a staff member or any other person benefiting from tickets identified in (a) receive taxpayer funded transport to or from the stadium on the day;

(e) if yes to (d), please identify the transport provided and the beneficiaries of the transport; and

(f) did the Minister, or any member of his/her staff, make a conflict of interest disclosure arising from the gifts received?

Hon Samantha Rowe replied:

I refer the Honourable Member to Legislative Council Question on Notice 313.

MINISTER FOR COMMERCE — AFL GRAND FINAL TICKETS

311. Hon Martin Aldridge to the minister representing the Minister for Commerce:

I refer to the AFL Grand Final played at Perth Stadium on 25 September 2021, and I ask:

(a) did the Minister, a member of his or her family, a staff member, or another person receive tickets to attend the event either at discounted or no cost;

(b) if yes to (a), please identify the persons who received tickets;

(c) for each ticket, please identify the gift donor and approximate value of the gift;

(d) did the Minister, a member of his or her family, a staff member or any other person benefiting from tickets identified in (a) receive taxpayer funded transport to or from the stadium on the day;

(e) if yes to (d), please identify the transport provided and the beneficiaries of the transport; and

(f) did the Minister, or any member of his/her staff, make a conflict of interest disclosure arising from the gifts received?

Hon Alannah MacTiernan replied:

I refer the Honourable Member to Legislative Council Question on Notice 313.

MINISTER FOR HEALTH — AFL GRAND FINAL TICKETS

314. Hon Martin Aldridge to the minister representing the Deputy Premier; Minister for Health; Medical Research; Science:

I refer to the AFL Grand Final played at Perth Stadium on 25 September 2021, and I ask:

(a) did the Minister, a member of his or her family, a staff member, or another person receive tickets to attend the event either at discounted or no cost;

(b) if yes to (a), please identify the persons who received tickets;

(c) for each ticket, please identify the gift donor and approximate value of the gift;

(d) did the Minister, a member of his or her family, a staff member or any other person benefiting from tickets identified in (a) receive taxpayer funded transport to or from the stadium on the day;

(e) if yes to (d), please identify the transport provided and the beneficiaries of the transport; and

(f) did the Minister, or any member of his/her staff, make a conflict of interest disclosure arising from the gifts received?

Hon Stephen Dawson replied:

(a)–(f) I refer the Honourable Member to Legislative Council Question on Notice 313.

MINISTER FOR MENTAL HEALTH — AFL GRAND FINAL TICKETS

315. Hon Martin Aldridge to the Minister for Mental Health; Aboriginal Affairs; Industrial Relations:

I refer to the AFL Grand Final played at Perth Stadium on 25 September 2021, and I ask:

(a) did the Minister, a member of his or her family, a staff member, or another person receive tickets to attend the event either at discounted or no cost;

(b) if yes to (a), please identify the persons who received tickets;

(c) for each ticket, please identify the gift donor and approximate value of the gift;

(d) did the Minister, a member of his or her family, a staff member or any other person benefiting from tickets identified in (a) receive taxpayer funded transport to or from the stadium on the day;

(e) if yes to (d), please identify the transport provided and the beneficiaries of the transport; and

(f) did the Minister, or any member of his/her staff, make a conflict of interest disclosure arising from the gifts received?

Hon Stephen Dawson replied:

Please refer to Legislative Council Question on Notice 313.

MINISTER FOR REGIONAL DEVELOPMENT — AFL GRAND FINAL TICKETS

316. Hon Martin Aldridge to the Minister for Regional Development; Agriculture and Food; Hydrogen Industry:

I refer to the AFL Grand Final played at Perth Stadium on 25 September 2021, and I ask:

(a) did the Minister, a member of his or her family, a staff member, or another person receive tickets to attend the event either at discounted or no cost;

(b) if yes to (a), please identify the persons who received tickets;

(c) for each ticket, please identify the gift donor and approximate value of the gift;

(d) did the Minister, a member of his or her family, a staff member or any other person benefiting from tickets identified in (a) receive taxpayer funded transport to or from the stadium on the day;

(e) if yes to (d), please identify the transport provided and the beneficiaries of the transport; and

(f) did the Minister, or any member of his/her staff, make a conflict of interest disclosure arising from the gifts received?

Hon Alannah MacTiernan replied:

I refer the Honourable Member to Legislative Council Question on Notice 313.

MINISTER FOR TOURISM — AFL GRAND FINAL TICKETS

317. Hon Martin Aldridge to the Leader of the House representing the Minister for Tourism; Culture and the Arts; Heritage:

I refer to the AFL Grand Final played at Perth Stadium on 25 September 2021, and I ask:

(a) did the Minister, a member of his or her family, a staff member, or another person receive tickets to attend the event either at discounted or no cost;

(b) if yes to (a), please identify the persons who received tickets;

(c) for each ticket, please identify the gift donor and approximate value of the gift;

(d) did the Minister, a member of his or her family, a staff member or any other person benefiting from tickets identified in (a) receive taxpayer funded transport to or from the stadium on the day;

(e) if yes to (d), please identify the transport provided and the beneficiaries of the transport; and

(f) did the Minister, or any member of his/her staff, make a conflict of interest disclosure arising from the gifts received?

Hon Sue Ellery replied:

(a)–(f) Please refer to Legislative Council question on notice 313.

ATTORNEY GENERAL — AFL GRAND FINAL TICKETS

318. Hon Martin Aldridge to the parliamentary secretary representing the Attorney General; Minister for Electoral Affairs:

I refer to the AFL Grand Final played at Perth Stadium on 25 September 2021, and I ask:

(a) did the Minister, a member of his or her family, a staff member, or another person receive tickets to attend the event either at discounted or no cost;

(b) if yes to (a), please identify the persons who received tickets;

(c) for each ticket, please identify the gift donor and approximate value of the gift;

(d) did the Minister, a member of his or her family, a staff member or any other person benefiting from tickets identified in (a) receive taxpayer funded transport to or from the stadium on the day;

(e) if yes to (d), please identify the transport provided and the beneficiaries of the transport; and

(f) did the Minister, or any member of his/her staff, make a conflict of interest disclosure arising from the gifts received?

Hon Matthew Swinbourn replied:

(a)–(f) I refer the Honourable Member to Legislative Council Question on Notice 313.

MINISTER FOR TRANSPORT — AFL GRAND FINAL TICKETS

322. Hon Martin Aldridge to the Leader of the House representing the Minister for Transport; Planning; Ports:

I refer to the AFL Grand Final played at Perth Stadium on 25 September 2021, and I ask:

(a) did the Minister, a member of his or her family, a staff member, or another person receive tickets to attend the event either at discounted or no cost;

(b) if yes to (a), please identify the persons who received tickets;

(c) for each ticket, please identify the gift donor and approximate value of the gift;

(d) did the Minister, a member of his or her family, a staff member or any other person benefiting from tickets identified in (a) receive taxpayer funded transport to or from the stadium on the day;

(e) if yes to (d), please identify the transport provided and the beneficiaries of the transport; and

(f) did the Minister, or any member of his/her staff, make a conflict of interest disclosure arising from the gifts received?

Hon Sue Ellery replied:

I refer the Honourable Member to Legislative Council Question on Notice 313.

MINISTER FOR ENVIRONMENT — AFL GRAND FINAL TICKETS

325. Hon Martin Aldridge to the minister representing the Minister for Environment; Climate Action:

I refer to the AFL Grand Final played at Perth Stadium on 25 September 2021, and I ask:

(a) did the Minister, a member of his or her family, a staff member, or another person receive tickets to attend the event either at discounted or no cost;

(b) if yes to (a), please identify the persons who received tickets;

(c) for each ticket, please identify the gift donor and approximate value of the gift;

(d) did the Minister, a member of his or her family, a staff member or any other person benefiting from tickets identified in (a) receive taxpayer funded transport to or from the stadium on the day;

(e) if yes to (d), please identify the transport provided and the beneficiaries of the transport; and

(f) did the Minister, or any member of his/her staff, make a conflict of interest disclosure arising from the gifts received?

Hon Stephen Dawson replied:

I refer the Honourable Member to Legislative Council Question on Notice 313.