Parliamentary Debates
(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2020

LEGISLATIVE COUNCIL

Thursday, 21 May 2020

Legislative Council

Thursday, 21 May 2020

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

NDIS QUALITY AND SAFEGUARDS COMMISSION

Statement by Minister for Disability Services

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Disability Services) [10.02 am]: I rise to inform the house of my recent announcement that Western Australia's transition to the NDIS Quality and Safeguards Commission has been deferred from 1 July to 1 December 2020. This is distinct from the roll-in to the National Disability Insurance Scheme, which is ongoing.

The quality and safeguarding commission is an independent agency established to improve the quality and safety of NDIS supports and services. WA was due to roll these functions in to the commission by 1 July this year. However, at this challenging time I am focused on ensuring that Western Australians with disability and their families and carers continue to receive the quality supports and services they require during the pandemic. WA service providers have signalled to me that deferring the transition of quality and safeguarding arrangements will allow them to focus on critical support issues for people with disability during the COVID-19 recovery. At this time of potentially significant workforce impacts and redesign of service delivery, additional changes to business operations may have further affected the sustainability of services.

The state government has allocated $2 million via the sector transition fund to help prepare the disability sector to meet the requirements of the NDIS commission, and this support will be crucial over the next six months.

It is vitally important for people with disability in Western Australia that the sector remains strong and viable now and into the post-pandemic future. To ensure that safeguards for people with disability continue during this time of transition, the disability complaints investigation and resolution capacity of the Health and Disability Services Complaints Office will be allocated more resources and the existing quality and safeguarding functions performed by the Department of Communities will continue. Current quality and safeguarding arrangements for the continuity of support programs for people aged 65 years and over will also be maintained. The Department of Communities will continue to support providers through the delivery of quality and safeguarding functions until the role is handed to the NDIS commission on 1 December 2020. I am committed to maintaining open dialogue with the NDIS to ensure that we continue to deliver positive and safe outcomes for people with disability and service providers across Western Australia.

WA AGRIFOOD AND BEVERAGE VOUCHER PROGRAM

Statement by Minister for Agriculture and Food

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [10.04 am]: Yesterday, accompanied by the member for Kalamunda, Matthew Hughes, I had a truly pleasurable experience visiting the magnificent Core Cider site in Pickering Brook to announce the 28 businesses across the state that will receive $252 000 in funding under the first round of the McGowan government's WA Agrifood and Beverage Voucher Program. Small to medium-sized food and beverage producers and processors will receive vouchers of up to $10 000 for professional business support services to help them take their successful businesses to the next level. This a great way for the government to help drive growth in agricultural value-add. A broad range of products are covered through the initiative, including premium beef, lamb, juices, truffles, seafood, craft beer, wine, alcoholic spirits, pasta, chocolate, honey and kombucha.

Business recipients are required to match their vouchers dollar for dollar. The program will help them access expert advice on business planning, quality assurance, market positioning, technology, export capability development and other technical services. Travel assistance vouchers of up to $2 000 have been awarded to several businesses investigating ag-tech or food-tech manufacturing technologies capable of improving productivity and profitability. They will be redeemable following relaxation of travel restrictions.

The Della Francas' property is not only a picture perfect operation, but also a poster child for farming flexibility and reinvention. Started three generations ago in 1939 as an apple orchard, it has gradually added a cidery, then a restaurant, and then a wedding venue. John and his partner, Emily Lyons, now source the majority of their cider apples from the south west and the great southern regions, as they have outgrown the capability to supply from their own multigenerational orchards in the Perth hills. Core Cider will use its voucher to engage WA-based agency Juicebox to develop a digital strategy and craft a new brand identity and collateral to represent and grow its brand beyond the in-venue experience and develop customers across the state and, ultimately, nationally.

The WA Agrifood and Beverage Voucher Program is a perfect example of the McGowan government's commitment to growing and diversifying the state's economy and workforce.

PAPER TABLED

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

STANDING COMMITTEE ON ENVIRONMENT AND PUBLIC AFFAIRS

Fifty-second Report — "Punitive Not Protective: When the Mandatory Registration of Young People Is Not Based on Risk" — Tabling

HON MATTHEW SWINBOURN (East Metropolitan) [10.08 am]: I am directed to present the fifty-second report of the Standing Committee on Environment and Public Affairs titled "Punitive Not Protective: When the Mandatory Registration of Young People Is Not Based on Risk".

[See paper 3886.]

Hon MATTHEW SWINBOURN: The report I have just tabled advises the house of the findings and recommendations of the Standing Committee on Environment and Public Affairs' inquiry into the mandatory registration of young people under the Community Protection (Offender Reporting) Act 2004. The purpose of the registration scheme is to protect the community from serious recidivist sex offenders and paedophiles. By requiring reportable offenders to comply with stringent reporting requirements, the Western Australia Police Force is able to closely monitor them and to investigate and prosecute future offences. How often an offender is required to report to police and the extent to which they are monitored is relative to their risk to the community. The nature and seriousness of the offence and the risk of reoffending are important considerations in this regard. Paradoxically, an assessment of risk does not inform a young person's registration in the first place. It is significant that many juvenile offenders have their reporting obligations suspended by the WA Police Force because they do not pose an ongoing risk to the community and police simply do not see the need to continue monitoring them. A child as young as 10 years of age who is found guilty of a reportable offence will be not only subject to sentencing by the Children's Court, but also registered as a sex offender for life. This is regardless of the circumstances of the offence or the young person's risk of reoffending.

Reportable offences do not necessarily involve violent, abusive or coercive sexual behaviour. A single episode of inappropriate behaviour by a child, or willing adolescent sexual activity, can result in mandatory registration. The practical effect is that a young person who commits a reportable offence is simply assumed, often wrongly, to be as dangerous as an abusive or recidivist adult offender. Lifelong registration as a sex offender has a serious and detrimental impact on a young person's development and future prospects. In some cases, these severe consequences will be necessary to protect the community. However, it is vitally important that the registration of young people is a considered decision, rather than an automatic response. Registration should be targeted and appropriate, given the circumstances of the offence and an assessment of risk. Stakeholders, including the Western Australia Police Force, overwhelmingly support the adoption of a discretionary approach in which the registration of children is determined by the Children's Court. There is also strong evidence and support for exemption from registration in limited circumstances for other young people who do not pose a risk to the community.

The committee's recommendations are the result of careful deliberation and seek to refine the scheme so that the registration of young people is appropriate and in keeping with the protective purpose of the act. I commend the report to the house.

McGOWAN GOVERNMENT — TRANSPARENCY

Motion

HON TJORN SIBMA (North Metropolitan) [10.11 am] — without notice: I move —

> That this house registers its deepening concern with the McGowan government's continued and determined lack of transparency, both within the Parliament and as it relates to the decision-making, negotiation, management and implementation of a number of contracts over the course of this term.

In the course of the construction of this motion as it appears on today's business program, I did not think that I would be provided with the opportunity to again reflect on a novel circumstance in which the government's early commitment, rendered by the Premier, to run an open, transparent and accountable government would be once again dishonoured. That commitment to openness, transparency and accountability, as I, members of the opposition and members of all non-government parties have reflected upon before, has been more honoured in the breach than in the observance.

I first want to speak to the principle that underlies this motion. Very obviously, we render an important public service in this house. We are legislators and representatives. At least as far as the non-government party members in this chamber are concerned, we also have a responsibility for oversight of the executive, its decision-making, its commitments and its behaviour. The most powerful mechanism that we have to discharge that obligation and that responsibility is through this very chamber. That is done, ordinarily, in the course of questions that are put to the government, not to entertain ourselves, but to satisfy ourselves that everything in the state of Western Australia is as it should be. Unfortunately, I do not believe that to be the case. Another principle that underlies this motion is that of trust. Should the public trust this government to make decisions in an appropriate, transparent and justifiable way?

I have observed a tendency in previous Premiers, and I certainly make this observation about the current Premier, that it is very easy for them to let popularity go to their heads. When one enjoys the dizzying, atmospherically high approval ratings that the current Premier enjoys, sometimes one suffers from the absence of oxygen, a lack of clarity in thought, and a lack of a sense of prudence and judgement. We have seen this reflected in the Premier's very arrogant repudiation of any criticism of his decision-making. I reflect on the maintenance of the intrastate borders, which are being maintained out of sheer obstinacy and without even a skerrick of medical evidence being used to justify them. The Premier says, "Just take it. Just accept it. Tough luck!" Tough luck, indeed! That is unacceptable.

I want to reflect on two specific examples, particularly as they relate to contracts in this state. One is a very small value contract in the greater proportion of things, but it is an interesting one. I am pleased that the Minister for Regional Development is here with us. This is not an attempt to reflect on her conduct, but it is a reflection on the information that she has provided to this house. On Tuesday, 19 May, via my colleague Hon Peter Collier, I asked question without notice 456, which related to a contract that was awarded by the Department of Primary Industries and Regional Development with a value of $249 999. That amount triggered some suspicion in me for the following reason. I was reminded again of the very good work conducted by the Joint Standing Committee on the Corruption and Crime Commission and the report it tabled in this place last week titled "Red Flags...Red Faces: Corruption Risk in Public Procurement in Western Australia". I cite a very useful table that is presented on page 43 of that document, which outlines thresholds of contract value and the requisite minimum governance requirements that apply to each of those levels. A threshold of disclosure and governance kicks in once a contract is valued at $250 000 or more. The contract that I am referring to here is $1 shy of that. I am interested to know why, but it is. When a contract is valued at over $250 000, a competitive process is required to be gone through with an open tender, through a public advertisement, and with contract award details published on Tenders WA, if there is no common use arrangement or agency contractors available. Most agencies must involve the Department of Finance at the start of the process in accordance with any partial exemption, as they apply. In this instance, I am not sure whether the appropriate process has been followed. I say that for the following reasons. On Tenders WA it was revealed that a contract of the value cited was awarded to a company called Low Carbon Australia Pty Ltd for the provision of specialist technical advisory services in carbon farming for the regional business development directorate of that department. I looked at that and thought, "Who is the director of this company?", and up popped a name. I put the question to the minister on Tuesday. Part (1) was —

> Who is the director of Low Carbon Australia Pty Ltd?

Hon Alannah MacTiernan: You are not suggesting that I have an answer to all the questions I am asked.

Hon TJORN SIBMA: The minister should just listen.

The question continued —

> (2) Is or was this person a current or ex-employee of DPIRD?
>
> (3) If yes to (2), what was this person's job title and role within DPIRD?

The minister replied by providing the individual's name, but then quite unequivocally answered no, this person is neither a current nor an ex-employee of the Department of Primary Industries and Regional Development. When I went to this individual's LinkedIn account, it quite clearly stated that she was an employee of DPIRD.

Hon Alannah MacTiernan: It says that, does it?

Hon TJORN SIBMA: Yes, it does, so I followed it up the next day. People put things on LinkedIn accounts all the time. In fact, the Labor Party discovered this when the Darling Range by-election was run. The Labor Party cannot control what people put on there, but it should probably check it out every now and again. Nevertheless, I asked the minister yesterday whether she stood by the answers she provided on Tuesday. This information was provided by the minister's department. I understand the process; I understand how it works. The response I got was tricky, either intentionally or unintentionally. The answer was yes, the minister did stand by response she gave me the previous day—I am paraphrasing here—but she was advised that the individual in question was not employed as a public servant. But she then went on to say that this individual was on contract working for the department. This is why I am concerned, because I think potentially the minister may have been misled by her department in the answer or suggested answer that was provided. I put it to the minister that I believe that the circumstances behind the award of this particular contract might merit some investigation, because I am operating on the basis of this thesis. It is an unproven thesis, and that is why I asked these questions about the way that public expenditure is undertaken. It would appear to me that there might be a prima facie case that this individual was engaged on a previous contract providing policy services in the field of carbon farming, and when her contract came to an end doing that policy work, she applied for another contract to provide technical services back to the department to fulfil the policy that she helped to write in the first place. I just find the circumstances of this a little bit murky. I was not satisfied with the tricky answers that I was given, so I am going to continue to ask questions. It might transpire that all is above board, but where there is smoke, there is fire, and where there is smoke, I am obligated to ask questions. That is our role. We discharge this role through this house. That is one element.

There is, however, a far more substantial contract that has been amended that has a far more significant dollar value impact on the taxpayers of Western Australia, and that relates to the non-clinical services contract provided by Serco at Fiona Stanley Hospital. The present government went to the election with the following commitment. I cite here from a document called "2017 WA Labor State Election Fighting Platform". One of the pages is about privatisation and it says that WA Labor will stop privatisation. To provide further details, it says —

> WA Labor will stop the privatisation of existing public sector services and where possible and —

This is important —

> economically beneficial to do so bring services back into the public sector.

It is absolutely fine and appropriate for the WA Labor Party to make those election commitments. That is consistent with its philosophy. There is an understanding and obligation on the Labor Party that once it forms government, it will do its best to fulfil its mandate. We might disagree with the philosophy underpinning it, but the Labor Party is entitled to do that. However, this claim was conditional. It was a conditional pledge—conditional on when possible and economically beneficial to do so to bring services back into the public sector. That is the threshold that the government has to prove to the house. Has it proven that? I think the answer is no. The answer is no for these reasons. On or about 9 March, the Premier and the Minister for Health issued a joint media statement saying effectively that they were bringing 650 non-clinical services jobs back in-house away from Serco. Some very rubbery figures have been provided. The spend appears to be $8 million a year for 10 years of the contract, plus a one-off transition cost of $12.9 million. That is payable presumably to Serco, or are costs absorbed by the department, we do not know, but the end story is that the taxpayer foots the bill. To extract ourselves from this contract, we are essentially fitting up the taxpayer for at least $93 million. The pledge was to stop the privatisation as long as it was economically beneficial to the state, so my question is: is that economically beneficial to the state?

I sought satisfaction through answers to questions in this place. I was reminded of this issue, because two days ago, Hon Alanna Clohesy, Parliamentary Secretary to the Minister for Health, tabled a notice under section 82 of the Financial Management Act, which was prepared by the minister, Roger Cook. I asked a basic question along these lines: did the government undertake any analysis of the cost of bringing services back into the public sector? Some services were brought in and some services were left out. I asked something along the lines of: what was the cost of bringing back each service into the public sector? The minister, through his parliamentary secretary, initially said, and I thank him for at least trying, that the Department of Health would have to seek legal advice about providing an answer to that question. It was a fundamental question: has the government done some analysis of the cost of this for each service line; and, if so, can it present it? The government did not, but the minister said he would get back to me. Subsequently, some two months later—I know there has been another issue—the minister got back to me. He decided not to provide me with that information. On his reckoning he has decided that it is reasonable and appropriate not to provide information that I sought. I think this information is vital. It is important to assist the government to justify its decision. I refer to this tabled paper, to which I do not have the reference, but it was signed by the minister on 15 May and tabled in this place on Tuesday. Essentially, the minister has determined that it is not possible in all the circumstances to provide me with information, which is not information that is publicly known or capable of easily being ascertained. He has decided therefore to withhold information from this house, which is information he recognises is not publicly known or not capable of being easily ascertained. That is the very reason I asked the question. That is the very reason we put questions to ministers or their representatives in this place. I have a philosophical difference in view about the policy treatment of the Fiona Stanley Hospital non-clinical services contract, because I think that contract is in the public's best interest, as in the public's best financial interest. But if the party that wins government has a different philosophical view, it gets to implement its mandate—that is how it works. But it does not get to do so without question, it does not get to do so with impunity and it does not get to only half fulfil its pledges, because that pledge came with a very strong and clear condition—so long as it was economically beneficial to do so. That has not been proven. The government seems to be making absolutely no attempt to prove that that is the case. This is an interesting issue that I would prosecute probably a little more intently if it were not for the panoply of other things that we have to chase up and get partial answers to!

I might just end on this: this is not a one-off. There have not been two or three instances; there have been multiple instances over the last three years of the government absolutely refusing to justify its behaviour. It conducts itself as if it is beyond reproach. That is not the case. If there is a charge that I will level against the government, it is one of hypocrisy. I recall early in February 2018, when Mr Langoulant, who had completed his special inquiry into a range of projects and programs undertaken by the previous government, laid down his damning analysis, how gleeful, proud and sanctimonious the Premier was about that report, yet on the very same day, I believe he was asked by journalist Geof Parry to justify or explain the expenditure to Roger Federer for taking a selfie with a quokka at Rottnest Island—before it became a quarantine camp. He refused point-blank to answer that question—a mere half-hour after releasing that report. He has not gotten any better since that moment; in fact, he has gotten worse. That is to be condemned. It is not just the Liberal Party saying this; I am sure that many other people would like to speak to this motion, because it serves a variety of purposes. As long as the government keeps refusing to answer questions, we are going to keep putting up motions like this.

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [10.32 am]: It gives me a great deal of pleasure to once again expose the lack of transparency of this government, which has been consistent. I have to say that the government has been consistent in its consistency in this regard! Once again, I will read into the chamber a comment that the Premier made on 18 June 2016 —

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

I will keep reading that in because this litany of examples of a lack of transparency is profound. It started even before the government became the government, and I will talk about that in a moment with regard to the current Premier. If ever members want an example of that, they just have to look at what has happened in this institution in the last two months. Yes, the Premier has done a good job on COVID-19, but now he is drunk on power. He has been fanned by an adoring media and he now thinks that he can treat the Parliament with contempt, which he always has.

Let us look at the planning bill that the government tried to ram through the lower house yesterday. It might be a good bill and we might support it. Our spokesperson was offered a briefing and they did not even have a copy of the bill, yet the government wanted to bring it into Parliament and rush it through the Legislative Assembly. That is what the government wanted to do. It is treating this place with contempt and it is being led by the Premier. What about the future fund bill? When the future fund bill got bogged down in the Legislative Council, the house of review, rather than trying to work through the issues and have the parliamentary secretary answer the questions, the government put in this little amendment to try to make it a COVID bill to get it through Parliament. That is in the DNA of the Premier, I promise members: "Forget Parliament. Hang Parliament." That is what we have had from day one.

Of course, all the other parties acted in good faith on the COVID legislation and we have been very accommodating in Parliament. When the government tries this nonsense on the future fund bill, it will get it back with interest! If you guys keep doing that and try to be too smart by halves, we will be saying no to every other piece of COVID legislation. What about the disgraceful CCC bill in the other place? When the Premier does not get his own way on the appointment of the Corruption and Crime Commissioner, he spits the chewie, stamps his feet and says, "I'm going to bring in a piece of legislation to put in my hand-picked candidate." I am absolutely not questioning John McKechnie. That is not the issue. There is a decades-old process that this Parliament has used. When the Premier does not get his own way, he gets all petulant—typical—and goes back to his default position, his defence mechanism, and says, "No; that's it. We're going to put in a piece of legislation and we're going to do it my way or the highway." I cannot wait until that piece of legislation gets into this chamber, because I can tell you now, Madam President, that I will be using every single second of my unlimited time on that bill. It is an absolute disgrace and I hope it gets batted to the field where it belongs. It is an absolute disgrace! Our parliamentary system has existed for 800 years but we have a Premier who is drunk on power saying, "No; if I can't get my way, I'm just going to bulldoze it through Parliament."

This guy has form, let me tell members right now. When he was Minister for Education and Training, he treated me like a piece of dirt. The education system was an absolute disgrace.

Point of Order

Hon PIERRE YANG: The Leader of the Opposition referred to the Premier as "this guy". He should be referred to by his correct title.

The PRESIDENT: There is no point of order. I might have missed that, but I have heard the member on his feet referring to the Premier as the Premier, so I think he has been treated appropriately.

Debate Resumed

Hon PETER COLLIER: Thank you, Madam President. That was an extraordinary point of order.

When he was education minister, every single time I tried to work cooperatively to assist in addressing the massive teacher shortage, I got that ridiculous situation in which I got the hand. I asked question after question after question in Parliament while he was education minister from December 2006 to September 2008, and in almost two years, I was told to put on notice 27 per cent of the questions without notice. I was even told to put on notice one question that asked when the Twomey report was going to be tabled. That is what we got from the now Premier at that time. As I said, his default position is defence: "Parliament is just a minor inconvenience. Let's forget about Parliament." At the moment, "Mr 89 Per Cent" thinks that he can walk on water, so Parliament is even more irrelevant! A perfect example of that is, once again, that disgraceful CCC bill. It absolutely incenses me that the Premier of Western Australia can try to put a piece of legislation through Parliament to put in his hand-picked candidate. I would like to think that members opposite feel the same way about that, particularly those who have regard for Parliament. There is an absolute litany of examples that I could use of the Premier telling me and the Parliament where to go. What about his trip to China? I asked him about that on 7 December 2017 and he told me to put the question on notice. I asked how much it cost and how many people went. Four months later, on 11 April, I got an answer in which he asked me to give him another month, so I got the answer back on 8 May. Why did it take him five months to answer? It was because he took 17 people with him and it cost $250 000—at a time when he was telling everyone to tighten their belts!

This is what we get. He does not have to answer to Parliament. He is above Parliament. What about this one? I referred to a "perceived conflict of industry in the western rock lobster industry" and the answer said —

> It is unclear as to what the member means by a "perceived conflict of industry". If the member could clarify the meaning of the question, I will attempt to answer it. I think there must have been a typo in the member's question—I assume.

The Premier of Western Australia signed off on that. Give me a break! What about this one? Honestly, I could sit here all day. This guy is just the gift that keeps on giving! I asked a question about the number of members from the Premier's office who attended a meeting with the Environmental Protection Authority. I asked who went and whether there were any briefing notes. I was told to put it on notice. Do members know why? It was because it was controversial; he did not want to have to deal with it. It just goes on and on.

As I have said, I have quoted parts of a number of speeches on a couple of occasions. I have so many examples. Perhaps during my speech on the Address-in-Reply this year, I might read them in again, given the nonsense that has gone on with the Planning and Development Amendment Bill 2020, the Corruption, Crime and Misconduct Amendment Bill 2020 and the Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019. The big one is the CCC bill. The shadow Attorney General has been trying relentlessly to get some answers from the Premier on this. Why on earth is the Premier infatuated with reappointing John McKechnie? The shadow Attorney General has legitimately asked questions about that. I have many examples. Let us look at a couple of questions. On Thursday, 16 April, Hon Michael Mischin asked —

> (1) Who came up with the idea of appointing Mr McKechnie by name through amendment to the Corruption, Crime and Misconduct Act 2003?
>
> (2) Is Mr McKechnie prepared to accept the appointment on that basis?
>
> (3) When was the idea first communicated to the Premier, and by whom and what was discussed?

The reply was —

> (1)–(6) The Premier does not comment on deliberations of cabinet.

I say to the Premier that it has absolutely nothing to do with cabinet. It is all in his hands, and his contempt for Parliament. Yet again, he goes back to his default position. The default position as far as this Premier is concerned is the hand—defiance and contempt. That is exactly what it is.

Hon Michael Mischin kept going and asked a few other questions. The very next day, Friday, 17 April, he asked —

> (1) Why will the Premier not say whether Mr McKechnie is prepared to accept an appointment by way of an amendment to the act?
>
> (2) Did Mr McKechnie propose the idea …

The response was —

> I thank the honourable member for some notice of the question. I refer the honourable member to my answer to Legislative Council question without notice 341.

Again, the Premier is claiming cabinet confidentiality. The shadow Attorney General was just asking where the idea came from, not about the cabinet deliberations. He asked —

> On what occasions, in what manner and in what terms did the Premier make his preference for the reappointment of Hon John McKechnie known to each of the following …
>
> … the Joint Standing Committee … Mr Matthew Hughes … Ms Margaret Quirk … Hon Jim Chown … Hon Alison Xamon, MLC.

The answer given was —

> The Premier made his preference known in writing … in correspondence to the Chair of the Joint Standing Committee …

The answer to the other questions was deemed to be "not applicable". What about all the other members? I do not care about the joint standing committee. Did the Premier make that clear? There is a lot going on here. We are scratching, and I promise members that there is something beneath the surface.

On Hon Michael Mischin's behalf, I asked a very long question about a letter to the Leader of the Opposition and the fact that he exposed two of the three candidates. I asked whether the nominating committee's agreement was obtained before the Premier chose to disclose the contents of its correspondence and so on. I also asked —

> Has it been government practice in the past to publicly disclose the names of the candidates the government does not prefer?

The response was —

> The Premier reserves the right to discuss correspondence.

What on earth does that mean? On Wednesday, 20 May, Hon Michael Mischin asked what was meant by the response to these questions. The answer was quite straightforward —

> The Premier reserves the right to discuss correspondence in answer to questions, queries or inquiries and does not require authority to do so.

That is because he is "Mr 89 Per Cent". He is above Parliament. He does not care about Parliament. That is what this is all about—the single-finger salute to Parliament. Hon Michael Mischin asks legitimate questions and every single time, the Premier treats him and this place with contempt. Once again, members opposite, the seeds of destruction for a government are sewn in the Parliament. These guys have germinated, and it starts at the top.

HON AARON STONEHOUSE (South Metropolitan) [10.43 am]: I am delighted to speak to this excellent motion moved by Hon Tjorn Sibma. Before I jump into one particular area of a lack of transparency that concerns me, I would like to return to something that we were discussing yesterday—a motion on notice in support of the agricultural sector. During that debate, there was a lot of shouting, yelling and excitement. Members from the government benches were accusing the commonwealth government of being responsible for the tariffs on barley that China has imposed. There was a bit of back and forth here and there and some blame thrown around between parties. I believe that one of the interjections was, "Why isn't the government leveraging its fantastic relationship with the Chinese government? Why aren't we leveraging some of that goodwill we have fostered?" We just heard that we spent $250 000 on a goodwill mission to China. Why are we not cashing in some of those dividends?

Hon Alannah MacTiernan interjected.

Hon AARON STONEHOUSE: Excuse me, minister, but you will have an opportunity to speak later. I have nine minutes left; I would like to use them.

During that debate, the question was raised: why are we not picking up the phone to the Chinese consul general in Perth? Well, she has gone back to Beijing. We had to find that out through some investigative journalism by Nathan Hondros from WAtoday. During its response to that motion, the government did not once say that it was aware that the consul general had returned to China. I wonder if it was aware at that time. It is definitely worth a question during questions without notice today.

I would like to move on. As I said earlier, what really concerns me about this lack of transparency is the rather punitive restrictions that the government has placed on Western Australians—restrictions on travel, trade and how they can conduct their business and go about their day-to-day lives. There has been a complete lack of transparency from the Premier and this government on how it is making decisions about what restrictions it has put in place and how long they stay in place. The government has not been forthcoming about health advice it has received on border closures. In fact, in an article published on the ABC website by James Carmody yesterday, Professor Paul Kelly, the commonwealth deputy chief health officer, said that national advice that states should close their borders was never issued. He is quoted as saying —

> "From a medical point of view I can't see why the borders are still closed," …

The Premier responded to that with some quip about not knowing who Paul Kelly was—a joke about the singer of course. That was very mature of the Premier when we are talking about people's livelihoods, their careers and their ability to put food on the table. Some information was eventually provided. The Chief Health Officer of Western Australia, Dr Andrew Robertson, released a one-page statement yesterday. Two paragraphs at the bottom of that statement address the ongoing border closures. He says —

> Until community spread is eliminated in the affected jurisdictions, which will require at least a month to confirm … opening of the interstate borders is not recommended. If the community spread is controlled, relaxation of the interstate borders could be considered after the introduction and assessment of the impact of Phase 4.

It does not tell us what health advice that opinion is based upon. Are we working on some modelling? Are we working towards some particular strategy? It seems to be lacking here. There is not really much information about our plan. In fact, the implication that borders cannot open until coronavirus is eradicated in other jurisdictions is quite unsettling. What does that mean for our international borders? Does that mean that we will be closed off to the rest of the world until the coronavirus is eradicated across the globe? That is a really frightening prospect.

The Premier has faced calls to open up the borders. I absolutely think he should. We have shown after flattening the curve that we have the capacity to handle coronavirus cases. There are very few cases left in Australia. People need to get back to work; they need to get back to their lives. One of the people calling for the Premier to open the borders is the New South Wales Premier, Gladys Berejiklian. She has called on Premier Mark McGowan to open the borders. Premier Mark McGowan responded by saying —

> "We're not going to give in to that sort of bullying by the New South Wales Premier or anyone else—we are going to protect the health and the economy of Western Australia."

It really says a lot about the Premier that the mildest criticism from the New South Wales Premier, Gladys Berejiklian, results in a response from the Premier that he is being bullied. I am sure that the New South Wales Premier is a very

strong woman. I think she would have to be to make it through the boys' club that is politics and work her way to the top to become the Premier of the state of New South Wales. Is she bullying Mark McGowan? The New South Wales Premier is bullying our Premier! Did she threaten him? Did she imply that she was going to smack him about or something? How on earth can a grown man, who I believe is in his 40s, be bullied by the New South Wales Premier some 4 000-odd kilometres away on the other side of the country? That is pathetic. How thin-skinned can the Premier be? What kind of glass jaw does he have that, at the mildest criticism, he goes crying to the media, "I'm being bullied? Mean old Gladys Berejiklian is picking on me, she's being mean to me, she said some nasty words." That is pathetic. I think the Premier should toughen up. He likes to pretend to be a strong man and pretends to be tough. Any time we start talking about borders, we see him puffing out his chest. "I'm on a high approval rating. People love it when I talk tough about the borders." He is slagging off football teams and Premiers of other states. I remind members that we rely on interstate tourists quite a lot. There is an entire tourism industry that relies on people coming here to enjoy our state and spend their money here, and the Premier says to these people, "If you're thinking about holidaying in Western Australia, don't; we don't want you." Wow! Bravo! That is very tough talk. He is playing tin-pot dictator. He is playing this nationalist card with xenophobic rhetoric and he is absolutely drunk on power in this case. As soon as these restrictions are lifted, which I am certain will be very soon, we will be grovelling and begging people to come back. We will spend millions of dollars on advertising campaigns and to subsidise the tourism industry, and it will be harder for us to do that because this Premier, high on his own power, decided to play the strongman and be the tough guy, despite his otherwise thin skin when it comes to criticism.

Again, there is no transparency here. What is the health advice that we are acting upon? Is there health advice we are acting upon that says we should close our borders, or is it just an ego-driven policy by this Premier who is high on the power and approval he is getting from the public by appearing to be the Il Duce of Western Australia?

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [10.50 am]: It is interesting to have this debate again. It is the usual standard stock-in-trade that we get, but we understand that the role of opposition is to call government to account, and we are absolutely confident that there is no substance in any of the issues raised. Nevertheless, it is part of this process. We honour and respect the parliamentary process and understand that it is here to ensure accountability. We would say that, in some cases, the processes of Parliament are used in this place to delay rather than illuminate the legislation that our government needs to proceed with to take our community forward, so I think this is a two-way street. If we absolutely want the respect of this chamber and Parliament to continue, we must make sure that the opposition does not simply seek to frustrate the legislative activities of government.

Two days ago, Hon Tjorn Sibma raised with me an issue, and I compliment the member because he is a hardworking member. He had read a report that indicated things that might suggest something needed to be investigated. The use of the figure of $249 000 raised an alarm bell with the member about a contract that had apparently been issued by the Department of Primary Industries and Regional Development. Quite rightly, the member has asked questions about that and he wanted further investigation after he had checked out the LinkedIn page of a particular individual. But I find this a little surprising because, yesterday, I gave the member a pretty extensive explanation of the circumstances, because it was a legitimate question. But let me just put this in context. I was not aware of the contractual arrangements or even that it was a contract, but I will set the scene for how this came about.

Since we have been in government, we have been trying to deliver carbon farming opportunities for pastoralists. There are many, many forces—indeed, the deep state—that did not like this idea. It was one of the hardest things to do to try to progress what seems to be a perfectly legitimate opportunity that was available to pastoralists in Queensland and New South Wales. Indeed, those states were getting huge truckloads of commonwealth money because they were able to do it. We needed to bring in and really galvanise this work, and get some special skills involved to get this project completed. I was aware that this person was there, but I was not aware of all the contractual arrangements, so my understanding is that using one of the common-service agreements, this person was brought on to deliver that work. They had done such an extraordinary job we wanted to keep them on because there are a lot more opportunities in carbon farming in this state and we did not have that expertise. Nothing had been done under the previous government, so we were bereft, shall we say, of expertise in this area. In order for us to advance the next phase of carbon farming activities, including soil carbon, new opportunities and a whole raft of different carbon farming schemes, she was brought on under this contract. It went out to contract. I believe four people tendered and her company was selected to do this next body of work. The member has been perfectly diligent in asking these questions; they are legitimate questions. Ideally, I guess, we would love to have a person like that in the public sector, if we could afford to get her on. We have had to take her on under this contract for a year, but I can assure the member that she is doing good work, and there is no skulduggery behind this. The member, quite rightly, has been diligent.

The second issue the member raised and was concerned about was bringing back services contracts from Fiona Stanley Hospital. As the member quite rightly pointed out, it was an election commitment that we were going to look at this, and we were not comfortable with the range of services being performed by Serco. We saw many of them as being antithetical to the effective delivery of health services. It is not purely about cost, it is also about the patient experience and the efficacy and integrity of the community health system. There were 25 of those services and analysis of them was done. We looked at those services with personnel who would logically be much better to be integrated into the management of the hospital. We made a decision that a whole range of services

would logically have no real benefit to the patient experience and quality of service delivery in being maintained under Serco's operation. That included security, building maintenance, supplies management, patient transport, linen and the management of medical equipment. We went through those; there was an extensive process of examining all those services and determining which ones, in terms of the benefit to the health system of integrated management, assist the patient experience. We said that a certain set could continue to be operated by Serco, but others, such as the orderly services, would much better be part of the integrated management. We cannot have nursing sisters and enrolled nurses under one set of management and the orderlies under another set of management. It does not make sense. That was the basis for selecting which services we would maintain in or bring back into Health.

As I say, it is important that we raise these issues, but Hon Peter Collier demonstrates a little bit of what we have noticed in the past. He is the "member for Hurt Feelings". When he was the shadow Minister for Transport, he felt that he was not very nicely dealt with by the then Premier, and those hurt feelings have continued to permeate. He is deeply hostile to the Premier and is very concerned that the Premier is very popular.

A member interjected.

Hon ALANNAH MacTIERNAN: I think the Premier is popular because he has taken his responsibility seriously and has absolutely understood that we have to do all that we can to keep economic activity going at this stage, while at the same time protecting people. I think he has done an incredible job and I think the community of Western Australia believes that as well. We never shut down the mining industry. We never shut down the construction industry. We never imposed the general stay-at-home rules that have turned out to be so oppressive. We have had to put other regulations in place, and we are bringing those back as quickly as we can. Medical advice tells us that the overall principle is not to take everything off at once. We have to do this in a staged way. The Premier has indicated that in early June, we will be seeing the next stage, and we will continue to lift restrictions. We want the economy to get back on its feet.

The reason we introduced the Planning and Development Amendment Bill 2020 is that there is absolutely going to be a massive issue here in our community. We know that not just in Western Australia but also across the whole of Australia, the construction industry is facing a precipice. It is going to fall off a cliff. That is the general prediction across the board. This planning bill has not come out of nowhere. This has been part of a three-year consultation process. There has been immense engagement with stakeholders about what is needed in planning reform. All these measures are not just being dragged up and presented. It is true that we are bringing these forward now because we face this very precipitous situation with the construction industry, but this has been the result of a very long process of consultation and broad agreement across the industry. Of course, there is going to be some debate and controversy. Hopefully, we will have a very productive debate in this house about that, and I know that Hon Tjorn Sibma will be assiduous in examining this legislation. I have great confidence that he will not, like some other members, just engage in delaying tactics, but will bring to the fore the issues that need to be debated, discussed and understood.

Hon Michael Mischin: Does he get to see the bill first?

Hon ALANNAH MacTIERNAN: Of course he will get to see the bill first. It is going to be tabled in this house.

Several members interjected.

The PRESIDENT: Order!

Hon ALANNAH MacTIERNAN: He will have a couple of weeks to read it, and we look forward to his positive contribution.

The other thing that the "member for Hurt Feelings", Hon Peter Collier, raised is his concern about McKechnie. He describes John McKechnie as the Premier's hand-picked candidate. This is complete and utter nonsense! An oversight panel was established, as per the legislation, led by the Chief Justice. It was the panel's unanimous recommendation; it had nothing to do with the Premier. The panel had the choice of that person. It short-listed and interviewed a range of candidates. The panel found that three candidates were suitable, but had a very strong preference for this person. As we understand, the Leader of the Opposition supports the reappointment of that person; that is what she said. Therefore, we would think that, prima facie, we have bipartisan support for the reappointment of Mr John McKechnie. We have a legislative system. It appears that presumably, logically, some members of the committee made a decision that they do not think that Mr McKechnie is the right person for that job. Even Hon Colin Barnett, the former Premier, makes it clear that he thinks Parliament has to resolve this issue; we have reached an impasse and we need, somehow or other, to get this issue before the Parliament.

Several members interjected.

Hon ALANNAH MacTIERNAN: It is. What the Premier has decided is to give Parliament the opportunity to make a choice, so Parliament as a whole will have the opportunity to resolve this matter. Leader of the Opposition, it is quite astounding how this place can become a bit of a sheltered workshop, in which members are not seeing how other people see this. There is an investigation going on.

Several members interjected.

The PRESIDENT: Order!

Hon ALANNAH MacTIERNAN: There is an investigation going on into the "Black Hand Gang". I wanted to bring my black gloves to talk about the "Black Hand Gang".

Several members interjected.

The PRESIDENT: Order, members! Minister, you have finished. Sit down, please.

HON ROBIN SCOTT (Mining and Pastoral) [11.06 am]: I have a brief statement on Hon Tjorn Sibma's non-government business. I realise that there are really important bills in the chamber at the moment, like the Corruption, Crime and Misconduct Amendment Bill 2017 and the Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019. I am more than happy to contribute to those bills and help where I can, but I am more than happy to allow those to be handled by the big players in this chamber.

My contribution today is about questions without notice. This is the only opportunity I have to respond to the ridiculous answers I have had to some of the questions over the last few months. It seems that the government has become professional non-answerers. This is what I get all the time. For example, last week, I asked a question in two parts—(1) and (2)—and the answer I got back was nearly, sort of, kind of, answered. It never even touched on part (2) of the question. I thought, okay, I will put part (2) in the next day. I did that, and the answer I got back was exactly the same answer as I got the day before. That was just being rude. It was embarrassing and disrespectful.

The people on the other side of the chamber may disrespect me and may not even like me, which means nothing to me, by the way, but I am representing the people of the Mining and Pastoral Region. I have a job and I have a part to play in this chamber. Members have to remember that when they answer a question, they are answering the question for my constituents, not just for me. The only comeback I have is to rudely yell out, "Answer the question!" I find that so frustrating. I would love to be able to say a lot more, but we are not allowed to because of the rules, regulations and standing orders. But I will never show anyone in this chamber disrespect. I realise that all the members here have been elected, like me, and I would like to think that the Labor government from now on would at least try to answer my questions. Thank you.

Hon Alannah MacTiernan: Is this about PFAS?

HON DR STEVE THOMAS (South West) [11.08 am]: No, not today. I am still waiting for answers on that.

Thank you, Madam President, for an opportunity to address the excellent motion from my colleague Hon Tjorn Sibma today. I am particularly interested in the first section of the motion, which states —

> That this house registers its deepening concern with the McGowan government's continued and determined lack of transparency …

I am going to concentrate on particularly within the Parliament.

I think this is a definite trend. This has been a long trend, but it is deteriorating as we get, dare I say it, close to an election. I find that in an election year, government transparency tends to decline rapidly—exponentially downwards as we get closer to an election. Sadly, that is the case. For the first couple of years in this Parliament, I managed to get some reasonable answers out of some ministers. The Minister for Environment in particular tries very hard to get answers to parliamentary questions, and I am sure that he is embarrassed on occasions when he has to stand up and read an answer based on information supplied to him by ministers in the other place who have decided very quickly not to provide any information of substance. I want to give a few examples of that because I think it is the trend. I think we have come to the point, honourable members, at which the McGowan government is effectively in election mode. It is converting everything that occurs in the COVID-19 space to election campaigning. It is quite clever. It is quite simple. The government simply says that everything it is doing is now a COVID-19 response. Every component of what the government does, and every action it takes, is now a COVID-19 response. It is saying, "Gosh, aren't we good." I understand why that is. We are—what?—nine and a half months away from a state election and the government wants to build on that process. But I have seen a serious decline in the standard of answers and accountability. I could talk about iron ore. I could talk about PFAS as well because that has also been a problem, but I think I did that enough in 2019, and 2020 is my year of economics, Madam President. We will have a bit of a look at this.

Members would probably recall, because I know everybody listens very carefully to my speeches, that I have focused on a number of economic issues in the last six months, in particular payroll tax. I lodged a question on notice on 6 August, way back in the middle of 2019, asking for some information on payroll tax, in particular the payroll revenue collected in various categories going up by increments of $100 000. I got back this answer —

> The Treasurer is due to table the 2018–19 Annual Report on State Finances before the end of September 2019. This report will include audited financial outcomes, including payroll tax collected for the 2018–19 financial year.
>
> If the member has specific questions in relation to the 2018–19 Annual Report on State Finances I would ask that they be held over until after the report is tabled.

Of course, that report does not include the breakdown of information that I asked for in my question, but just after the 2018–19 *Annual Report on State Finances* came down, the government announced its new payroll tax policy.

It is absolutely the case that the government of the day, and the Treasurer, did not want to release any financial information on payroll tax before it got its press release out and announced it to the public. We can tell that is the case because I re-lodged the question on 24 October, after the dropping of that document. I got an answer back on 28 November that gave the breakdown of payroll tax revenue in all those categories. On 28 November, about a month after the government announced its policy, I got a response. It is very convenient to drop those things out.

I have asked a couple of questions more recently, one of which was about payroll tax as well. I asked why the numbers vary. I will come back to that in a minute. In a question on notice asked on 16 April this year I asked for the variations of the cost of payroll tax for different thresholds—$1.1 million, $1.2 million, $1.3 million, $1.4 million and $1.5 million. I got back this answer —

> The answers to these questions can be obtained by using the information provided in response to question on notice 2603 referred to above.

That was my original question. The answer continues —

> This response outlined the number of employers liable for payroll tax and the total revenue collected in 2018–19 for different taxable payrolls.

The answer to my actual question is not a part of that response, because a certain number of people pay in each payroll tax threshold, but at the same time there is a sliding scale because there is a calculation. It is not simply the case that figure for everybody in that threshold changes by a set amount when a threshold is changed. If a person is in the next threshold and the lower threshold is changed, they will go up a threshold. I imagine the Treasurer knew that was the case, because I asked him a question without notice on 5 December last year about the announcement of payroll tax relief valued at $170 million, and that response did not match the information given to me by the Treasurer in October. The answer that came back is quite right. The answer stated that the benefits are not limited to just those employers with payrolls between the exemption thresholds because Treasury applies expected wages and employment growth to the payroll tax data to project future payroll tax estimates under the existing payroll tax rates scale. It then applies the proposed payroll tax scale to the projected payroll tax data. It uses a calculation that reduces the payroll tax. If we increase the threshold, we reduce the payroll tax paid by companies above that threshold.

The Treasurer answered that question in December last year. He then answered a question on notice about the impact on the budget this year, saying that the answer was in the question all the way back then. In my view, he actually misled me and misled the Parliament in his response. The Treasurer has been pretty good at providing information. Generally, in the first couple of years of this government, I could get reasonable information out of the Treasurer, but I think the Treasurer is in election mode again. I was intrigued this week when I was downstairs watching the debate. There was the usual argy-bargy, as there is in the "house that shall not be named". The Treasurer was trying to make the point that no Liberal Party members had asked him any economic questions about COVID-19. Guess what? I have. I have been asking him questions. He might look at questions without notice 227 or 242. They are just a couple of examples. I have asked him a number of questions this year.

Hon Alannah MacTiernan: Then go down and contest a lower house seat.

Hon Dr STEVE THOMAS: Which region is the minister going to stand in? Is she going to the south west?

Several members interjected.

The PRESIDENT: Order! Member, you might want to focus on the motion before you.

Several members interjected.

The PRESIDENT: Order! We all know that interjections are inappropriate. Minister! Member, please continue your comments.

Hon Dr STEVE THOMAS: Thank you, Madam President. The Treasurer stood in the lower house and said that he had not been asked any questions about the COVID-19 economic response.

A member interjected.

Hon Dr STEVE THOMAS: It will be good when the honourable member is in Albany.

It is absolutely the case that questions on economics have been asked of the Treasurer about the COVID-19 response. I have to say that the standard of answers was as poor as the standard of that particular debate. That is a shame because I have always considered the Treasurer to be generally above the sort of party politics that other ministers engage in. It is a real shame that even the Treasurer is now in election mode. The reality is that this government has no interest in being held accountable. I think, as mentioned before, the current bill on planning that is before the Legislative Assembly is a prime example of that. In my view, not only has this bill been sprung upon the opposition and crossbench without debate, it has been sprung on them having been preset with consultation with various parts of industry. Industry has already been lined up to be a part of the government's media campaign. Industry is already a part of that because this government is using every opportunity to hide its agenda and not be accountable and not allow the proper scrutiny of its actions.

That is not just happening in the area of payroll tax; it is also happening in the area of iron ore. It will live in my memory forever, and will be the Treasurer's "there will be no carbon tax under a government I lead" moment, when he said in February last year that the concept of the price of iron ore remaining at $US90 a tonne was unrealistic and therefore had not been modelled. I think that was his magic moment. He has tried to pretend all the way through that the iron ore price is not the determining factor of his budget. Then he was outed on 19 March in a lovely social piece in which he said that it is the most important phone call he gets every day, and he cannot go to sleep without it. He said that he cannot go to bed until he gets the email with the iron ore price. There were six months of obfuscation and then he released the truth finally in a local newspaper.

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [11.19 am]: Initially, I was not planning to speak on this motion, but I have been moved to do so because of the manner in which, as usual, any reflection, even with examples, of the government's failure to be full, frank, transparent and open about its operations is greeted with derision. Hon Peter Collier outlined some of the experiences that I have had more recently over a matter of significant importance, which Hon Alannah MacTiernan seems to have boiled down to a case of Parliament fixing up a problem regarding the appointment of the Corruption and Crime Commissioner. She thinks that it ought to just be resolved by Parliament. She seems to ignore, once again—this is reflective of this government's attitude more generally—that processes have been established, hallowed by usage, and, with good reason, followed by those who seek to be responsible governors and stewards on behalf of this state in order to ensure that things are done properly. She seems to think that a job application to a committee of a Chief Justice, a Chief Judge and a community member ought to rule the day. Then there is a parliamentary committee—the Joint Standing Committee on the Corruption and Crime Commission—occupied by two Labor members, a Labor appointee in Hon Alison Xamon and one Liberal member. This is not a criticism of Hon Alison Xamon, but that is the way that it came about; she was a Labor appointee and there was the assumption that she would do whatever Labor wanted her to do, whereas the previous committees always used to have two Labor members and two Liberal members. Oddly enough, for some reason, this government did not think that that was a good idea. Because that committee has not done what the Premier wants, Parliament has to fix a problem! No, there is a process, minister. I have tried to get answers about that process, and the Premier has simply stonewalled. Talk about black hand gangs! I do not know what you call your mob in the caucus—left right out, centre left, far left, upside down, in and out or whatever—but the reality is that there is a process.

Several members interjected.

The PRESIDENT: Order!

Hon Alannah MacTiernan interjected.

Hon MICHAEL MISCHIN: I have heard about some activities on the Labor side.

The PRESIDENT: Member, direct your comments to me. Do not be distracted.

Hon MICHAEL MISCHIN: I will keep focused on it. If the honourable member has any allegations or any proof of misconduct by me or my colleagues, she should bring forward the evidence instead of sniping from the sidelines like the Premier does. We will get to that in due course.

It is indicative of the contempt that this government has for parliamentary process. If it does not like it, it just ignores it. That has been reflected on by not only me. Hon Aaron Stonehouse has made comment on it in the past. Hon Tjorn Sibma has had the experience with the Planning and Development Amendment Bill 2020, as have my colleagues in the other place. They got a briefing in which even the public servants concerned did not have a copy of the legislation, yet as part of the process, we are expected to suddenly rubberstamp it and bring it through. It is absurd and it is disgraceful! That is the sort of corruption that was endemic back in the Burkie days with WA Inc. I am sure that an awful lot of developers who are praising this reform would stand proudly with those icons of the WA Inc days, such as Brian Burke, Laurie Connell and Alan Bond. They were all great contributors to the party back then and all sang the praises of the then Premier, just as many are now singing the praises of this Premier because they are getting their way.

We will see just how much will be disclosed about those contracts and dealings when that legislation comes here, because there is no chance in the world that it will be able to be properly explored down in the other place. Hon Alannah MacTiernan might think it is delaying the passage of legislation, but when it gets here, it will be absolutely scrutinised. We will be asking questions about the negotiations and the so-called consultation that has taken place and with whom—just as we will ask questions about the consultation and what the real deals were with things such as the East Perth power station, which was valued at a dollar, with 50 million bucks of taxpayers' money used to fix it up so that millionaires can use it as an opportunity for development. What is going on there one wonders. Are any donations going to the Labor Party as result of that little one?

What about the Australian Hotels Association? Now, the AHA has to issue a certificate to a cafe before it can open. Small businesses in this state are in thrall of an organisation dealing with hospitality. It is getting paid money in order to issue a certificate. I can go to a drive-through at McDonald's and get served a burger that has been prepared in its kitchen, but if I want to sit down in there, it has to have a certificate on the wall, and taxpayers'

money is being used for that. I wonder whether a donation is coming from the AHA in due course. Will that be revealed as part of the negotiations? Before Hon Alannah MacTiernan starts throwing aspersions over onto our side of the chamber, I hope that she is prepared to answer some questions about the government's dealings with various people who will get an advantage out of the way that the government is approaching these things.

I have asked questions on many occasions about simple processes to try to get answers from our Premier, who is being held up as an icon of probity, or from our Attorney General, only to get weaselly answers or non-answers. I remind members of how I tried to find out whether the Attorney General had leaked a letter from the Clerk of this chamber to the State Solicitor's Office before that letter had been tabled. It took a half-dozen questions over as many days before, finally, he was caught off-guard in the other place and asked and had to admit that he had. That is what it took—yet we are supposed to rely on the probity of this government in commercial dealings? I think not! I have asked questions of the Premier about his communications with the Joint Standing Committee on the Corruption and Crime Commission and members thereof regarding the appointment of Mr McKechnie and why he has revealed the names of other nominees, to their embarrassment, and whether he had their consent to do that. All I got was that he reserves the right to discuss correspondence. I specifically asked him to table correspondence, and the blanket answer was that he reserves the right to discuss correspondence.

Then we have the Leader of the House putting that sort of nonsense forward and saying that the answer was straightforward. No, it makes no sense. That is a disgrace. She represents the Premier in this place. She should go back to him and say that that is not an answer, but she does not. We are expected to be comforted by assertions of the probity of this government in commercial dealings? The reason I got involved in politics in the Liberal Party is that I observed close-up what had happened in the Burke days. I was involved in the Rothwells task force and the prosecutions. The stuff we found going on back then was shameful. That is what moved me to join the Liberal Party. I do not say that the Liberal Party is perfect in every respect, but I know that it is the only bulwark, apart from the crossbench and other parties and this chamber, to prevent that sort of thing from happening again. I am saddened to see it happening again because of the arrogance that is being displayed by some ministers. It is not all ministers. I think that Hon Stephen Dawson, for example, is exemplary in the way that he approaches his responsibilities and his respect for this place, but I am very disappointed in some of the others. I do not have the confidence that we are being invited to have. It may be that the government thinks that it is time wasting to go through its legislation, to pick it apart to see what really underlies it, but we will continue to do that, and I will continue to do that for as long as I am able. I urge members to support this motion and to contribute to it, because it is very important that we hold this government to account, because no-one else is going to in the current climate.

HON TJORN SIBMA (North Metropolitan) [11.29 am] — in reply: I wish to thank all members who have made a contribution to the debate on this motion. My particular thanks obviously go to those who support the motion, but I always find the contributions made by the government about these demands for accountability very revealing. I again thank the Minister for Regional Development for, if not illuminating us, at least entertaining us along the way. A theme that ran through the contributions I think could be distilled into one word: respect—respect for the public, respect for the process, respect for the Parliament. That is the one thing that I think has been absent these last three years at the very least. I want to say this very clearly: I respect the majority of ministers in the McGowan government. I respect the offices that they hold, because they are offices of trust. What I hope for, though, is that those same ministers—the entirety of the cabinet, including the Premier—show respect to the offices that they hold, because I think that is the critical dimension. I am sad to say that it seems to be absent from a number of ministers, including the Premier.

I will close with one topic in the time left available to me. Reference has been made to the introduction of the Planning and Development Amendment Bill 2020. It has had an interesting genesis; I spoke to it in members' statements last night. In the attempt to ram this bill through, which was thwarted, the Premier made a revealing statement about the esteem with which he holds the Parliament. He referred to parliamentary processes as "niceties". He does not have time for niceties. This is all urgent; do we not know? That is unacceptable; that is contemptuous. That kind of pride precedes the fall, and fall he will from those atmospheric heights, as long as he continues this absolute contempt that he shows this Parliament, its members and the public at large. Lift your game, Premier.

Motion lapsed, pursuant to standing orders.

SEA FREIGHT — REGIONAL WESTERN AUSTRALIA

Motion

HON KYLE McGINN (Mining and Pastoral) [11.32 am] — without notice: I move —

That this house calls on the McGowan government to —

(a) recognise that regional Western Australia has the opportunity to develop ever-closer sea freight trading links with Asia in a post-COVID-19 world and focus on Western Australian employment; and

(b) support shipping initiatives and direct general shipping for ports in the Pilbara and elsewhere up the coast, including provisions for future emergency transport needs.

I am very happy to move this motion today for debate here in the Legislative Council. As members are well aware, before coming to Parliament, my background was in seafaring, and I am very proud to say that I am an Australian seafarer and a member of the Maritime Union of Australia. It is almost becoming like sightings of the Loch Ness monster or the yowie to spot an Australian seafarer these days, and, quite frankly, it is sad. I am a second-generation seafarer, and if I have kids, it will be very unlikely that I will see a third-generation seafarer in my family. In the limited time I have, I will touch on many points, including flag-of-convenience shipping, state shipping, emergency situations when shipping would assist, opportunities for Western Australian ships to export into and import out of Asia, the *Ruby Princess* and other matters relevant to this motion.

We are an island nation. Simplified, we are surrounded by water. We move trade around the country from all sorts of industry. We also import and export ridiculous amounts of trade, so it is easy to say that we rely on shipping in this country. Knowing this, we would think that Australia would have a strong, flourishing shipping industry filled with Australian workers on ferries, state ships, export ships and more powering the wealth of our nation. But, honourable members, it is a far, far cry from that. We are on our knees in this country. There have been unwarranted attacks, followed by more unwarranted attacks from our federal government, particularly the Liberal–National government. Ships have been taken off the coast and replaced with foreign-manned ships. I will remind the house, as I have spoken on this before, of the putrid treatment of Australian workers on board the *MV Portland*. This was an absolutely disgraceful situation. The *MV Portland* carried cargo for Alcoa. I think the opposition has a former boss of Alcoa sitting in its ranks in the other place, and it would not surprise me if he was part of the decision that was made. This ship, which was full of Australian workers, carried cargo between Kwinana and Portland, Victoria for over 27 years. In those 27 years, there was not one industrial stoppage, so there were no issues with that domestic trade. But Senator Michaelia Cash and her cronies, in the form of security, dragged Australian workers down the gangway, kicked them off their ship in the middle of the night and frogmarched foreign labour up the gangway. They replaced Aussie workers in good quality jobs with exploited foreign labour. The *MV Portland* was a domestic trade ship, not a foreign ship. How is it that in our country, as an island nation, we allowed jobs to be stripped off our coast, despite the fact that the federal government was providing financial support to Alcoa? It is absolutely shameful that we are providing support to a company to replace Australian jobs. Just to be very clear, domestic trade means that this vessel never left the country. The vessel undertaking this route between Kwinana and Portland, Victoria has now been replaced by a foreign-flagged vessel with foreign labour on it. It is domestic trade; the ship did not go overseas.

As a proud ex–union organiser for the MUA who represented seafarers and waterfront workers right across his country, I have seen the disgusting treatment of Australian seafarers by federal governments. What concerns me more is that the disgraceful multinationals and their owners, such as BHP, Rinehart, FMG, Rio Tinto and all their other friends, like to put out fluffy media releases and TV ads, like the one by "the Big Australian", begging Australians to believe that they are supporting Aussie workers. Why is it that on mine sites we have Aussies? Foreign labour has been brought in sometimes on construction jobs, and I know that there were some issues with foreign labour at Roy Hill; however, Australians fill these roles the majority of the time, as has been mentioned many times in debates about fly in, fly out workers. But as soon as the product leaves the mine site, that is it as far as local workers are concerned. Those companies spruik local employment and economy building in Western Australia, but at the same time they export everything on foreign-manned ships under flags of convenience, such as Panama or Liberia. The ships are not Australian-flagged, so they have no loyalty to this country whatsoever. It infuriated me to see Twiggy Forrest cracking a bottle of wine on the hull of a ship in the north west and saying how proud he was to have an Aussie ship when he knew that he was going to fill that ship with cheap exploited foreign labour. I remember having a conversation with BHP early on in my term, pushing for it to return Australian seafarers to our coast. After all, BHP is exporting our resources. I asked whether BHP had any ships manned with Aussies—any Aussie ships. I was told, "No, we do not. Our shipping is what you would call 'Uber shipping'." Companies basically go to market with however much tonnage they are going to export and ships from overseas sit at the harbour on anchor, put in the lowest bids they can, get the work and take it overseas. We are mining the goods, transporting them to the port and then wiping our hands of them. There needs to be a better connection with Australian workers taking our resources overseas, which would protect us in times of crisis such as the one we find ourselves in now.

Here are some quick facts on flag of convenience. There were over 9 315 vessel visits to Western Australian ports in 2019. How many jobs could there have been from that? In 2019, Western Australia received the highest number of complaints under the Maritime Labour Convention 2006. Thirty-nine per cent of these complaints were because of the underpayment of wages. So, not only are they getting paid pennies, but also they are not even getting paid.

Regional Western Australia has the most to gain by seeing Western Australian ships work our coast. There are many opportunities for us to have safer and more reliable transport. Australian seafarers are reliable and loyal and have Western Australian priorities at their core. I get a bit emotional when I talk about state shipping, so bear with me, members. WA had a proud and powerful state shipping industry—the keyword is "had". In the early 1900s, similar to today, we had an unreliable private shipping industry. When I say "unreliable", I mean that companies were working their contracts for their foreign investors, so they did not have state matters as their highest interest. Towns like Wyndham, Derby and others in the north west faced famine and were not getting supplies. This forced

the state to open the State Shipping Service. Our service started in 1912, with the first state ship, the *Una*, coming from petitioning and lobbying. Merchant seamen on state ships have always had involvement in wartime, from saving crews from sunken ships to being bombed, as the *Koolama* was alongside the Wyndham port by the Japanese.

Not only did state ships do cargo operations that were vital to this state, but also many ships doubled as passenger ships right from the start until their demise in 1970. Think about this, members: we rely heavily on tourism—tourism, tourism, tourism is something that we say—and the first tourists to the north west came from state ships. Across regional WA, a massive talking point has been the high cost of airfares. Depending on the season, we can see road closures that cut off parts of the north, and after the COVID-19 pandemic—just as we did before it—we will want international tourists to visit all our great holiday destinations, such as Exmouth, Coral Bay, Shark Bay, Karratha, Karijini, Broome and further into the north. I strongly believe, and have done for many years, that there is an industry for state shipping, not the same model as previously, but an industry that will grow tourism, power WA and give us safety along our coast. Think back to the floods in the Kimberley in recent years, when WA roads were closed and communities were cut off. If we had had a state ship, the trucks that were lined up at the border could have made their way to Port Hedland or Karratha, loaded critical supplies like food onto the ship and delivered it up the coast. Over Christmas, our border was shut on Eyre Highway out near Kalgoorlie, while at the same time the border was shut in Kununurra, and a bushfire was raging in the goldfields, so we were cut off. Luckily, this did not last long enough to be catastrophic. Having even one state ship running around the coast and interstate could have been crucial to bringing in much-needed supplies.

There are proposals for a state ship that is half cargo, half passenger ship. Imagine if we had a state ship full of Australian skippers, Australian officers, Australian seamen and Australian engineers departing from Fremantle with Western Australian and international tourists and also with cargo destined for the north. The number of trucks on the roads would be reduced. Regional roads have enough issues with trucks damaging them and there are also the dangers of truck driving. This would reduce the number of truck movements. The ship could stop in places such as Exmouth and passengers could jump off, enjoy all the great tourism opportunities there and then get on the return sail. It could stop in Karratha, Hedland, Broome or Wyndham and then head over to Singapore, the gateway to Asia. We could get into Singapore directly on a run that is guaranteed to be on time all the time. At each port, passengers could disembark and cargo could be unloaded or put on to head further north. Cargo could ensure that the tickets for passengers were cheaper. We could supply directly into the Singapore market some of our world-class beef from Broome. I really want to see abattoirs opened up and boxed meat sent overseas directly from Broome into the Singapore market. I think there is an opportunity there. All the other great things we have between here and Broome could be loaded onto that vessel before it goes to Singapore. I really believe there is an opportunity for us to go into that market, with Western Australian workers.

Cruise ships were a massive market pre-COVID, but no Aussies worked on them; they were foreign manned. Why can we not have Aussie flagged and manned ships? It is ridiculous that the federal government does not fight for the rights of Western Australian workers to get on these ships. It is a lucrative industry. Where are you, Scotty? You are out there spruiking all these things about jobs; it is on the doorstep, mate! New South Wales had the *Ruby Princess*, which caused chaos right across Australia. I have no doubt that plenty will come out of that in the form of investigations. Imagine if that ship had been Aussie flagged, had Australian crew and was under Australian law. We would have had higher safety standards and Australian seafarers who would have been vigilant about the risks of COVID-19, identified the problem much earlier and been methodical about resolving the issues. I understand there are challenges, but the benefits could be so much greater for our state if Aussie seafarers got back their right to work in this country. State shipping is not a pipedream. It is a real industry that could be possible around this country. It would take just one state to lead the way, and I believe it could be this state.

One of the key things I want to talk about is the ability for a state ship to jump in in an emergency situation. We have all these private ships on and off the coast of Australia, but the situation with the bushfires on the east coast is a real example of the possible benefits of a state ship. I will read an article written by organiser George Gakis titled "The Australian Seafarer: True Working-Class Hero of Today!" It states —

> True Working-Class Hero's on board both the Far Senator and the Far Saracen along with the Navy vessel the Sycamore and the Eden Tugs were at the forefront of ensuring that people survived the fires that have bene burning our country. Everyday people were trapped in various places across the East Coast of Australia—too many lost lives throughout these fires, but Australian seafarers delivered when they were needed most.
>
> All of the crew engaged on the Far Saracen worked an average minimum of 14 hours a day whilst on site in Mallacoota. They provided assistance to those whom were trapped on the beach with fuel, water, food and shelter. Some of the vital Emergency service people were housed on board. The same people that many of us take for granted most days.
>
> General public that were severely injured or ill or just needed a break from the smoke, were also looked after on board. The crew had a young family stay on board with them one family member was a 7-month-old child.

> Given that there was no multicat vessel, there was no landing craft vessel and there was no wharf that their vessel could be tied up to, hundreds of pallets of stores were broken down on board by hand. They were then manually loaded onto the FRC —

That is a fast rescue craft, a very small vessel —

> and taken ashore by those workers on the Far Saracen. Keep in mind, that there was no way in or out of this town by land. It was because of these workers (that the liberals don't want) that thousands of people have lived to tell the story of the Mallacoota bushfires. It's a real wonder why any government wouldn't be seeking to have more Australian crewed ships on the coast which would assist in times of emergency and need.

I could not have said it better myself. It is really important to me, and I will continue to stand up for Australian seafarers in this country. I strongly believe that there is a need for us to have vessels of our own in times of crisis and in times of economy building.

HON MATTHEW SWINBOURN (East Metropolitan) [11.48 am]: It gives me great pleasure to stand today to speak on Hon Kyle McGinn's private member's business. As has been demonstrated in the last 15 minutes, his passion for this subject, as with many subjects related to his area, is almost unparalleled. It gives me great honour to follow him whenever he speaks on these sorts of issues. His commitment to seafarers and wharfies also is unparalleled. I know from some of his speeches about some of the more horrific experiences he has had that he is a person who speaks from experience, both good and bad, in this industry.

I would also like to give a shout-out to those few remaining Australian seafarers who still operate on the coastal ships that service our ports and our industries. They are a dying breed, unfortunately. I endorse Hon Kyle McGinn's views that it would be worthwhile having a shipping industry that supports Australian needs and Australian seafarers. I would also like to acknowledge my comrades in the Maritime Union of Australia, which never takes a backward step in supporting its members. It can be proud of its advocacy for seafarers and wharfies.

We are looking at the state shipping issues. We had a much stronger shipping industry in Australia. Hon Kyle McGinn referred to its history and establishment in the early part of last century and the arrangements that were put in place. Over time, the industry has essentially disappeared. Some Australian flag ships operate along the coast, but they are becoming fewer and fewer. Typically, we have two primary reasons for job losses in Australia. The first is changes in technology. In the photographic industry, we used to have quite a large photo developing industry within Perth. Obviously, with the change to digital technology and being able to order photos online, that industry disappeared. I do not know whether there is a professional photo production facility left in the state. Within shipping, we have seen a reduction in the number of wharfies over time because of containerisation and, in some ports, automation. My wife's grandfather was a wharfie in Fremantle. They often used to lug the goods by hand. Obviously, that does not happen anymore. I have a history of seafaring. My grandfather was a merchant seaman during the Second World War. I sometimes ponder his experiences and what he would have seen as a seafarer. He probably had a good time as well, like many seafarers do when they get into port. He would have also seen some very horrific things as he was part of those convoys that went across the Atlantic, and into Russia and those sorts of places during the height of the submarine attacks from Germany.

The other main reason that we seem to lose jobs in Australia is from the offshoring of work. We have seen that in manufacturing particularly. We have difficulty competing with low-cost countries. They are low-cost countries because they have not only lower living expenses for their workers, but also less regulation and they do not treat their workers fairly. As a country, we trade off our security and our jobs on the basis of going to other countries that can deliver them better. It is not always good. Sometimes it is something that we just cannot stop because we do not have the economies of scale. As I said, manufacturing is an example of that.

In shipping, we have seen that happen with the contrivance of flags of convenience. That is what it is: it is a legal contrivance. The countries that these ships are registered in do not have a shipping industry; they have an office in the country. They would be lucky if the ships—Hon Kyle McGinn can correct me if I am wrong—visit those countries where they are flagged and dock in the ports. A lot of ships go through the Panama Canal. A lot of Caribbean countries have flag of convenience ships, as do Liberia and those sorts of places.

Hon Kyle McGinn interjected.

Hon MATTHEW SWINBOURN: There is no real connection between the two. What is this artifice of flags of convenience? Why does it exist? It exists because companies are trying to avoid regulation. They are trying to avoid or dodge taxation. They are trying to avoid paying fair wages to, and providing fair conditions for, the people on those ships. If a ship is flagged in a developing country, it complies with its labour laws; it does not comply with the labour laws of Australia. They are getting away from that.

Hon Kyle McGinn talked about the situation relating to the *MV Portland* in 2016. That ship was sailing between Portland, Victoria, and Kwinana. I think it was taking bauxite from the Jarrahdale region that gets dug up by Alcoa and shipped off to the aluminium plant that Alcoa runs in Victoria. For 27 years, as Hon Kyle McGinn quite rightly pointed out, that service ran uninterrupted; there was no industrial disputation. Obviously, the ship was old; it needed

to be replaced. The federal government, under Hon Senator Michaelia Cash, decided to issue what is described as a temporary coastal licence, which allows a ship that operates in Australian waters almost all the time to be foreign flagged and crewed with a foreign crew. That occurred in 2016. I think that temporary licence is still in place, is it not?

Hon Kyle McGinn: Yes, it is.

Hon MATTHEW SWINBOURN: It is hardly temporary at all. It seems to me to be a permanent licence because the regulatory regime provides that those ships be manned by Australian crews and operate as a flagged Australian ship. We have this ridiculous artifice of issuing a temporary permanent licence to allow these ships to operate in our waters without having to comply with our labour laws, our other regulations and those sorts of things. If we want to create an analogy, it would almost be like having a company license trucks in Liberia to operate on our Western Australian roads, with the truck drivers coming from some other place in the world and getting not the wages and conditions of Australians but the wages and conditions of where they come from. Nobody would accept that arrangement. When it comes to the blue highway, the seas, it seems to be all right. I think that is appalling and terrible.

Everybody who cares about Australian jobs—there is a lot of talk about that—should be standing up today arguing for this system to change. They should be asking the federal government to change the rules and to bring the system back to where it was. The companies should have a licence, not a temporary licence, before they are allowed to operate. Whatever meetings happened behind closed doors between Alcoa and the good senator—who knows what happened there; she signed off on that and allowed that to happen—the practice continues to happen, and I do not see it changing any time soon. There is a claim that $6 million is saved doing it the way it is now done. I do not know whether that is right or wrong; it is probably right. How is $6 million a year being saved? Where are those savings being made? These countries have fewer taxes and lower wages and conditions, and they probably have a much lower regulatory burden, and they get away with that. There is a cost. Somebody pays the $6 million.

Hon Kyle McGinn: The wages are very small.

Hon MATTHEW SWINBOURN: That is right. As I said, the wages and conditions are lower. Yes, there are shareholders. I am not surprised that Alcoa does this. Alcoa is a for-profit company; it exists for the purposes of making money for its shareholders. It will look for whatever savings it can make. Hon Kyle McGinn was right; companies all try to convince us how much they love us. At the end of the day, their obligation to their shareholders is to make a profit. That is the reality of their circumstances. I accept that. I do not accept that the Australian government, which is supposed to represent Australians and its community, is party to that same arrangement of pushing Australian jobs offshore and introducing these conditions.

A lot more can be unpacked with this motion. Hon Kyle McGinn touched on the risk elements that the Western Australian economy faces. When we hit crises like the bushfire crisis that occurred, when the east–west link was locked off, we did not have an opportunity to really pivot from road transport to maritime transport because we do not have the shipping arrangements to do those kinds of things.

This is a great motion. I really appreciated the opportunity to speak on it. As I said, it is an honour to speak. I commend the motion to the house.

HON ROBIN SCOTT (Mining and Pastoral) [11.58 am]: I have spent three decades in the mining industry, but I certainly would not call myself a miner. For Hon Kyle McGinn to call himself a seafarer because he has cooked meals on an oil rig —

Several members interjected.

The ACTING PRESIDENT (Hon Dr Steve Thomas): Order, members! You may not like the words that are said, but, at this point, they are not unparliamentary.

Several members interjected.

The ACTING PRESIDENT: Order, members! Hon Robin Scott has the call.

Hon ROBIN SCOTT: I understand that —

Hon Kyle McGinn interjected.

The ACTING PRESIDENT: Order, Hon Kyle McGinn! Hon Robin Scott has the call.

Hon ROBIN SCOTT: Shipping will create only a few jobs. I understand that Hon Kyle McGinn wants to get his Maritime Union of Australia mates a job onboard these ships, but we have to understand that the shipping we are using now uses crews from overseas, and there is no way we can compete with the wages of people from Kuwait, Pakistan or the other countries around that area that pay low wages. This is just small-picture thinking from the government. I am amazed that he will get passengers to Karijini.

Hon Kyle McGinn interjected.

The ACTING PRESIDENT: Order, members!

Hon ROBIN SCOTT: I have been around Karijini hundreds of times.

Several members interjected.

The ACTING PRESIDENT (Hon Dr Steve Thomas): Order, members! Hon Kyle McGinn was heard in silence, and my patience is being tested. Even if you do not like Hon Robin Scott's words, he will be heard in silence. Hon Robin Scott has the call.

Hon ROBIN SCOTT: Thank you, Mr Acting President. The honourable member mentioned getting tour boats to Karijini. I have spent many years in that area, and I must have had my eyes shut, because I do not see any canals or waterways going to Karijini. I must pay more attention the next time I am there!

The reality is that our biggest trading partner is now abandoning us. It is putting an 80 per cent tariff on our barley, and it is banning red meat processors. Even the Chinese Consul General has jumped ship, and not even special envoy McGowan could stop her.

Several members interjected.

The ACTING PRESIDENT: Order!

Hon ROBIN SCOTT: Obviously, it is upsetting them.

Several members interjected.

The ACTING PRESIDENT: Order! Hon Robin Scott, if you interact with members who are interjecting, you simply continue the process. It will get to the stage that I will leave the chair and debate will be abandoned if members cannot retain some degree of order. Hon Robin Scott has the call.

Hon ROBIN SCOTT: Thank you, Mr Acting President.

The message from Western Aussies is clear: to protect ourselves, we need to diversify and find new opportunities. The biggest opportunity is staring us right in the face, and that is the Pilbara. On one side, we have multiple thousands or millions of tonnes of iron ore, and on the other side we have gas. The bit that is missing in the middle is a steel mill. A steel mill would produce thousands of jobs during construction, and it would also produce hundreds of jobs when operating. Why are we not taking the obvious opportunity to create an iron ore smelting and steel plant? This industry would employ thousands of people and the apprenticeships that would be available would be incredible. Some people may argue that a steel mill in Western Australia would be unaffordable due to wages. I come from a town that was surrounded by steel mills and used to employ thousands of people, but new modern steel mills can now be fully automated, employing just hundreds of people. We have been well known in the world for producing quality products. When we make stuff, we make it well. The kind of reputation that we have for our products would make it easy to sell this steel. At the same time, we would be reducing our reliance on the Chinese communist bullies—namely, the Communist Party of China. One Nation supports creating a steel mill industry in WA. While Hon Kyle McGinn comes in here with his ideas to look after his union mates, some of us with ideas want to look after the whole state.

The ACTING PRESIDENT: I give the call to Hon Alannah MacTiernan.

Hon Alannah MacTiernan: Thank you. I am happy if Hon Charles Smith wants to go first, and I will go after him.

HON CHARLES SMITH (East Metropolitan) [12.04 pm]: Thank you. That is very generous of the minister. What a cracking motion this morning from the member for the Mining and Pastoral Region. I could not support the member more. The only thing I can do to support him more is to send him my application to join the Maritime Union of Australia.

Several members interjected.

The ACTING PRESIDENT: Members! Hon Charles Smith has the call.

Hon CHARLES SMITH: Mr Cain, I know, is a patriot and he understands only too well the dangers of a globalised economy and the effects on Australian employment. According to the Australian Bureau of Statistics' latest figures released for April, around 43 000 Western Australians have lost their jobs. That is a significant problem for employment going forward. I am encouraged to hear from the member that he wants to put Western Australians first. Perhaps the words and statements of the federal member Kristina Keneally are rubbing off on the local party in Western Australia. I remember coming to this fortieth Parliament and one of the first things the Premier did was remove Perth from the regional migration scheme. Here is the great letter removing Perth from the regional migration scheme. It has a special place on my wall in my office. I remember thinking to myself that this was a Premier I could really get behind and support. Here is a man putting Western Australians first. He was supporting workers and demanding the federal government remove Perth from the regional migration scheme. At the same time, he was trimming the state's skilled migration list, slashing it to just 18 eligible occupations down from a previous 178. The Premier said in 2017 —

> … in the current economic climate it did not make sense to give jobs to migrants ahead of West Australians.
>
> "In the current economic climate, it's more important than ever that we maximise employment opportunities for Western Australians," …
>
> "Our policy will ensure that, whenever possible, Western Australians will be given first preference on WA jobs. It doesn't make sense to fast-track workers from overseas when there are unemployed Western Australians who are capable of doing the work.

As members well know, they are exactly my sentiments that I portray in this house time and again. But what on earth has happened? When the WA economy started to flounder and the housing market began its downturn, the Premier announced that the government would expand the skilled immigration list to entice more foreign students and visa workers to the state. I do not understand the logic behind that whatsoever, if we consider what he said previously. The Premier said that the government would focus on marketing WA as an international education destination and adding dozens of jobs to the skilled migration list to allow more foreign students with degrees to stay in WA. I and the Western Australia Party do not have an issue with migration or international students. We have an issue with the excessive amount that we have from both a statewide and nationwide perspective. I support a sustainable migration policy and a sustainable number of international students. It is obvious that there are far too many international students for our own good. The government wants to create a new hub and attract 100 000 international students. It is just too many. The Premier has now reclassified Perth as a regional city, which of course allows for and expands the flow of international students and migrant workers. I want to make the point that this is really amazing stuff, as the economy rolls over, given this state's significant under-utilisation rates, which are around 17 or 18 per cent, and even worse for the youth demographic, which is around 35 per cent. As I pointed out in question time last week, Western Australia also has the lowest wage growth in the entire nation, at around 1.8 per cent.

Let me add: I fully support the member's motion, but I find that there is some hypocrisy or ignorance about how the economy is working with immigration and so on. It is so disappointing to see a Labor government in effect turning its back on Western Australian workers. The government is seemingly intent on sending labour under-utilisation even higher and wage growth even lower.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [12.10 pm]: I thank Hon Kyle McGinn for bringing forward this important motion and speaking with such a depth of knowledge on this topic. That depth of knowledge comes from not only his experience on the vessels, but also having been very much involved in the Maritime Union of Australia, which has a strong focus on maritime policy. It was beautifully supported by Hon Matthew Swinbourn.

What can I say about the contribution from Hon Robin Scott? It was pretty disgraceful. I will say one positive thing about it. There were internal contradictions in what he was saying. He said that we can have a steel industry, because it can be more modern and we do not need as many people, but apparently we cannot have a more modern shipping industry. That is completely nonsensical. The one thing I agree with is that we could one day have a steel production facility in the Pilbara, but it will be based on the move towards the production of hydrogen. What will give us the ability to compete will be our ability to produce a super cheap energy and be able to market a green steel around the world. I know that the member finds it amazingly difficult to accept that there will be a hydrogen industry in the future, but get on board with the modern developments and perhaps we can have a steel industry.

The issues that have been raised here are of concern. We are such an export nation; we sell our iron ore, gas and agricultural produce overseas. Of course, the vast majority of that produce is exported in vessels, and very few of those vessels carry the Australian flag. Very few of those vessels are crewed by Australians. There needs to be a share. It will never be the case that we have all-Australian crews, because the people buying our products are also looking for markets for their labour. But we have got down to a very critical point in Australia. We are going to struggle to find people with adequate blue water experience to be able to operate our ports. We need people who operate pilot boats and tugs and people who do the logistics. We need people who have maritime experience and have actually worked on these vessels. That is part of the qualification that they need. As we contract the number of seafarers, we lose the ability to provide staff for the ports from which we send out all this stuff. Whether it is iron ore or steel—if one day we make steel—we will need ports and we will need tug operators. We will need pilots. If we do not do something radical about this situation, it is going to become highly problematic.

COVID-19 has brought these issues to the fore. We have been trying to deal with the issue of maritime crews coming in from overseas and Australian crews from interstate. It has highlighted to us that most Australian-crewed vessels, be they bulk LNG gas vessels taking gas from the North West Shelf to Japan or supply vessels servicing the drill rigs or production platforms, are crewed from the eastern states, because we have never really had a training facility over here. A training facility used to be based in Newcastle, which was effectively a BHP facility, and, of course, there is the Australian Maritime College in Tasmania. That has meant that most seafarers are based over east. We need to do something about that; we need to provide some training facilities over here. But I think we need to get a better mix of Australian vessels.

Shipping will go through a transformation. People are beginning to wake up to the fact that the use of bunkering fuel and the old rust buckets that are sailing the oceans are highly polluting. They have been making a very significant contribution to the overall carbon emissions and have had big impacts on the ports they have come into. There is some action coming. The International Maritime Organization changed some rules on 1 January this year. It probably has not gone as far as I think it should have, but at least we are now seeing a move away from the use of that bunkering fuel, particularly as vessels come in close to shore. I am pleased that our government has been at the forefront here, wanting to make sure that we get an advantage out of that and helping this drive towards modernisation. In the Pilbara, we are offering very significant port discounts to LNG-fuelled ships. We believe that will ultimately lead

to us becoming a hub for LNG-fuelled ships, and it could create a significant number of jobs as we rival with Singapore for the refuelling position. But I think, over time, we will see these standards raised. I will say this again, because I know Hon Robin Scott loves it when we talk hydrogen. Shipbuilders are also building hydrogen-based vessels. Just as we have seen new technologies developed around metallurgical production, I think shipping is now entering a phase where there will be new and modern ships. We have to start thinking about the ability of having some of these new streamlined vessels Australian-owned and Australian-crewed, providing us with not only job opportunities, but also the underlying core maritime capability that we are going to need to continue to run our ports.

For the entire time we were last in government, we subsidised Stateships; I think it was around $2 million a year. It was not really a terribly effective service. That is not the path that we are looking at going down at the moment. What we are trying to do is encourage more direct shipping options, and more shipping of product directly into the Pilbara. Work is being done in Port Hedland and Dampier on direct shipping. We are looking at options in Geraldton, and Hon Laurie Graham may speak about that. Also, we are beginning to see some of the container vessels coming in and making calls with weekly services into Esperance. We believe that a lot more can be done to take vehicles off the roads by having direct shipping into our ports. Hon Kyle McGinn talked about the possibilities in Broome. I would love to see that. I would love to see us creating a boxed meat product that can go into Asia. Serious work is being done to look at how we can sell chilled meat on container ships into the Middle East. We have all seen our vulnerability when passenger aircraft services disappear and how that impacts on the export of our products. If we could have a container alternative, that would indeed give our agricultural industry greater flexibility.

Again, I think there is much work to be done in the shipping space. We are moving on a number of different fronts. I commend Hon Kyle McGinn for this motion and I thank Hon Charles Smith for his support of this motion.

HON LAURIE GRAHAM (Agricultural) [12.20 pm]: It is a great pleasure to stand to support Hon Kyle McGinn's motion. I really support the sentiments that the honourable member raised, but I will largely stay away from those issues in my contribution.

The problems—trade and wages et cetera—that have caused ports great difficulty in trying to become commercial started in the era in which *The Onedin Line* is set. I am sure members have seen that television series. In those days, the workers were called lumpers. That is where the nickname comes from. They would carry 100-weight bags on their shoulders up the gangway. They did it fast because they were paid by the bag, and when they got too slow, they were thrown off the job. Therefore, unionisation followed on the waterfronts in developed countries. Obviously, that was accepted for a number of years. We had very good companies plying world markets and into Australia. In Western Australia, we had Stateships, oil tankers, general cargo ships, and other vessels plying the coast with Australian seamen on board. Some vessels from further away had British seamen.

Then that era of shipping shifted to flags of convenience. That was really disappointing. Initially, countries had flagged vessels of their own and were very insistent that their own vessels carry their cargoes. But as soon as the vessels got to about 20 years old, they were sold off, probably to a tax haven. A flag of convenience would be put on such vessels, because the vessels could not be certified to a standard that could be licensed in their country of origin, such as Japan. A very low-paid crew would be put on the vessel, with perhaps one very experienced master and a few mates with minor experience, but nothing compared with the people who previously performed those jobs on all the ships from different countries.

In Australia, particularly in Western Australia, in the 1970s, the main trading vessels were 35 000 to 50 000-tonne vessels, and it was rare to see anything above that. Along came the iron ore industry and the coal industry in the eastern states, and we started to see vessels increase in size dramatically. Initially, we started to see 60 000 to 80 000-tonne vessels, and then 130 000 to 250 000-tonne and greater Cape class vessels. That was just a sign of the times. I believe that the same thing is happening now—that is, older vessels are being foreign crewed. If we look at the welfare of the foreign crews on those vessels, particularly the smaller class vessels—the 60 000-tonne vessels—that were no longer certifiable, we see that they were really mistreated; they would often go under a wave and not come up. If they already had a broken back, they would put a flag of convenience on it, and take as many trips as they could. In those days, the price of iron ore was very low, and people's lives were seen as expendable. Australia applied minimal regulations to those vessels.

As the years went on, we had a hands-off approach. In that earlier era, we had a very hands-on approach, just like we do with planes today, whereby we make sure that planes are very safe. The main reason for that is that planes carry people, not cargo. If the freight ships carried people, I am sure that it would be very different. We have seen that with the introduction of COVID-19 on cruise ships. It has been disappointing to see that downturn. I am sure there are opportunities for Australian-manned vessels to ply the coast, and I hope that someone will take up the opportunity to get one of these vessels and take passengers and general cargo on the Australian coast. Clearly, the vessels currently coming in are home porting out of Fremantle and other ports. It is great to see that they are doing that, but it would be better to see them Australian owned and manned. When I was in the ports in the late 1960s and 1970s, about 50 per cent of the vessels that came in were Australian manned. By the time I left, excluding the smaller oil rigs, I think only 12 of the 140 vessels that came in were Australian manned, and they were tankers. There is concern obviously.

The Scaddan Labor government started the State Shipping Service of Western Australia in 1912 following the withdrawal of the Adelaide Steamship Company. From my position at the port, it was disappointing to see that Stateships as an operation was being phased down. The ships used to go to Geraldton and all the way to Darwin, but they gradually picked out each of the ports. Inefficient loading at Fremantle caused each of the ports to be progressively removed. Geraldton went first, then Carnarvon. The stop at Exmouth went next, and that left three ports. The problem was that vessels were not fully loaded. They could have easily been fully loaded if we had applied those other trades. At the same time, we also lost vessels that were trading with South-East Asia. Although they were not Australian manned, as such, many of the crew were Australians. The era of containerisation caused that opportunity to disappear, and that trade has now gone to the bigger livestock vessels. Some of those vessels do trade out of the regional ports, but mainly out of Fremantle. That has been very much a loss.

I will move back to the issue of the qualifications of Australian people in the trade. We are obviously losing the capacity for people to move up and become masters class 1 et cetera to man the bigger vessels. I believe the vessels now at North West Shelf that are pumping offshore have no Australian crew left. They started there with Australian masters on board. Those vessels go away for refits et cetera. They are sailing vessels, but actually work as pumping vessels that have no crew. The only people left in the north west and Western Australia are the very small number of crew members on the rig tenders.

I could not finish up—I will be pretty quick—without mentioning Robin Scott in the Pilbara. I will put in a plug for Geraldton. I was involved in the process of trying to get an iron ore plant into Geraldton, but we could not make Geraldton work, even with the low wages and the gas availability et cetera. I know the Pilbara has gas pretty handy, but it is something that is very difficult to get up. I would like to say a fair bit more, but I will close my contribution and give Hon Kyle McGinn the opportunity to sum up.

HON KYLE McGINN (Mining and Pastoral) [12.29 pm] — in reply: I would like to thank all members for their contributions—almost all. I thank Hon Matthew Swinbourn. His contribution was very well made. Temporary licences are a massive issue. He touched on the *MV Portland*, which is a very sad piece of history in this country. Seafaring jobs are important to this country. I thank Hon Charles Smith for supporting the motion and for his contribution. I thank the Minister for Regional Development. It was much appreciated to hear that shipping is definitely at the forefront of her mind and how important it will be, post-COVID-19, to focus on that. I thank Hon Laurie Graham for his contribution and his views from a port-based perspective.

I think this has been a very worthy motion to discuss in the house today. Despite the comments from Hon Robin Scott, Australian seafarers are important to this country. To make cheap political one-liners about my work history and to say that I only worked on a rig is an absolute disgrace. Clearly, the member has just read my maiden speech. He must have a bit of free time! Today was a little bit of an eye-opener for people about what Pauline Hanson's One Nation stands for. Hon Robin Scott spruiks that he is an electrician and would not call himself a miner, but let us be honest: he was a boss. He has given plenty of speeches in this place that have come straight out of the Chamber of Minerals and Energy handbook. I would not be surprised if the CME had written half of his speeches anyway. He can say that he was a fly in, fly out worker and that he has been in the mines, but in reality he was a boss, sending people out and putting bums on seats.

Hon Colin Tincknell: He's a businessman!

The ACTING PRESIDENT (Hon Robin Chapple): Members!

Hon KYLE McGINN: He is a businessman? Okay. That is the truth here, people. One Nation has said here today that it does not support Australian seafarers. Hon Robin Scott got up and said that it was okay for Pakistani foreign workers to be paid exploitative wages and that is the reason that Australians are not on ships—because we can pay people $2 an hour instead of $50 an hour. I am sorry, Hon Robin Scott, but some of these projects are worth billions of dollars. Wages do not come into it. I can tell members that this is a broader picture of rubbing Australian seafarers out of history. He has made it very clear here today that he does not support Australian workers. He gets up and preaches, he says these things and goes and makes media releases, but we can clearly say today that it is all a load of rubbish. One Nation does not support Australian seafarers. It never will and it never has. It is disappointing. It would be interesting to hear what Pauline Hanson has to say about it. The federal Parliament voted to allow enterprise bargaining agreements to be negotiated in less than 24 hours, so Hon Robin Scott is really following his leader there. He clearly does not care about Australian workers. He thinks it is okay for a steel factory to get exploited foreign workers to take that steel overseas. Why does he not support Australian workers on this coast? He said that it was only a drop in the ocean. These are jobs and they are our resources that we are sending overseas. I really think that he has shown his colours. If the people of Western Australia are thinking of voting for One Nation, they should understand that it is not there to support Australian jobs and it does not care whether exploited foreign labour is on ships. It does not care about the exploited foreign labourers, who work in low safety standards, sometimes do not get paid any wages at all or get fed, and are on ships for over nine months of the year. Do not worry, because One Nation will not have your back! Voters should remember that when they go to the next election.

Motion lapsed, pursuant to standing orders.

BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND AND LEVY COLLECTION AMENDMENT BILL 2020

Second Reading

Resumed from 14 May.

HON DONNA FARAGHER (East Metropolitan) [12.34 pm]: I rise as the lead speaker for the opposition on the bill before us. I indicate that we will support the bill. By way of background, the Building and Construction Industry Training Fund levy of 0.2 per cent is applied to the value of all construction work as prescribed under the Building and Construction Industry Training Fund and Levy Collection Act 1990. The Construction Training Fund administers the levy to support various training initiatives in the construction sector, including employer incentives to employ new apprentices, rebates for short-course training and tutorials, occupational health and safety training and so on. Just a couple of weeks ago, the minister announced a support package utilising this fund of around $24 million to support the construction workforce in response to the COVID-19 pandemic. Perhaps that will be the subject of my first questions to the minister. First of all, I appreciate that it changes, but what is the balance of the fund, as the minister knows it to be at this point? Has that $24.5 million already been taken out, or will it be taken out progressively over time?

In 2019, a statutory review of the act was completed and 22 recommendations were made. The bill before us seeks to amend the existing act to provide for three of the 22 recommendations—they being recommendations 11, 14 and 15. Recommendation 11 is the main recommendation that this bill deals with. It proposes that the government explore the feasibility of allowing project owners to apply to pay the levy in instalments when it can be shown that payment of the full levy amount prior to the commencement of construction would negatively impact the project's viability. That was recommended through the review process, following concerns that were raised by stakeholders. I indicate that the issues raised are not new. They have certainly been raised with me and other members of the opposition both prior to and after the inclusion of the resources sector into the remit of the fund. Therefore, a key part of the bill seeks to amend the act to allow project owners to pay the assessed levy in yearly instalments, when the assessed levy is valued at $1 million or more, on a pro rata basis, over the life of the construction work or over another period, as agreed to by the minister. As I understand it, the first instalment must be paid before construction commences. If it is not, a penalty will be applied, and then it will become null and void. Equally, it will apply only to construction work that has a value exceeding $500 million. If it is under that value, the levy must be paid in full prior to the start of construction. That is in line with the current situation. From the briefing that was provided to us, I understand that there might be four projects that would fall within the scope of having an assessed levy of over $1 million or more, but the minister might be able to confirm that for me.

In response to recommendations 14 and 15 of the review, the bill seeks to amend the composition of the Building and Construction Industry Training Board, including making changes to members' length of service. The bill will add two new members to the board to allow the appointment of one person with experience and/or expertise in mining construction work and one person with experience and/or expertise in petroleum construction work. These amendments specifically recognise the recent inclusion of the resources sector into the remit of the levy, which I mentioned before. It will enable the sector to have greater input into the board's decision-making. I think that is a very good thing and it is quite appropriate. Again, that was raised with me both prior to and after the changes back in October 2018. From the information that was provided to us most recently in the briefing, it is quite clear that resources construction now forms a significant component of the fund. I think that needs to be recognised in a general sense and also needs to be recognised in the context of ensuring that it has a place on the board. As I understand from the bill, the minister will now be required under the act to consult with the Chamber of Minerals and Energy, Association of Mining and Exploration Companies, and Australian Petroleum Production and Exploration Association on board appointments. That is no different to a range of other organisations already listed in the act. That is a good thing and something we support.

Recommendation 15 suggested that consideration be given to introducing a limit on the term of board members. The current act does not provide a limit on how long a member can continue in office after the expiry of their term, so in effect this has meant that a member could continue in office indefinitely until a new appointment is made. The bill seeks to introduce a limit of 10 years of continuous service for both the chairperson and members of the Building and Construction Industry Training Board. That better reflects contemporary standards, and this was reflected in the review, and again it is something we support.

More generally, I indicate to the minister that we support the bill. At this stage I do not intend to go into Committee of the Whole House, although others may well seek to do so. In a more general sense, I want to indicate that given this review with 22 recommendations and the fact that this bill deals with only three, I understand from the government's response to the review that the other recommendations will be dealt with in slightly different ways. Six recommendations will be further considered in 2020 with a report back to cabinet. Again, I am not asking to go into committee, so perhaps the minister might be able to respond in her summing up. I understand that there are many legislative changes, and I appreciate that in the timing of the review, the minister's response to that review and where we are now, the minister has been taken up with some other matters, principally all matters relating to COVID-19, but I would appreciate an update about where those recommendations are at.

There are four recommendations to be referred to the next statutory review. Again, they mainly relate to the resources industry, and I will mention one in a moment. Nine recommendations relate to operational matters of the Construction Training Fund, and they have been referred back to the board for a response and report back to the minister. I have looked at those and they mainly relate to things such as marketing, annual report information and general day-to-day administrative-type activities. Again, I would be interested to hear whether the minister has received a response and a report back from the board about whether it has implemented those changes; and, if not, what time frame she has given it to do that.

I mentioned that a couple of matters had been referred to the next statutory review. In particular, I noted recommendation 10. The minister and others would be well aware of this, but it should be noted that the resources sector has previously recommended a cap on the capital value of any single building or construction project for the purposes of calculating the levy. The review looked at that and I want to refer to recommendation 10, which is under "Legislative changes". I just want to read it in, because I think it helps identify the position more broadly. It says —

> Resource industry stakeholders advised that some resource projects may have very large capital values due to the complex and highly specialised capital inputs required. These inputs may skew the capital-to-labour ratio of the project and lead to a levy payment that is disproportionately larger than the project's construction skills requirement, which could undermine the intent of the Levy. The introduction of a cap on the capital value of any project is a simple way to address this risk and should not undermine the policy intent of the Levy nor the achievement of the CTF's objectives. Queensland has adopted this approach through imposing a cap of $5 billion on the capital value of a project. This addresses a recommendation from the 2014 statutory review to consider applying a tiered levy based on project value.

On page 8 of the review, under "Next Steps", it says —

> I suggest that the State Government considers the feasibility of recommendations 10 and 11 in an expedited timeframe, in view of resources projects of significance to the State commencing in the short term.

I am keen to get an understanding from the minister, although I have heard some comments, about why, when the review has recommended that this be dealt with in an expedited time frame, she has held that over to the next statutory review. Again, it has been raised with me and others, and Queensland is generally pointed to as the example of where it occurs. I am keen to hear the minister's approach. I would also be keen to understand her position on a cap. I am not sure whether she will provide that to us, but I am going to ask anyway. With that, I indicate again that we support the bill. I appreciate that the minister was just seeking some advice. I asked another question about the cap and I am not sure whether she heard it. I asked whether the minister would be able to enlighten us about her position on the cap. I am not sure whether she will provide it, but I am asking for it. I conclude by indicating that we support the bill, albeit I feel I need to raise something. I note that another bill has been sitting on the notice paper since 2017—that is, the Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2017. Again, a number of the matters raised in that bill are of a somewhat administrative nature. I have been a little perplexed about why that bill has not yet been brought on for debate. In concluding and recognising that we support this bill, as we do the 2017 bill, I invite the minister to inform us about why that bill has not progressed, whether it will be progressed and if it is not going to be progressed, whether she intends to discharge it from the notice paper. With that, the opposition will support the bill.

HON ALISON XAMON (North Metropolitan) [12.46 pm]: I rise as the lead speaker on behalf of the Greens on the Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2020, and indicate from the outset that we will support it. Of course, the Greens continue to maintain that education and training are the cornerstones of a civil society, which is one of the reasons that we continue to advocate for all training and education to be available to everyone and free for all students. I have also spoken specifically on the Building and Construction Industry Training Fund on more than one occasion in this place, and I value the multiple roles that the fund plays in workforce development and the training space. I note that COVID-19 has severely impacted a number of sectors of our economy, and, as a result, the government is looking to bring forward a number of construction activities to boost our economic activity. I also note that this sector is still exempt from paying the levy. Recommendation 18 of the "Building and Construction Industry Training Fund and Levy Collection Act 1990: Statutory Review" for this exemption to be removed might be part of a package of legislative changes for later this year. I echo the comments of Hon Donna Faragher with my desire to find out what is anticipated as we move forward with additional legislative reform.

Getting back to this bill, its purpose is obviously to implement three of the recommendations that have arisen from the statutory review of the Building and Construction Industry Training Fund, which was conducted in 2019, so that we amend the legislation to allow collection to be done in instalments when the levy amount is larger than $1 million, amend the membership of the Building and Construction Industry Training Board to account for the resource industry construction projects that are now being levied, and amend the membership rules of the BCITF board in line with the recommendations of the Australian Institute of Company Directors on term limits. That is obviously all sound. As I have said, I spoke at length about the Building and Construction Industry Training Fund and Levy Collection Act and the Construction Training Fund when we discussed removing the exemption on

resource projects in debate on the motion moved by Hon Martin Aldridge. Currently, a levy of 0.2 per cent applies to construction projects that have a value of $20 000 or more, and, again, I hope that we see legislation come before us later this year to amend the threshold amount.

In October 2018, the exemption for engineering and construction projects in the resources industry was removed. Those funds are administered by the Construction Training Fund. That fund uses that money to financially support employers of apprentices who are enrolled in a range of specified construction trade qualifications and to financially support construction tradespeople who are studying higher education qualifications and occupational safety and health qualifications. It also provides information and outreach to schools about construction trades and acts as the construction industry training advisory board to the State Training Board, as well as undertaking a range of industry projects and industry research and development.

I will make some comments about the most recent review, which was commenced by Mr John Kobelke, who sadly passed away, and was subsequently completed by Mr Jim Walker. I note that the review made 22 recommendations and 20 key findings, and some of the recommendations have been carried over from previous reviews, including elements of the Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2017. I understand that these elements will be considered in the second stage of legislative changes later this year to implement six more of the recommendations made in the review. Those recommendations include that the government expedite recommendations 10 and 11. Recommendation 10 is that a capital value cap similar to that in Queensland be introduced. I, too, will be interested to hear the minister's response to the question that was asked about this. This element will be held over to be considered again in the next statutory review. Recommendation 11 is about the application for levy payment instalments. This bill addresses recommendation 11, but it also deals with recommendation 14, which is about board representation, and recommendation 15, which deals with the limit on board member terms.

The bill is very practical in nature but fairly limited in scope. Recommendation 11 responds to a concern that extremely large resource projects, such as those worth billions of dollars, could find the requirement for the up-front payment of the levy to be an imposition that could be sufficient to halt the progress of the project, which would defeat the purpose. Several clauses of the bill relate to the implementation of the ability to commence, vary and refund payments made under instalment plans. Recommendation 14 responds to the concern that the board does not currently carry expertise in those large engineering projects common to the resources sector and that the difference between petroleum and mining projects is sufficiently large that both new positions are required. Representation, of course, is important, but a substantial amount of the funds that are now flowing into the BCITF come from the resources sector. Recommendation 15 responds to the finding that the act provides no time limit on board memberships and how long a member can hold their seat past the end of their term. A number of the organisations that provide advice and recommendations on good governance have flagged that there is an issue with directors sitting on any board beyond 10 to 12 years. The chosen recommendations are fairly easy to implement. I note that they are reasonably widely supported. In the case of the make-up of the board membership, the bill addresses an obvious gap in representation from the resources sector.

I noted earlier that a substantial amount of funding is starting to flow into the fund from the resources sector. The minister's office has very kindly provided the advice that for the year to date as at 30 April 2020, there had been $22.5 million from the traditional levied industries and an additional $13.3 million from construction in the resources sector. I also note that it has been a relatively short time since the exemption for the resources sector was removed. I note that there has been some concern that the resources sector may have an impact on the activities and priorities of the BCITF, especially as more of the funds and more board members come from that sector, but when we originally discussed lifting the exemption for the resources sector, I noted that the government and the workforce advisory bodies widely recognised that the resources sector draws heavily on construction workers who are trained elsewhere and also that the resources sector advised that it regularly provides additional training to these workers to meet the sector's additional needs. I have asked whether the qualifications that are supported by the BCITF have changed or might change in response to the impact of that resources sector funding and I have been advised that a working group has already been formed and two apprenticeships and three short courses have been added to the list of supported courses. I have also been advised that this group is continuing to review qualifications and training courses that are relevant to the construction workforce in the resources sector. I ask the minister whether this is the case and whether my understanding of this is correct.

Of course, we are currently facing a period of uncertainty in how we are going to economically recover from the COVID-19 crisis. As mentioned previously, although we expect to see an uptick in government-sponsored construction, that sector is currently exempt from the levy. Like so many of us, in the face of COVID, the BCITF is facing a future with many unknowns. I have asked about the BCITF's forecast income and activities given the COVID crisis and I understand that quite a lot of work is continuing in that area. I was pleased to learn about the volume of additional support that is being provided to ensure that employers can retain their apprentices and trainees; and, if the minister is able to give any additional information about that, I would be very pleased.

Hon Sue Ellery: Honourable member, can you just repeat that last bit?

Hon ALISON XAMON: I am talking about the BCITF's forecast income and the fact that there is so much uncertainty about what is going to happen. I have been told that additional supports are being provided and I would be keen to find out a little more about that and have that on the record.

Before I conclude my comments, I want to note that, as a Green, I am making these comments in the context of knowing that we also have to commit to decarbonising our industries. As the pace of transition picks up, a lot of construction skills will be required, particularly for the petroleum and gas industries to enable them to transition to a green hydrogen industry. I hope that some investigation of the skills gaps and training needs to assist workers to transition between these industries is underway. I certainly hope that the working group looking at construction training needs in the resources sector will also look to the future and consider the training needs for using green construction materials and building green infrastructure, because that would be an invaluable opportunity. However, I note that today we are looking at amendments to the act to allow changes to the board's membership and to enable all elements of a levy instalment plan. It is eminently sensible and the Greens are happy to support this bill.

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [12.58 pm] — in reply: I thank members for their support for the Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2020. I do not know that I will be able to answer everything in three minutes, but I will give it my best shot! Hon Donna Faragher asked a couple of questions. On the balance of the fund, currently there is $38 million in reserves and $24.5 million will be expended over the balance of this financial year and into the next. That is the announcement that was made about providing extra assistance, with an estimate of $10 million this financial year and the balance in the next financial year. The honourable member also asked us to identify what she thought were the four projects that might be over the $1 million levy payment.

Hon Donna Faragher: It was just to confirm that there were four.

Hon SUE ELLERY: There are five that we are aware of. Who knows what COVID will do to the timing of those projects, but there are five.

On the other recommendations from the review, the board expects to get back to me in September on the proposal for legislative changes. COVID might cause that to be adjusted slightly. I have not been told that there is any hold-up with that. The other matters that came out have been sent to the board. The board has recently done a strategic planning exercise and is working through how it adopts those kinds of administrative arrangements. The cap, which both members raised, is a matter that has attracted some controversy, I guess. We have taken the approach that putting the exemption in place in the first place to bring the resources industry into the Construction Training Fund scope was a very significant step to take, and we are doing this slowly and cautiously. We will give consideration to the cap in the next statutory review. We want the opportunity to assess its implications. Other legislative things need to be considered in stage 2 of this work, including definitions around construction. Rather than doing one bit without considering the impact it might have on some of those potential definitional changes, we decided it was better to wait in considering whether to put in place a cap to see what the impact might be on all those other things that need to be considered.

The matters that arose in 2017 were rolled into this review. There were four matters, two of which this review made no comment about. The other two have been referred as part of the considerations of future work, so we will incorporate them into that. I may well discharge that bill. It may not be a bad thing to do.

Sitting suspended from 1.00 to 2.00 pm

Hon SUE ELLERY: Before we rose for lunch, I was responding to a couple of issues that were raised by Hon Alison Xamon. One of the questions was whether the qualifications that are supported by the training fund have changed or might change in response to the impact of the funding now coming in from the resources sector. She noted in her contribution to the second reading debate that a couple of new qualifications have been added already as a consequence of the resources sector contributing to the funds. The board is doing extra analysis of the issue now to help it determine how to sustain support for the construction workforce, in particular to ensure that we have a ready way of retaining those apprentices and trainees for the recovery phase of the COVID-19 pandemic.

The board is currently putting together industry working groups with representatives from the Chamber of Minerals and Energy, the Association of Mining and Exploration Companies and the Australian Petroleum Production and Exploration Association to look at those training requirements and the type of specialist construction work skills that might be required. It has already been mentioned that the government announced a $24.5 million support package out of the fund to maintain a skilled workforce during the COVID-19 pandemic. That includes the fund making immediate payments of $2 000 for each existing apprentice or trainee, subsequent monthly maintenance payments to employers who are currently receiving other support from the Construction Training Fund and a $1 000 grant to apprentices and trainees who seek to upskill during this period. Those payments are on top of the current subsidies provided to the employers by the CTF.

I announced late in 2018 what we called the disbursements working group to review the scope of the qualifications and training courses supported by the CTF to ensure that the requirements of the workforce engaged in the construction of resources facilities were met and how the funds should be disbursed. That working group included

representatives from the traditional sectors of the construction industry, unions and the resources sector as well. The group noted that the majority of occupations and courses identified by stakeholders as applying to the resources sector were already supported by existing CTF programs and it recommended the inclusion of those two additional qualifications to which I referred and three additional short training courses. Consultation with companies and contractors to review qualifications and training courses to support the construction workforce in the resources sector is continuing.

The honourable member also raised a question about forecast income and activities given the COVID-19 pandemic. To a certain extent this is unknown, but, of course, it is something that the board is dealing with as a live issue. Preliminary work suggests a 30 per cent reduction in revenue for the 2020–21 financial year as a result of the COVID-19 pandemic. That would indicate approximately $24.4 million for the year, but that is early work; that work is not concluded. Revenue from the levy as applied to the traditional residential, commercial and civil engineering construction sectors averaged about $31.6 million per year between the financial years 2011–12 and 2017–18, prior to the inclusion of engineering construction in the resources sector within the scope of the levy. In 2018–19, the levy revenue from the resources sector was $1.96 million, or seven per cent of the annual revenue of $28 million, and as of 30 April this year, revenue from the traditional sectors was $22.5 million and an additional $13.3 million, I think as the member noted, from construction in the resources sector. The honourable member also raised the matter of whether government-contracted construction work was exempt. The work that is exempt is when government workers are performing the work. When the work is contracted to a third party, the third party is responsible for paying the levy.

I thank members again for their support. I have been advised behind the Chair that nobody is seeking to go into committee. I commend the bill to the house.

Hon Colin de Grussa: Mr Acting President, I have a few questions.

The ACTING PRESIDENT (Hon Martin Aldridge): That is okay; we will go into committee.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Martin Aldridge) in the chair; Hon Sue Ellery (Minister for Education and Training) in charge of the bill.

Clause 1: Short title —

Hon COLIN de GRUSSA: As outlined by the minister and other members, a statutory review of the Building and Construction Industry Training Fund and Levy Collection Act 1990 was conducted, which was completed in October last year. Was there a government response to that review, and what is the status of that response?

Hon SUE ELLERY: I was asked this question by another member yesterday as well, so I think there might be some confusion. A government response in this place is normally tabled in response to a parliamentary report. This was a statutory review required under the act and was conducted by an independent person chosen by the chair. When I announced and tabled the review, I indicated in a short statement to the house how the government was responding to that review. I understood that a table was circulated to one of the member's colleagues that sets out the government's response recommendation by recommendation in the report. By way of a short explanation, because the elements before us today essentially go to the practical matter of getting representation on the board and adjusting the board to take account of the new sources of funding, it was deemed that this was the most urgent bit that needed to be done so that the new board could be established and the fund could then go forward with the appropriate governance. That needed to be done quickly and separately. That essentially was our response to those bits.

There are two other, if you like, tranches of work. One is the series of recommendations that are set out in the table, a version of which I will, for the sake of completeness, table now. Another is a set of work that needs further consideration by the board because it goes to some of the ways in which the board conducts itself. As I said in my response to the second reading debate, the board is considering those things and is expected to provide me with advice on those matters—that bundle of recommendations—in September. There is also another series of recommendations that go to more complex matters, including the question of whether to cap, what the appropriate definition of "construction work" is, and some other elements that fall within that. That has been put off until the next review.

That is a general overview, but for the sake of completeness, I will table a document that I think was provided to Hon Martin Aldridge titled "2019 Statutory Review of the Building and Construction Industry Fund and Levy Collection Act 1990 — State Government Response to Recommendations".

[See paper 3887.]

Hon ROBIN SCOTT: Does the Building and Construction Industry Training Fund have a list of all the apprentices in Western Australia?

Hon SUE ELLERY: The fund supports apprentices and trainees in the industries that it funds, so, yes, it has a list of all the apprentices it supports financially. For a total list of apprentices in every industry across Western Australia, the member could ask me that question in another forum, but that is a list that is held elsewhere because they are registered. The fund has the list of apprentices to whom it provides financial support.

Hon ROBIN SCOTT: Can the minister tell me how the fund informs the apprentices of the different training programs that are available to them for their chosen trade?

Hon SUE ELLERY: There is a variety of ways. One is through the fund's relationship with schools and school guidance counsellors. Another is through the Construction Futures Centre. If the honourable member has not already visited it, I invite him to, and I can arrange that for him. The Construction Futures Centre is in Belmont and is like Scitech for trades. The member is welcome to visit that. There is also a range of other marketing programs in place, including social media and working through existing trade employer organisations, providing information to them. There is a variety of ways in which it markets the assistance it can provide.

Hon ROBIN SCOTT: So, there is no direct contact with the actual apprentice. It does not actually send them a letter saying, "Listen, Johnny, this is available for your trade"?

Hon SUE ELLERY: There is no direct communication with the apprentice; communication is with the employer.

Hon ROBIN SCOTT: Excuse my ignorance on this last question, but does the BCITF have to produce an annual income and outgoings statement?

Hon SUE ELLERY: There are two things. It is required to provide an annual operational plan, which is a forward-looking document that it provides to the minister, setting out its work plan and areas of priority for the forthcoming period. As a statutory body, it also produces an annual report that includes a statement of finances.

Hon DONNA FARAGHER: If I can clarify the previous answer with regard to the operational plan, can the minister remind me: when it is provided to the minister for the minister to sign off on it, can the minister vary or change it?

Hon SUE ELLERY: I am advised that I can—who knew I had that power! But I can assure the member that I have not.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 10 amended —

Hon COLIN de GRUSSA: This clause makes some changes to the make-up of the board. Why is it mandated under proposed section 10(2) that we must have on the board at least one member with experience or expertise in the construction of facilities associated with the mining industry, but that we need only consult with the other industries and sectors? For example, it is not mandated that there must be someone from the Master Builders Association or the Australian Constructors Association or others. Is there a reason that has not been prescribed in the bill?

Hon SUE ELLERY: It is to ensure that the representatives from those peak bodies actually have experience in a specific area related to construction in the resources industry. I am sure that the member is aware that those bodies are large organisations with a range of people in them, including employees of those associations. This specifically requires the person they nominate and who is appointed by the minister to have explicit experience in the construction area of the resources sector rather than, for example, just being an advocate for the resources sector. They actually need to have this specific experience.

Hon COLIN de GRUSSA: Why is that specific experience also not required for plumbers, gasfitters or others in whatever relevant construction they do?

Hon SUE ELLERY: To be members of those organisations, plumbers must have experience in plumbing. To be a member of the Chamber of Minerals and Energy, a person can have a vast array of experience, none of which needs to be related to the construction element of the resources industry. That is why that is the case.

Clause put and passed.

Clause 5: Sections 21A and 21B inserted —

Hon COLIN de GRUSSA: This clause relates to the payment of the levy by instalments when the value of the construction work exceeds $500 million or more. A formula is very helpfully provided in proposed section 21A(2). The minister will be given some discretion to determine the payment period. Can the minister foresee any occasions on which that payment period might be extended beyond the actual construction time frame for a project?

Hon SUE ELLERY: I am advised that the terms in the bill before us now have already been the subject of consultation and discussion with the relevant affected companies. What the member suggests is technically possible, but I have also checked, and the board is now doing work around a set of guidelines that might operate so that if the minister—whoever the minister is—is asked to contemplate doing that, the advice would be based on some established guidelines. The industries will have been consulted about the establishment of those guidelines.

Hon COLIN de GRUSSA: Who would the minister consult with in that situation? The minister said that the guidelines would be developed by the board, but would anyone else be included in that consultation?

Hon SUE ELLERY: I am advised that it is proposed that that consultation would be not only on the advice of the board, but also after consultation with the proponents. That would not be limited to the resources sector; it would apply across the traditional sector as well—for example, very big construction projects. It is anticipated that the guidelines will incorporate with whom that consultation should occur.

Hon COLIN de GRUSSA: In determining this aspect of the bill, was any consideration given to indexation of those instalments? If they are paid over a certain period, it could almost be argued that those companies are being given an interest-free loan essentially.

Hon Sue Ellery: A discount.

Hon COLIN de GRUSSA: It would be a discount. Was any consideration given to that being applied?

Hon SUE ELLERY: The adviser cannot recall whether that prospect was canvassed. I am trying to think back. When we started these discussions in 2017, everything was on the table. I have to say truthfully that I cannot recall whether it was canvassed early on, but it certainly was not canvassed as part of the ongoing considerations.

I might just make another comment, if I may. The approach taken by government is to do this slowly and to say to all the parties at every point that if it is not working and something needs to be adjusted, we will come back and look at it. The honourable member will know that the issue of removing the exemption has been the subject of hot debate for a very long time. With absolutely no disrespect to anybody involved, at various points it was like herding cats. It was important that we got everybody on board. We deliberately did it in chunks and kept saying along the way that if we needed to revisit something, we would. The processes in place for dealing with the traditional construction element of this have been developed over more than 20 years. Therefore, we thought that it would not be very clever to go from zero to 100 kays instantly by bringing in the resources industry. We needed time to see how this would work and what the pressure points would be. It remains the case that if we need to revisit any of the elements, we will, but right now, there is no proposal to change the arrangements that the member has described.

Hon COLIN de GRUSSA: In the rather unlikely, but nevertheless possible, circumstance in which an engaged entity in an instalment arrangement were to go bankrupt or into receivership, what will happen to the liability of the contribution to the fund?

Hon SUE ELLERY: There are two possible scenarios. If the project shifts ownership, the liability will go to the new owner. If the work is completed and no further work needs to be done, an analysis will be done of the money that is owed to that point. I assume that the board will become one of the creditors if, for example, the company goes into administration, or whatever.

Clause put and passed.

Clauses 6 to 9 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Sue Ellery (Minister for Education and Training)**, and passed.

WESTERN AUSTRALIAN FUTURE FUND AMENDMENT (FUTURE HEALTH RESEARCH AND INNOVATION FUND) BILL 2019

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

RESIDENTIAL PARKS (LONG-STAY TENANTS) AMENDMENT BILL 2018

Committee

Resumed from 14 May. The Deputy Chair of Committees (Hon Martin Aldridge) in the chair; Hon Alannah MacTiernan (Minister for Regional Development) in charge of the bill.

Clause 2: Commencement —

Progress was reported after the clause had been partly considered.

Hon NICK GOIRAN: When we last dealt with this matter on Thursday, 14 May 2020, the Committee of the Whole House had commenced consideration of clause 2 and reported progress. There had been only the briefest of opportunities for the house to consider clause 2. I asked the minister who has carriage of the Residential Parks (Long-stay Tenants) Amendment Bill in this place and represents the Minister for Commerce which clauses in the

bill were impacted by the necessity to amend the Residential Parks (Long-stay Tenants) Regulations 2007. The reason that that is and remains relevant is that the explanatory memorandum the government tabled, when the second reading of this bill was provided to the house by the minister, included some commentary about clause 2, specifically in the second paragraph, indicating that it would be necessary for those regulations to be amended. That was the explanation why in clause 2 we have one of the not uncommon provisions whereby commencement will take place on a day fixed by proclamation, and different days may be fixed for different provisions.

The minister with the carriage of the bill in this place kindly tabled for the attention of members a document that sets out the provisions that the government indicated were related to regulations. I note that on 14 May, the minister indicated that the majority of the provisions require regulations. I do not know whether the minister still has a copy of that tabled paper handy—it is tabled paper 3872—which sets out those matters. At first glance, it is not apparent that the majority of the provisions will rely on the regulations. If the minister has a copy of that tabled paper available and looks at it, she will see that it consists of four pages. The table has a large number of rows that set out the various sections that the bill before the chamber seeks to amend. But more relevantly at this point, it also has six columns. It is the second of those columns that attracts my attention at this time because it is entitled "Regs". In that column, the minister will see that on the first page, six provisions are ticked; on the second page, two provisions are ticked; on the third page, eight provisions are ticked; and on the last page, one provision is ticked. It appears at first glance that the majority of the provisions do not rely on the regulations or, to borrow the minister's phrase from 14 May, require regulations. However, I confess that I am unfamiliar with this tabled paper and its formatting. It may well be that columns 3 to 6 might provide a satisfactory explanation for that. Can the minister update the chamber to explain this?

Hon ALANNAH MacTIERNAN: This document shows that a plethora of regulations are required. Many of them involve the development of standard forms. The member can see that although some sections might not rely on regulations directly, they require the development of various standard forms. It is very much an integrated scheme; we cannot just take out the provisions and go through them one by one and say that this one has a regulation. This is really a composite scheme that requires standard templates to be prepared. Some of those provisions that do not necessarily require a regulation to be made will, nevertheless, rely on the existence or the development of one of these standard forms or processes. It is not feasible to pull it all apart and try to list all the provisions that have a regulation. It has been developed as a scheme and we hope to have these regulations completed and tabled within six months. We have to consult with the stakeholders about the detail of many of the forms that will be created as part of the regulations.

Hon NICK GOIRAN: Can the minister explain to the chamber the other columns in the tabled paper—"LSA", "Disclosure", "Info" and "Cross ref"? What is intended by those headings?

Hon ALANNAH MacTIERNAN: The "Regs" are self-explanatory. "LSA" is a long-stay agreement. Entrenched in this schema is a long-stay agreement. They will be the provisions that rely on the existence of a template for a long-stay agreement. "Disclosure" refers to the provisions that will rely on the development of a disclosure document. Members will be aware that mandatory disclosure documents will be required to be provided to people entering into these agreements. Information booklets will also be mandated in the legislation. That next column, "Info", relates to the provisions that are required. The information booklet, obviously, has to be amended to incorporate the changes that occur. These are the points at which the information booklet will need to be amended to reflect the changed regulations. The final comment, "Cross ref", is relevant when one provision refers to another provision.

Hon NICK GOIRAN: I seek clarification from the minister. There is reference in the table to "s.13 — Real estate agents charges". Section 13 in this table presumably refers to clause 15 of the bill. Clause 15 will replace sections 11 to 13 of the Residential Parks (Long-stay Tenants) Act 2006. That provision in the table, "s.13 — Real estate agents charges", is not marked in any of the five columns in the table. Is that indicative that that provision could commence immediately after assent?

Hon ALANNAH MacTIERNAN: It is important to understand that it is part of clause 15 of the bill, as I understand it. I am told that it does not amend just section 13, so it would not be practical to say that that section was going to commence. That is what I am being told. Clause 15 will amend section 13. It is quite complex; just a moment.

The real estate agents act will not actually change. This is not substantively being changed. That remains in force under the existing legislation. It is caught up in the amendments, but the substance of this does not change. We do not have to worry about putting a commencement in because it has already commenced under the previous legislation.

Hon NICK GOIRAN: That makes sense. Clause 15 of the bill includes the replacement of several sections, being sections 11, 12 and 13, albeit I note that it includes a curiously titled proposed section 10C—but let us leave that alone—as well as a proposed section 13A. Perhaps that is just a drafting convention by parliamentary counsel to title clause 15 "Sections 11 to 13 replaced", notwithstanding the fact that it seems to also deal with proposed sections 10C to 13A. Let us leave that alone. If necessary, we will consider that when we get to that clause. That is not the heart of the question at the moment. My question relates to section 13, which is found within clause 15.

The heading is "Real estate agents prohibited from charging fees, charges or rewards for particular services". It sets out various requirements, and indeed two penalties. I understand from what the minister said that that is already the law of Western Australia and that this replacement does nothing to change that; therefore, it is a matter of no consequence when this provision will be proclaimed because in any event it is the law at the moment. I want to be sure that section 13, found on pages 18 and 19 of the bill, is one and the same as the existing law.

Hon ALANNAH MacTIERNAN: I direct the member to the explanatory memorandum under section 13. It states —

> Section 13 re-states current subsections 12(3), (4) and (5) of the Act as subsections 13(1), (2) and (3), respectively. No amendments have been made to the wording of these subsections.
>
> A $5,000 penalty continues to apply for breaches of subsections 13(1) and (2).

There is no change.

Hon NICK GOIRAN: That is excellent. Is it then the case that when we read the tabled paper, any time a provision is not marked in any of the five columns, the same explanation is provided; that is, the existing law is the same and therefore there is no concern about the proclamation period?

Hon ALANNAH MacTIERNAN: Not necessarily. Some will be, and I understand others will simply be provisions that do not require regulations to have their impact.

Hon NICK GOIRAN: I thank the minister for the explanations she has provided so far this afternoon. What I am really seeking an assurance on is those matters that do not require anything else, whether it be a regulation or an information booklet or disclosure or the like; no substantive new law will be brought in that will be held up by the commencement clause. For example, we just dealt with real estate agent charges. The minister indicated that there is no change to that, and helpfully drew our attention to the explanatory memorandum. Other provisions are set out—for example, security bonds, payment to a bond administrator, increase in security bond, rent, records kept by operator, and so on—all of which sound like important provisions that would be of benefit to those who fall under the auspices of this bill. I am keen to make sure that any provision that will be a benefit to individuals will commence at the earliest possible date and that there is no reason for them to be held up. The explanation the minister provided earlier was very helpful. Some matters will involve the existing law and there will be no change, so we need not be concerned about that. However, do any of those provisions fall into that category of concern?

Hon ALANNAH MacTIERNAN: There may very well be, but we believe it would be very unfair to the industry and all involved for us to deal with this in a piecemeal fashion. We have worked with the industry to develop a package and now, hopefully, at some point, we might get approval from this chamber to proceed. I do not think it is fair to anyone involved—it certainly is not fair to the industry—to put out one bit here and another bit there. It would also make it hard for the groups that are representing the interests of the renters or leasers, because it would be all over the place. This needs to be presented as a package. There is one difference, and that is the definition of "residential park". The member will be aware—this is quite complicated—that because of the State Administrative Tribunal decision that came down about the Caravan Parks and Camping Grounds Act, the mobile homes could not just be moveable; they had to be transportable. SAT's decision made it very difficult to consider certain types of mobile homes. The part of the bill with the definition of "residential park" will be proclaimed earlier. That part does not deal with the problem for a lot of people, but it deals with the problem that the legislation references the Caravan Parks and Camping Grounds Act. One of the changes this bill will make, through new clause 5A, is to insert proposed section 5B, which contains a new definition of "residential park". That definition deletes any reference to the Caravan Parks and Camping Grounds Act so that people under this legislation will not be caught up in that SAT decision, which is being dealt with independently by the Minister for Local Government.

Hon NICK GOIRAN: I thank the minister. I understand from the explanation provided that it is not the desire of the government to implement this scheme in a piecemeal fashion; it is desirable for it to be brought in as one scheme, with the exception that the minister outlined, which is the definition of "residential park". I note that the minister has an amendment on the supplementary notice paper to that effect under new clause 5A, and we will get to that in due course. The provision in clause 2(b) that the rest of the act will come into effect on a day fixed by proclamation is not of concern. The only aspect of the minister's explanation that concerns me is the next phrase "and different days may be fixed for different provisions". It is not always the case that bills say that. In fact, it is quite common that a bill will say "the rest of the act on the day fixed by proclamation", but the government has said that on this occasion it wants different days to be fixed for different provisions. In effect, that seems to me to be the opposite of what the minister just indicated, which is that it is not the government's intention to bring in the provisions in a piecemeal fashion. I would like some confirmation about the government's intention for the commencement dates. Earlier, I heard the minister refer to a six-month period, which was a little concerning. I was not aware that this would be delayed for another six months. I want to be assured that there are no provisions in the bill before the chamber—a very complex bill with 85 provisions—that cannot be brought in more expediently.

Hon ALANNAH MacTIERNAN: The provision the member referred to was put in expressly to enable us to bring forward the proclamation of proposed section 5B if something else of that nature comes forward to enable us to do that. I can assure the member that we are absolutely committed to dealing with this as quickly as possible

for the lessees and lessors. Our view is that we want to bring forward the provision containing the definition of "residential park" earlier. That is why we are seeking to place some flexibility in the legislation, but it is possible that another need might arise and we would bring forward another provision. Generally speaking, we want to put this as a package. The whole thing makes sense as a package and the way that we would need to communicate that with the stakeholders overwhelmingly demands that it be dealt with as a package.

Hon NICK GOIRAN: I accept that the minister is representing the Minister for Commerce and would not ordinarily have carriage of the bill and therefore is relying on the advice being provided. The concern I have is that clause 2(b) is in the bill before the chamber. It is not an amendment. It was always the intention of the government when this bill was first tabled in this house to allow different days to be fixed for different provisions. When the minister refers us to the definition of "residential park" and proposed section 5B, that is not in the bill before the chamber; it is on the supplementary notice paper. When the bill was first put before the house, it was the government's intention to allow a provision for the piecemeal commencement of the legislation. The explanation for that cannot be because of the definition of "residential park" under proposed section 5B because it does not appear in the bill; it appears only on the supplementary notice paper. That is why I am pressing the point so that the chamber can be absolutely assured that no other provisions can be brought forward earlier and that, in effect, despite the language in clause 2(b), it is the government's intention to bring in the provisions in approximately six months, with the exception, as the minister pointed out, of proposed section 5B. That is what I seek clarification on.

Hon ALANNAH MacTIERNAN: I thank the member. It certainly is true that the problem emerged after the preparation of the bill. However, it is included precisely because we know that things happen in this industry. We are dealing with some quite complex issues. At the time the bill was drafted, there was a view that we should have some flexibility in case something emerged and, lo and behold, something did emerge; we had the SAT decision. That particular provision allows us to get moving on the definitional change. I can absolutely assure the member that it is not our intention to proclaim this legislation in piecemeal fashion. However, it may well be that something else emerges like the SAT decision or another problem that lands like a UFO on the lifestyle of people in residential parks and we need to do something about it quickly. This is simply recognising that this is a very complex environment in which we can see change occurring. It is not a static environment, so we sought that flexibility.

Hon NICK GOIRAN: Fair enough, minister. I can accept that the government wants to have maximum flexibility to deal with any unanticipated State Administrative Tribunal decisions. What was the date of the SAT case decision that the minister referred to earlier?

Hon ALANNAH MacTIERNAN: Quite frankly, that is a piece of research I do not have available to me, but I have acknowledged that the SAT decision came after the Residential Parks (Long-stay Tenants) Amendment Bill was originally drafted. I think it was October or sometime last year. I am acknowledging that. We need to try to make some progress on the bill. I have acknowledged that the SAT decision came after the bill was drafted, about the same time that it was being introduced, but we were aware that these sorts of things could happen and we sought some flexibility.

Hon NICK GOIRAN: I will leave it there. I do not think it is too much to ask for the date of the SAT decision that the government is relying on, as I understand it, for a new clause that it is proposing to insert a little later, but we can perhaps pursue that when we get to new clause 5A. I was just asking for the date because that would then close off this line of questioning. However, I am happy to take that up at new clause 5A.

I understand that clause 85, the final clause of this bill, will update references to the Residential Parks (Long-stay Tenants) Act 2006 in the Residential Tenancies Act 1987. My reading of it is that this clause cannot commence until the sections being referenced will commence. When is it intended that proposed section 102(1)(b) of the Residential Parks (Long-stay Tenants) Act will commence—that is, clause 81?

Hon ALANNAH MacTIERNAN: I am advised that it will be dealt with at the same time as the bulk of the legislation.

Hon NICK GOIRAN: Therefore, clause 85 is intended to commence at the same time as clause 81. The other provision under which a similar thing will occur is clause 68, where there is reference to changes to section 76(2) and to proposed section 76(2A), which the member will note mirrors the provision at clause 85(2). Is it intended that clause 85 will commence at the same time as both clauses 81 and 68?

Hon ALANNAH MacTIERNAN: The advice is yes.

Hon NICK GOIRAN: At this point, I would like to move to the amendment standing in my name on the supplementary notice paper at 33/2. Perhaps the most convenient way to proceed is for me to simply move it and then provide my explanation. I move —

> Page 2, after line 8 — To insert —
>
> (aa) sections 3, 79 and 84 — on the day after that day;

By way of explanation to members, my primary concern in moving this amendment is the review clause found later in the bill. If members turn to clause 79 of the bill, they will see that the government has, quite appropriately, put forward a review clause that will see the deletion of current section 96 in the act and the insertion of a new section.

Members may have a view about the drafting of that provision at clause 79. Indeed, I certainly have a view on that matter. Members will see that I propose to, I believe, enhance that clause when we get to it, but that is not the issue at this time. The issue that needs to exercise the minds of members is: when should a review clause commence? I am firmly of the view that the review clause ought to commence the day after assent. There is no reason for it to be left to the executive to proclaim in the fullness of time, if it so desires to do so. In fact, the minister and I have just extensively canvassed clause 2, which confirms that there is power in clause 2(b) for the executive to proclaim different provisions on different days, including not proclaiming at all. I therefore seek the support of members to ensure that the review clause commences the day after assent. All that will do is ensure that time will begin to run from that day.

If members take the opportunity to look at the affected clause, which is review clause 79, they will see that the government's drafting of clause 79, particularly at page 110, line 2, makes reference to section 3 of the act. In other words, the anniversary of the act will all hinge upon when clause 3 of this bill before us commences. For that reason, I have included clause 3 in this amendment before the chamber; in other words, it will ensure that clauses 3 and 79 both commence on the day after assent. I see no reason why that should be objected to. There appears to me to be no problem with that.

Members may then ask why have I included clause 84. That is simply a housekeeping matter. Clause 84 of the bill is self-evidently one that need not wait for proclamation; it can simply commence the day after assent. Nothing turns on it. If it were not for the work I am doing on the review clause at clause 79 and its impact on clause 3, I probably would not bother with clause 84. However, since we are tidying up those matters, we may as well deal with them as a package. I seek the support of the government and members for the amendment standing in my name.

Hon ALANNAH MacTIERNAN: We want to make some progress. This is really getting down to the rats and mice and not the significant policy issues. The review is not set for five years from assent but rather from the day on which it becomes operational because how the legislation operates is the whole thing that is reviewed. The whole point of the five-year period is to look at how it has gone in the five years that it has been operating. Hon Nick Goiran wants to bring it forward to the day of assent. Nothing much turns on it. We want to make some progress. But if the member wants to do that, it means that the review will have to start four and a half years or four years into the act's operation. The member might think that that is a great win, but I do not think it will add to the bill at all. It will not be fatal, but we want to get this bill through. We know that this will be a very painstaking process. We are not talking about the policy or the impact; we are spending an hour talking about the proclamation date! That is the sort of thing that drives us crazy. I do not have any advice supporting the inclusion of section 84 in the amendment, so if the member deletes the reference to section 84, I will not oppose him making this amendment. I do not think it will add to the bill. It does not particularly matter whether the review starts four and a half years into the act's operation rather than five years. To try to get things moving—I am not comfortable agreeing to including section 84 in the amendment because I do not have advice on that and I am a bit concerned about how it might fit in—if the member wants to move his amendment for sections 3 and 79, we will not oppose it.

Hon NICK GOIRAN: I ask the minister to look at clause 84, because that will expedite things. It is a self-evident clause that does not need to wait for proclamation. It reads —

> This Part amends the *Residential Tenancies Act 1987*.

It does not need to wait for proclamation. It can start after the assent day. This happens routinely on bills. As the minister says, nothing turns on it. If I was not attending to the important matters of the review clause definitely starting, I would not bother with clause 84. I ask the minister to take some advice on that. Nothing turns on clause 84. No-one will be hung, drawn and quartered over it, and we can get on with it.

Hon ALANNAH MacTIERNAN: And try to get on with the substance of the bill rather than having two-hour debates about proclamation. As I said, I am a bit concerned about it.

We will let it go through. The member has a victory: we will review the act after four and a half years of operation rather than five—great!

Hon NICK GOIRAN: The only reason it will happen in four and a half years instead of five is that the minister's government is not ready to proceed with this matter. She is saying—today is the first I have heard of it—that the government needs another six months to get its act together. Does the minister remember what I said in the second reading debate? I went through the chronology in detail. She can rest assured that I will not go through it again now because I do not want the minister to lose her cool. But this bill was introduced into this place in November 2018. We have all been waiting for this bill to come on. We have been keen as mustard.

Hon Alannah MacTiernan: We've been having two-hour debates about proclamation on every bill.

Hon NICK GOIRAN: Minister, all that needed to happen, at some point since November 2018, was that somebody could have knocked on the opposition's door and simply said, "Look, we agree. Let's get on with it." However, no-one has done that. This is the first I have heard that there may be some willingness on the part of the government to simply make sure the review clause starts on time. I ask for the support of the whole chamber for my amendment.

Amendment put and passed.

Hon MICHAEL MISCHIN: I move —

Page 2, after line 10 — To insert —

(2) However —

(a) if no day is fixed under subsection (1)(b) before the end of the period of 10 years beginning on the day on which this Act receives the Royal Assent, this Act is repealed on the day after that period ends; or

(b) if paragraph (a) does not apply, and a provision of this Act does not come into operation before the end of the period of 10 years beginning on the day on which this Act receives the Royal Assent, the provision is repealed on the day after that period ends.

This proposed amendment builds on the Standing Committee on Uniform Legislation and Statutes Review's 124th report, "Inquiry into the Form and Content of the Statute Book". I will come to that in a moment. The amendment seeks to amend clause 2, the commencement clause of this bill, and is contained, along with the short title clause, in part 1 of the bill. Currently, clause 2 provides that this legislation comes into operation as follows. Part 1—namely, the preliminary part of this bill containing the short title and the commencement clause—comes into operation —

on the day on which this Act receives the Royal Assent;

So far, so good.

We have had an addition to clause 2—new paragraph (aa) that we have just dealt with—but that will not be material to the amendment I propose. Clause 2(b) provides that the rest of the bill, except for those bits that are covered by new paragraph (aa), will come into operation —

on a day fixed by proclamation, and different days may be fixed for different provisions.

The government plainly intends that the whole of the act will come into operation at some stage. I am content with that; that is as it should be. However, it emerged in the committee's review of the statute book, the subject of the 124th report, that for all the will in the world, there are nevertheless quite a number of acts of Parliament, leaving aside provisions of acts of Parliament, that have been passed over the last 20 or 30 years that have not come into operation and are still sitting on the statute book, whether by way of a provision in an act that the government has not got around to proclaiming and putting into operation, or, indeed, an act itself. When I presented that report, I indicated in my tabling statement that the committee had come to the view that notwithstanding that occasionally there are omnibus bills in order to clear out bits of the statute book, there are nevertheless a number of statutes that are either obsolete—because the need for them, or what we were aiming at fixing, has expired—or have never come into operation. I accept that that is not a frequent occurrence, but it happens from time to time. It is easier to get these things onto the statute book than it is to take them off.

I refer members to paragraph 2.8 of our report, which dealt with a review—an interim report of the committee, in November 2012. It identified 68 statutes as having royal assent, but which remained unproclaimed by November 2012. Thirteen had received royal assent in the year 2012, and I suspect quite a number of those have since been proclaimed in part or whole. They were relatively recent at that stage and there was still a term of the Barnett government to go. I expect that many of those would have been brought into operation, either completely or partially. Twenty-seven had received royal assent after September 2008 and before 2012 and had still not come into operation. Ten had received royal assent between January 2006 and September 2008, which was under the Carpenter government, and as at 2012 had received royal assent but had still not come into operation—at all. Seven dated back to the Gallop government, between February 2001 and January 2006, and as at November 2012 had still not come into operation. Six had received royal assent between February 1993 and February 2001—the period of the Court government—and by 2012 had still not come into operation. Five had received royal assent before February 1993, the earliest one dating back to November 1970, and had not yet come into operation. With a view to keeping the statute book in some order and, indeed, saving the need for parliamentary time and government time in having to get around to introducing an omnibus bill and getting rid of those statutes, or deciding whether it would finally try to bring them into operation, the committee proposed that essentially we have a cut-off period.

The rationale behind that was severalfold. Firstly, it has often been mentioned in the course of consideration of bills by the Standing Committee on Uniform Legislation and Statutes Review or the Standing Committee on Legislation, or other committees if they happen to be looking at bills, that allowing the government to decide when to bring part or all of a bill into operation is, essentially, a delegation of parliamentary sovereignty by giving the government licence to decide if and when it will bring an act into operation. The Standing Committee on Uniform Legislation and Statutes Review proposes that there be a limit to that licence—namely, 10 years. The period of 10 years was chosen because now, with fixed-term elections, it is effectively two and a half terms of government. Because of the pace at which change in society moves, if an act or a provision of an act has not been brought into operation after 10 years, there is a pretty good chance it would have to come back for further consideration by Parliament in some fashion, hence the 10-year time limit.

We have not yet debated the 124th report of the Standing Committee on Uniform Legislation and Statutes Review in consideration of committee reports—we will get to that—but it seems to me that there is now a good opportunity to introduce a regime in which, particularly in the case of complex statutes, a time limit is placed upon when a government has to take action and bring a provision or, indeed, an act into operation. There were years of review of and consultation on this legislation under the previous government. This government, after having received the regulatory impact assessment in March 2017, announced in July or August 2017 that it was going to take action on these matters, and I am confident, now that the government has finally brought the legislation before the chamber for debate, that it will bring at least the essentials of it into operation at some time in the foreseeable future, given the amount of work that has been put into it. However, if there happen to be provisions that after 10 years still have not been brought into operation, it seems to me that they should be removed from the statute book so that it can be cleared in that fashion.

The government provided a response to the 124th report of the Standing Committee on Uniform Legislation and Statutes Review. I will not deal with that at the moment, but the committee's most recent report, the 126th report on the Work Health and Safety Bill 2019, raised with the Minister for Industrial Relations, whose bill that is, whether there would be any objection to a provision along those lines being introduced into that bill when it comes up for debate. He indicated that he did not have a problem with that. He foresees that that important reform of work health and safety will become operative well before 10 years are up, and one would hope that that is the case.

There is no harm in including this scheme in the legislation. There will be ample time—two and a half terms of government—for some government to bring all of the legislation into effect, but if there happens to be a change of mind of government or if certain provisions prove to be undesirable to a government and 10 years elapse after royal assent, it would seem sensible for Parliament to then have an opportunity to reconsider them rather than having provisions left in what will be the Residential Parks (Long-stay Tenants) Amendment Act that are of no effect. I have moved the amendment standing in my name and hope that the government will support it.

Hon ALANNAH MacTIERNAN: I understand the principle that the member is addressing. We know that it is unlikely to be of any practical consequence in this legislation, which we are very motivated to bring into effect. To be honest, I do not think this is an appropriate mechanism to deal with this policy issue. I think there is a policy issue that could be dealt with and I think the work of the Standing Committee on Uniform Legislation and Statutes Review in drawing to attention the need to have some mechanism other than the bring-out-your-dead date to deal with statutes that really are not of any practical impact needs to be addressed. I also note that in the 124th report, the committee did not recommend that each bill that comes to this place should have that added in. It made two relevant recommendations. The first was that there be an amendment to the Interpretation Act, and the alternative recommendation was that something similar to the Canadian Statutes Repeal Act be implemented to manage the issue of unproclaimed enactments.

The government has responded that it agrees that this issue should be addressed, and that it preferred the more flexible mechanism. It was concerned about some, probably limited, circumstances. It gave the example of the Commonwealth Powers (De Facto Relationships) Act, in which there is good reason for a significant delay in the commencement of the act. But it has been acknowledged by the government that a mechanism such as the alternative mechanism recommended by the committee—the use of a statutes repeal act—could be undertaken. I accept that there is a basis for that, as does the government, but we will not support the introduction of this mechanism bill by bill. I am happy to go back to the Attorney General and say, "Look, this is an important thing to get on top of; can we get on top of it?" But I do not think it is appropriate to try to do this in this piecemeal way by putting it in, legislation by legislation.

Although I understand the principle, and the principle is not offensive, it would be much better dealt with in the way that the committee recommended. This is not a recommendation that we include a provision every time a piece of legislation comes forward. The committee has recommended two possible alternatives, and I am more than happy to take up with the Attorney General, on the member's behalf, the need for us to have a closer look at the Canadian model, which we have indicated that we support in principle. But I certainly do not think it is appropriate for us to do this legislation by legislation, piece by piece. That is not going to achieve the outcome that is required.

Hon NICK GOIRAN: I indicate that I will support Hon Michael Mischin's amendment. I thank him, particularly in his capacity as Chair of the Standing Committee on Uniform Legislation and Statutes Review, for drawing this matter to our attention. I see no harm whatsoever in this proposed amendment. Indeed, I am somewhat concerned that the government does not want to support it. As the minister knows, I am very concerned that this bill will not be proclaimed in a timely fashion. I found out today for the first time that the government is talking about sitting on this legislation for another six months. All that Hon Michael Mischin is saying is that if this does not happen in the next 10 years —

Hon Alannah MacTiernan: We understand the principle. We're saying that it should be done in a separate piece of legislation, not in a piecemeal fashion.

The DEPUTY CHAIR (Hon Matthew Swinbourn): Minister, your contribution was made without interruption. The member has the call.

Hon NICK GOIRAN: Given that the government says that it has indicated that it aspires to do something in the next six months, Hon Michael Mischin is simply saying, "Well, look, we'll give you 10 years. If you haven't done it after that, guess what? The deal's off." I do not think that is unreasonable and I think the amendment should be supported.

Hon MICHAEL MISCHIN: I will not take up the chamber's time other than to say that I entirely agree that the report makes two recommendations. One of them is to do with a discrete statute that amends the Interpretation Act to provide for this. The government has responded and said that it does not like that idea—therefore, I think that the chances of that happening any time soon is zero—because it does not provide flexibility. Therefore, I am proposing something that allows for flexibility. The one statute the government points to is not the one that dates back to 1970, or any time in between, other than one in 2006 to do with the transfer of state power in respect of de facto relationships. All right; that might happen, but that was 2006. It is now 2020 and it still has not been brought into operation. This amendment does not affect that one; that is for another day. I find it difficult to believe that in 10 years' time, if there is a provision in this legislation that has not been brought into operation, it will be essential for the government to hang onto it and that we allow it to happen, considering there will be a review in five years' time anyway.

This amendment allows for flexibility, because I am bringing this in for this particular statute. The minister has not pointed out anything in this that will be essential to hang onto in 10 years' time if it is not in operation by then. The amendment will allow for flexibility. If it turns out that time runs out and there is a provision in this bill that will be important in 10 years' time but no-one has gotten around to bringing it into operation, the government can always move a small amendment to extend it. That is all. But, in the meanwhile, it clears the statute book; it provides an incentive for whatever government of the day to look at the legislation and to see whether it is still important that that provision remains. This amendment provides the flexibility that the government was concerned about. If these things are dealt with on a case-by-case basis, I think the government will find that there will be no reason why any provision of any piece of legislation that is brought to this chamber will have to hang around for 10 years without being of any effect. I move the amendment.

Hon ALANNAH MacTIERNAN: I am deeply concerned that the member is misrepresenting the report of the Standing Committee on Uniform Legislation and Statutes Review. I am also deeply concerned that he is misrepresenting the government's response to it. The member will recall that the committee gave recommendations in the alternative. It said that we should either amend the Interpretation Act or adopt statute repeal legislation similar to that of Canada. The Attorney General has responded by saying that the government will consider implementing a more flexible mechanism, such as the Canadian model set out in —

Hon Michael Mischin interjected.

Hon ALANNAH MacTIERNAN: Which was recommendation 7 of the committee. The member's committee made that recommendation. Does the member not remember that bit?

Several members interjected.

Hon ALANNAH MacTIERNAN: It says —

> In the event that the Government does not accept recommendation 6 …

Hon Michael Mischin: The government supports in principle a legislative mechanism to manage unproclaimed enactments but does not support the committee's recommendation to amend the Interpretation Act.

Hon ALANNAH MacTIERNAN: Exactly.

Hon Michael Mischin interjected.

Hon ALANNAH MacTIERNAN: That is exactly what I said. The committee gave two alternatives.

Several members interjected.

The DEPUTY CHAIR: Members!

Hon ALANNAH MacTIERNAN: I am not going to go on about this, but in the member's committee report there was one recommendation and then the report said that if that was not acceptable, there is this alternative.

Hon Michael Mischin: The report did not say that. It makes two recommendations. Plainly, one was preferred, which the government does not like.

Hon ALANNAH MacTIERNAN: But the member obviously —

Hon Michael Mischin interjected.

The DEPUTY CHAIR: Hon Michael Mischin, it is not a discussion across the chamber. The minister has the call. The minister should not permit the interjections and get on with the point she wants to make.

Hon ALANNAH MacTIERNAN: Recommendation 7 states —

> The Government implement a mechanism that is the same as, or similar to, the *Statutes Repeal Act* … 2008 …

I think that that is an appropriate mechanism. The government has said that it will consider that; it thinks that that has merit and is the appropriate way of doing this. The committee never said that every piece of legislation coming forward now should be amended to include this provision. We think as a matter of principle—not that it is going to have a deleterious effect on this legislation—that this should be something that is determined in that way with a piece of legislation that deals with the problem properly.

Hon MICHAEL MISCHIN: For someone who really wanted to get on to the policy matters in the bill and get away from the proclamation clause, I find it astonishing that the minister still wants to argue the toss when she admits herself that it is not going to make any difference to the government's policy. It is not going to affect the bill other than to get rid of something that may be still there in 10 years' time, which the government has not got around to getting into operation, whether because it has forgotten about it or because it has had second thoughts about the provision. The recommendation of the committee was that the government introduce a bill to deal with it as a blanket issue over all legislation. In the event that the government does not accept that, the committee made another recommendation, which was to look at a much more complicated model that is used in Canada, which we thought had certain advantages but also a lot of drawbacks. Since then, the government has not entertained recommendation 6—the first recommendation. It has said that it does not provide enough flexibility. That is okay. A blanket piece of legislation in the Interpretation Act that requires something to happen in every case is not something that is acceptable to the government. So be it. I am allowing for that flexibility. If a good reason can be brought up to say why this particular statute—notwithstanding that bits of it that do not do anything may be hanging around in 10 years' time—ought to remain on the statute book, I will withdraw my amendment. But at the moment I have not heard anything other than the government prefers to look at something else. That is not going to happen in a hurry. If we look at the rest of the government response, it has even said in respect of omnibus bills that to clear up the statute book, which was promised something like two years ago, nothing has happened. At best, it is committed to considering a mechanism like the Canadian model. I am not going to hold my breath.

No good reason—not a single reason other than we do not think it should be dealt with in this way, but in an overall fashion—has been brought up as to how it might affect the people who are supposed to be getting a benefit out of this bill; not one. In those circumstances, I maintain that a piece-by-piece, flexible response is the way to go. Therefore, let us do it for this one. I bet that in 10 years' time, it will not be necessary, and that will be a great thing. But there is no harm done by having it in there.

Division

Amendment put and a division taken, the Deputy Chair (Hon Matthew Swinbourn) casting his vote with the noes, with the following result —

Ayes (19)

Hon Martin Aldridge	Hon Peter Collier	Hon Rick Mazza	Hon Dr Steve Thomas
Hon Jacqui Boydell	Hon Colin de Grussa	Hon Michael Mischin	Hon Colin Tincknell
Hon Robin Chapple	Hon Diane Evers	Hon Robin Scott	Hon Alison Xamon
Hon Jim Chown	Hon Donna Faragher	Hon Charles Smith	Hon Ken Baston *(Teller)*
Hon Tim Clifford	Hon Nick Goiran	Hon Aaron Stonehouse	

Noes (10)

Hon Alanna Clohesy	Hon Alannah MacTiernan	Hon Samantha Rowe	Hon Pierre Yang *(Teller)*
Hon Sue Ellery	Hon Kyle McGinn	Hon Matthew Swinbourn	
Hon Laurie Graham	Hon Martin Pritchard	Hon Dr Sally Talbot	

Amendment thus passed.

Clause, as amended, put and passed.

Clause 3 put and passed.

Clause 4: Section 3 replaced —

Hon NICK GOIRAN: Before we get to the minister's amendment on the supplementary notice paper, I note that the report of the Standing Committee on Legislation deals with clause 4 specifically, which inserts proposed section 3, "Terms used". I draw the minister's attention to finding 4 that was made by the committee. It states —

> Subclause (b)(ii) of the definition of 'residential park' in clause 4, proposed section 3 constitutes an inappropriate delegation of legislative power.

Recommendation 2 of the committee's report states —

> The Minister representing the Minister for Commerce explain to the Legislative Council why subclause (b)(ii) of the definition of 'residential park' in clause 4, proposed section 3 should not be deleted.

What is the government's response?

Hon ALANNAH MacTIERNAN: Member, can we consider that when we deal with the amendment to insert proposed section 5B? These amendments will take that definition out of proposed section 3 and place it in new section 5B. I am more than happy to discuss that, but it would be much better and more orderly to do that at proposed section 5B.

Hon NICK GOIRAN: The problem with that proposal is that at the moment we do not agree with the minister's amendment standing on the supplementary notice paper at 40/4, which is also linked to the amendment at 41/NC5A. At the moment, we prefer the unanimous view of the committee. I draw the minister's attention to paragraph 7.11 on page 16 of the committee's report, which states —

> The Committee regards the lengthy consultation period on the Bill as sufficient time to have identified whether any places should be excluded from the operation of the Act and, if so, referred to in the Bill.

That is why the committee made the recommendation. I invite the government to respond to recommendation 2 now so that we can be in a position to determine whether we will support the amendment that the minister has foreshadowed later in this clause.

Hon ALANNAH MacTIERNAN: If the member supports this clause, the definition and the inclusion or exclusion of the power to make regulations to expand the class is all dealt with in proposed section 5B. The member is not locked into anything here. All this does is effectively move the definition of "residential park" to proposed section 5B. The debate about whether it is appropriate to have a more general power can be had when we deal with proposed section 5B. This will not in any way preclude the discussion on that issue.

Hon NICK GOIRAN: I accept that, minister. I take it that it remains the position of the government that it is essential to carve out the definition of "residential park" in this clause and make it a standalone provision so that it can be proclaimed early and brought into effect immediately because of the State Administrative Tribunal decision the minister referred to earlier. If that is why it needs to be dealt with in that way—I am happy to accommodate that, and, as the minister said, we can have the same discussion about recommendation 2 when we get to that amendment—would it be possible to provide the chamber with the name and date of the SAT decision? Again, I accept that it is not crucial that we have that right at this moment, but it will be necessary for us to have that by the time we get to that particular clause, given that the government has decided to carve out this definition, as the minister explained earlier, because of a SAT decision that happened around the time the bill was introduced or was being prepared. If we could be provided with that information, I would be happy to defer the consideration of recommendation 2 to a later stage.

Hon ALANNAH MacTIERNAN: I will just clarify that there are two reasons for separating the definition. The first reason was the ability to proclaim that definition separately. I now have the information on the SAT decision; it was the SAT decision in Henville v City of Armadale on 19 October 2018, and the bill was introduced on 17 October 2018. That was one reason. The second was that because we sought to take on board the concerns of the committee, the definition started to become very long. Advice from parliamentary counsel was that when a provision becomes as lengthy as that, it is better not to have it in the general definitional part of the bill but to have its own provision.

The DEPUTY CHAIR: Does the minister want to move the amendment that is in her name on the supplementary notice paper?

Hon ALANNAH MacTIERNAN: Yes. I wish to move the amendment at 6/4. I move —

> Page 5, after line 10 — To insert —
>
> > ***DVO*** has the meaning given under the *Domestic Violence Orders (National Recognition) Act 2017* section 4(1);

Hon NICK GOIRAN: Minister, what has given rise to the need for this amendment?

Hon ALANNAH MacTIERNAN: As the member is well aware, the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018 was received and passed in this chamber subsequent to this bill being tabled. This amendment is necessary to incorporate the changes that were made to the family domestic violence bill.

Hon NICK GOIRAN: That is satisfactory. The minister's explanation is that another piece of legislation that passed Parliament has created a need for this amendment, because this bill was prepared prior to that other legislation. What is being provided is the insertion of a definition of "DVO". It is not apparent, though, why that term necessarily needs to be in this bill. Does the minister propose to move other amendments that will deal with the term "DVO"?

Hon ALANNAH MacTIERNAN: At the moment, this appears in the glossary. It is a slightly different explanation. Another aspect of the definition is that under the previous legislation, it was in a glossary, and definitions were all over the place. The decision was made to bring those definitions from the glossary into the main interpretive clause.

Hon NICK GOIRAN: When I look at the blue bill and the glossary, which, as the minister pointed out, will be deleted, I see that there is no mention of "DVO". It is still not clear to me why we are putting in the term "DVO" at this point if there is no other reference to it anywhere else in the act.

Hon Alannah MacTiernan: What was the question, sorry?

Hon NICK GOIRAN: The minister referred to the glossary. I have turned to the blue bill and found that the glossary is exactly as the minister said; it is completely carved out. It is intended to be deleted and a provision in the bill before us will give effect to that. In that glossary that is to be deleted, there is no reference to "DVO". The explanation provided was that these terms are in the glossary and the minister wants to bring them forward to the "Terms used" provision, but there is no reference to "DVO". Why are we including the term "DVO" at this time?

Hon ALANNAH MacTIERNAN: The blue bill was prepared before those DVO provisions came into effect. If the member looks at the act as it currently stands, as opposed to the blue bill—which reflects the act as it stood some time ago—he will see that the glossary includes that term.

Amendment put and passed.

Hon ALANNAH MacTIERNAN: I move the next amendment standing in my name on the supplementary notice paper at 7/4. I move —

Page 5, after line 13 — To insert —

Family Court injunction means an injunction under the *Family Court Act 1997* section 235 or 235A or the *Family Law Act 1975* (Commonwealth) section 68B or 114;

family violence has the meaning given in the *Restraining Orders Act 1997* section 5A(1);

Hon NICK GOIRAN: Is the explanation for the inclusion of these two definitions the same as with respect to "DVO"?

Hon Alannah MacTiernan: Yes.

Amendment put and passed.

Hon ALANNAH MacTIERNAN: I wish to move amendment 8/4 standing in my name. I move —

Page 5, line 25 — To delete "agreement" and substitute —

agreement, or an interest in the agreement,

Hon NICK GOIRAN: What gave rise to the necessity for this amendment?

Hon ALANNAH MacTIERNAN: Again, this is consequential to the passing of the Residential Tenancies Legislation Amendment (Family Violence) Bill. The member will recall that we talked about part of an agreement. If there are two tenants, it will now be possible to terminate a tenancy in relation to one of those tenants. This flexibility is required; it is an interest in an agreement. It may not be the entire agreement that is terminated; rather, part of the agreement—that is, the agreement in respect of one particular party.

Hon NICK GOIRAN: The amendment before the chamber deals with the term "notice of termination" which is on page 5 at line 25 of the bill. It currently states —

notice of termination means a notice to terminate a long-stay agreement given in accordance with this Act;

If we pass this amendment, it will state —

notice of termination means a notice to terminate a long-stay agreement, or an interest in the agreement, given in accordance with this Act;

Is the term "notice of termination" another one of these terms that is found in the current glossary, albeit not in the blue bill before the chamber, that we are moving forward?

Hon ALANNAH MacTIERNAN: As I understand it, it is in the current glossary of the act. It is not in the blue bill because the blue bill predated the legislation.

Amendment put and passed.

Hon ALANNAH MacTIERNAN: I move —

Page 7, lines 1 to 14 — To delete the lines and substitute —

residential park has the meaning given in section 5B;

As I have explained, for a number or reasons, we believe it is better, given its length and the need for the early proclamation of that definition, for this to be a separate clause. This simply notes that there is a definition of "residential park" and that alerts people to the fact that the definition will be in proposed section 5B. Debate about the definition should be had at new clause 5A.

Hon NICK GOIRAN: It was not the opposition's intention to support this amendment, which, at first glance appears to shift the problem that the Standing Committee on Legislation identified in its thirty-second report, tabled in March last year, from clause 4 to new clause 5A. However, in light of the new information provided by

the government today, particularly the reference to the Henville v City of Armadale case of 19 October 2018 in the State Administrative Tribunal and the government's desire to bring forward the proclamation of this definition because of the consequence of that case, the opposition will support the minister's amendment. I flag that the opposition intends to take up the issues identified, specifically finding 4 of the committee's report at page 16, when we get to that new clause. The effect of supporting this amendment is that the amendment standing in my name at 34/4 will no longer be necessary because we will have that debate when we get to new clause 5A.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5: Section 5 replaced —

Hon NICK GOIRAN: Clause 5 was another matter that was identified by the Standing Committee on Legislation in its thirty-second report tabled in March last year. I draw to the minister's attention finding 5, which states —

> Clause 5, proposed section 5(2)(d) constitutes an inappropriate delegation of legislative power.

That leads to recommendation 3, a unanimous recommendation of the committee, which states —

> The Minister representing the Minister for Commerce explain to the Legislative Council why clause 5, proposed section 5(2)(d) should not be deleted.

What is the government's response?

Hon ALANNAH MacTIERNAN: We are dealing with a concern, as always, dating back from the 1500s about the ability of executive government to amend legislation by way of delegated legislation. I understand that. However, we need to be sure that we have sufficient flexibility so that we can respond in a timely way to circumstances in a rapidly changing world and the problems experienced by the members of our community. Anything that is done here is done not by executive fiat, but by a disallowable instrument. However, in order to deal with the concerns that have been identified by the member—they are the very generalised concerns we find every time there is a reference to Henry VIII clauses—the minister has proposed some amendments. The amendment standing in my name at 20/5 seeks to deal with this problem by putting some limitations around what is considered to be a long-stay agreement. My amendment states —

> An agreement or class of agreement cannot be prescribed under subsection (2)(d) unless the Minister is satisfied that —
>
> (a) the agreement or class of agreement to be prescribed is sufficiently regulated by another Act; or
>
> (b) the accommodation provided under the agreement is not accommodation that should be regulated by the Act.

That limits the flexibility. As I said, the concept of delegated legislation is well entrenched in our parliamentary system. The minister wanted to respond positively to the concerns of the committee and therefore is prepared to support a limitation on his power by way of these provisions that will be moved in a subsequent amendment on the supplementary notice paper.

Hon NICK GOIRAN: I take the minister to paragraph 7.17 of the report by the Standing Committee on Legislation, which reports that at the time of the drafting of the report on the provision of the information—that is, the hearing on 1 March 2019—it is not intended to exclude any agreements from the application of the act. Does that remain the case?

Hon ALANNAH MacTIERNAN: Certainly none has been identified at this time and if there were, I guess we would have made specific provision. However, we know that we live in a very robust and dynamic economy in which people come up with new models for the provision of services all the time. We need to keep our eye on the ball and keep some flexibility so that if a new accommodation model arises that we believe should not be caught up in this legislation, we will have the ability to prescribe that it not be affected. As the member knows, problems often arise when there is innovation and the potential for novel solutions to emerge because they are constrained by a legislative framework that was put in place without contemplation of the solution. We need to keep some flexibility. We have made it very clear. We have attempted to address the traditional concerns of the committee with that constraint on the exercise of the power.

The DEPUTY CHAIR: Hon Nick Goiran, are you going to move the amendment in your name?

Hon Sue Ellery: He's got two minutes.

The DEPUTY CHAIR: His amendment comes first; he has to make the decision.

Hon NICK GOIRAN: Thank you, Mr Deputy Chair. I move —

> Page 10, line 9 — To delete the line.

Hon ALANNAH MacTIERNAN: I am wondering whether we can report progress on the bill.

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

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

CITY OF PERTH — INQUIRY — NICHOLAS PARKINSON

499. Hon PETER COLLIER to the Leader of the House representing the Minister for Local Government:

I have my two questions, and then four other questions today.

I refer to the City of Perth inquiry.

(1) Can the minister confirm that counsel assisting the inquiry, Mr Nicholas Parkinson, was previously a convener for United Voice?

(2) Can the minister detail the appointment process used to appoint Mr Nicholas Parkinson?

(3) Was the minister consulted on the appointment of Mr Nicholas Parkinson?

(4) What are the total payments made to Mr Nicholas Parkinson to date?

Hon SUE ELLERY replied:

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

(1)–(3) I can confirm that Mr Nicholas Parkinson is appointed as solicitor assisting the inquiry; however, the Minister for Local Government was not involved in the appointment process for staff assisting the panel of inquiry.

(4) An amount of $184 363.87.

CITY OF PERTH — INQUIRY — MEMBER FOR PERTH

500. Hon PETER COLLIER to the Leader of the House representing the Minister for Local Government:

I refer to the City of Perth inquiry.

(1) Has the member for Perth been interviewed as part of the inquiry?

(2) If yes to (1), on what basis was the member for Perth interviewed?

(3) If yes to (1), were the interviews public or private?

(4) If yes to (1) and the interviews were private, what was the reason for the interviews being conducted in private session?

Hon SUE ELLERY replied:

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

(1)–(4) The conduct of the City of Perth inquiry is a matter for the inquirer; however, the member for Perth has advised, no.

CORRUPTION AND CRIME COMMISSIONER — REAPPOINTMENT

501. Hon PETER COLLIER to the Leader of the House representing the Attorney General:

I ask this question on behalf of Hon Michael Mischin, who is away on urgent parliamentary business.

I refer to the Joint Standing Committee on the Corruption and Crime Commission and its process for the appointment of a Corruption and Crime Commissioner.

(1) Has the Attorney General or anyone in his office communicated directly or indirectly with committee member Mr Matthew Hughes, MLA, regarding the reappointment of Hon John McKechnie?

(2) If yes to (1), on what occasions, by what means, and what was the substance of the communication?

(3) Has the Attorney General or anyone in his office directly or indirectly advised Mr Hughes that he would have the support of the Attorney General or the government if he were publicly critical of the joint standing committee or any member on it?

(4) If yes to (3), who, on what occasions, by what means, and what was the substance of the advice?

Hon SUE ELLERY replied:

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

(1)–(2) The Attorney General discussed with Mr Matthew Hughes the motion that was moved by Mr Zak Kirkup, MLA, in the Legislative Assembly and debated on 13 May 2020. The Attorney General advised Mr Hughes not to divulge any deliberations of the Joint Standing Committee on the Corruption and Crime Commission.

(3)–(4) The Attorney General stated in the Legislative Assembly on 13 May 2020 —

> The government commends the member for Kalamunda for having the courage and the integrity to criticise a process that he regarded as flawed …

DEVELOPMENTS — ENVIRONMENTAL PROTECTION ACT ASSESSMENTS

502. Hon PETER COLLIER to the Minister for Environment:

I ask this question on behalf of Hon Dr Steve Thomas, who is away on urgent parliamentary business.

I refer to the government's media release yesterday, 20 May 2020, entitled "Major Planning Reforms to Drive Economic Recovery".

(1) How many proposals for developments with an estimated value over $30 million, residential developments with more than 100 dwellings, and commercial developments with a minimum 20 000 square metres of commercial floor space have been referred for assessment under the Environmental Protection Act 1986 since the start of the 2016 calendar year to date?

(2) For each category in (1), please identify —

(a) how many proposals were referred under the act;

(b) how many of those proposals were formally assessed;

(c) what was the average, shortest and longest time frame for the decision on whether to assess to be determined; and

(d) what was the average, shortest and longest time frame for the total assessment to be completed?

Hon STEPHEN DAWSON replied:

I thank Hon Dr Steve Thomas for some notice of the question.

Due to the level of detail required, it is not possible to provide an answer to this question in the time frame available. I have given an undertaking to provide an answer to the honourable member on the next day's sitting.

WESTERN AUSTRALIAN PORT OPERATIONS TASKFORCE — MEETINGS

503. Hon PETER COLLIER to the Minister for Ports:

My question is asked on behalf of Hon Simon O'Brien, who is away on urgent parliamentary business.

I refer to the WA Port Operations Taskforce.

(1) Has the task force conducted any meetings since December 2019?

(2) If yes, when did the meetings occur?

(3) Were minutes taken at those meetings and have they been made available to the participants?

(4) If no to (1), what is the reason for the task force not conducting any meetings since December?

Hon ALANNAH MacTIERNAN replied:

I thank the honourable member for the question.

(1) Yes.

(2) Meetings occurred on 13 February, 12 March, 16 April and 14 May 2020.

(3) Yes.

(4) The task force meets on the second Thursday of every month, except January.

ANIMAL WELFARE AND TRESPASS LEGISLATION AMENDMENT BILL 2020

504. Hon PETER COLLIER to the Minister for Regional Development:

I ask this question on behalf of Hon Jim Chown, who is away on urgent parliamentary business. The question is to the Leader of the House representing the Attorney General.

Now that the consultation period has finished for the proposed Animal Welfare and Trespass Legislation Amendment Bill 2020, when will that bill be presented before Parliament?

Hon Sue Ellery: I am just checking: I could see that question come in but it is not in my file.

Hon ALANNAH MacTIERNAN replied:

Sorry, it has been given to me, possibly because it is a joint bill.

The consultation period ended on 30 March 2020. This period was extended as a result of the COVID-19 pandemic. The Department of Justice received a total of 185 submissions in response to the bill. The drafting of the legislation is well advanced and the bill will be introduced as soon as practicable.

KALGOORLIE HEALTH CAMPUS — MRI MACHINE

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

I indicate that I have two questions today, and one on behalf of Hon Colin Holt.

I refer to question without notice 389 asked by me last week about the MRI suite construction at Kalgoorlie Health Campus and the recent advertising of the tender through Tenders WA.

(1) Given that a major construction project in Esperance was awarded to a Perth contractor just last week, will the state government adjust the local content weighting of this project so that Kalgoorlie–Boulder companies are better able to compete for this contract?

(2) What is the anticipated construction time line for this project, given that the state government has missed its deadline for construction to begin in the first half of 2020?

(3) Can the minister please table a copy of the tender document for this project?

Hon ALANNA CLOHESY replied:

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

(1) The local content weighting for the MRI project at the Kalgoorlie hospital has already been increased to 25 per cent to maximise local business participation. The Department of Finance advises that of the eight contracts awarded by the head contractor for the Esperance TAFE project, all have been awarded to either local or regional businesses.

(2) The construction project is scheduled for completion in the third quarter of 2021.

(3) I table the attached tender documentation.

[See paper 3888.]

TAB — SALE

506. Hon JACQUI BOYDELL to the minister representing the Treasurer:

I ask this question on behalf of Hon Colin Holt, who is absent due to urgent parliamentary business.

I refer to the sale of the Western Australian TAB.

(1) Can the Treasurer please give an update on the current status of the sale process?

(2) When will there be an announcement of the successful acquirer?

(3) How has the expected sale price of the WA TAB changed due to revenues decreasing during COVID-19?

(4) Has the fixed-odds betting component of the WA TAB been put out to tender; and, if yes, why has this happened during the sales process?

Hon STEPHEN DAWSON replied:

I thank Hon Colin Holt for some notice of the question. The following answer has been provided to me by the Treasurer.

(1) The TAB sale process has been paused to allow the government, Racing and Wagering Western Australia and bidders to focus on business continuity and post-COVID-19 recovery measures.

(2) The time frame for the resumption and ultimate completion of the sale process will depend on a number of factors, including the stabilisation of business activity following the easing of COVID-19 restrictions.

(3) The impacts of COVID-19 have been felt sector-wide. The consequential impacts on the value of the WA TAB business will largely be determined by the pace and nature of the market recovery following the easing of restrictions.

(4) Yes. During the COVID-19 shutdown, there have been seismic shifts in the wagering market, including the merger of BetEasy and Sportsbet, which RWWA will assess and respond to with the long-term interests of the local racing industry in mind.

DOMESTIC GAS RESERVATION POLICY

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

I refer to the article published today by former Premier Hon Colin Barnett regarding Western Australia's gas reservation policy.

(1) Although the current gas reservation policy provides for gas prices to be determined by the market, does the Premier concede that gas prices primarily dictate electricity costs?

(2) Does Western Australia's reservation policy have a cap price?

(3) If yes to (2), what is the price?

(4) Is the government entertaining the idea of a gas pipeline from the west coast to the east?

(5) Does the government concede that such a policy would rely entirely upon WA sustaining a domestic gas reservation policy that then has to cover demand for the entire continent?

(6) Does the government concede that a likely outcome of such a policy would be that WA gas suppliers will then privilege export customers and use the pipeline to break the WA reservation, thus lifting the domestic price in WA?

Hon SUE ELLERY replied:

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

(1) No. There are numerous factors that determine the final cost of delivering electricity to consumers.

(2) No.

(3) Not applicable.

(4) No.

(5) Yes.

(6) The gas reservation policy is designed to ensure supply for WA. This government will not allow it to be undermined by any such pipeline.

CORONAVIRUS — LAND TAX

508. Hon AARON STONEHOUSE to the minister representing the Treasurer:

I refer the minister to the article in *The West Australian* of Saturday, 16 May 2020 headed, "Relief Shreds Rent: A Tale of 4 Cities: Land Tax Rebates by City", which rather unfavourably compared the rebates being offered to landlords in Brisbane, Sydney and Melbourne with those here in Perth.

(1) Given the applications received to date, does the government envisage exhausting the full $100 million concession in land tax relief grants announced by the Treasurer on 23 April 2020 under the existing criteria?

(2) If not, will the government consider loosening the criteria for land tax concession eligibility to ensure that the $100 million in promised land tax relief is delivered to suffering landlords as quickly as possible, given that these are far from the best of times?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following answer has been provided to me by the Treasurer.

(1)–(2) Applications to date suggest the initiative has been well received, indicating that the funding envelope is appropriate.

DEPARTMENT OF FIRE AND EMERGENCY SERVICES — OPERATIONAL FLEET PROJECT

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

I refer to today's *Farm Weekly* article, "Features to improve firefighting safety", which says trials of modified firefighting trucks with extra safety features, via the operational fleet project, began this week at the Esperance volunteer fire brigades to improve their ability to respond to difficult-to-reach areas.

(1) How long has the operational fleet project been operational?

(2) What funding is available for the project?

(3) If the Esperance trial is successful, what other Western Australian volunteer fire brigades could be given access to modified firefighting trucks with extra safety features?

Hon STEPHEN DAWSON replied:

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

(1) The operational fleet project has been operational since September 2018.

(2) Department of Fire and Emergency Services' capital funding through the asset investment program budget.

(3) The safety and operational needs of emergency services personnel is at the forefront of the operational fleet project. Decisions on how to best apply the findings of the trial will occur after the trial has been completed and evaluated.

STIRLING TRAIN STATION ASSAULT

510. Hon COLIN TINCKNELL to the Leader of the House representing the Attorney General:

(1) Under what rationale have five of the teenagers charged with violently bashing Matthew Henson at Stirling train station on 13 February been granted an additional four weeks within which to enter their pleas relating to the charges?

(2) Given the seriousness of these charges and given that one of the six accused has already pleaded guilty to the charges and is awaiting sentencing, why has this matter been allowed to be delayed at the initial phase of entering a plea?

Hon SUE ELLERY replied:

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

(1)–(2) The decision to adjourn the matter was one made by a properly constituted court that operates entirely independently of the executive branch of government.

ROADSIDE LITTERING

511. Hon ALISON XAMON to the Minister for Environment:

I ask this question on behalf of Hon Diane Evers, who is on urgent parliamentary business.

I refer to the minister's response to my question without notice 226 on 17 March 2020.

(1) Of the 871.78 volunteer hours registered for 2019–20 to March, how many were in the south west region and how many volunteers did it relate to?

(2) What is the government doing to encourage volunteers in this type of work and how is it valuing the work being done by these volunteers?

(3) How many FTE positions are directly funded for roadside litter pick-up in the south west?

(a) If none, will the minister consider funding positions; and

(b) if no to 3(a), why not?

(4) Given the significant amount of roadside litter, has the government considered stronger regulations around packaging requirements, including reducing single-use plastics and increasing biodegradable and recyclable materials?

(a) If not, why not?

Hon STEPHEN DAWSON replied:

I thank Hon Diane Evers for some notice of the question.

(1) There were 109.8 volunteer hours for 62 volunteers.

(2) The McGowan government supports the great work done by these volunteers across Western Australia. Keep Australia Beautiful Council volunteers support a number of programs including Adopt-a-Spot. The program offers all the necessary litter collection equipment and insurance for participants. Volunteers receive an adoption certificate and recognition on the KABC website. Many volunteers are also recognised at KABC's Tidy Towns Sustainable Communities Awards.

(3) The work of roadside litter collection and emptying of bins in the South West Region is undertaken by Main Roads contractors.

(4) Actions taken by the government, such as banning the supply of lightweight plastic bags in 2018 and the introduction of a container deposit scheme, will continue to significantly reduce littering. The government has also consulted with the community through the "Let's Not Draw the Short Straw: Reduce Single-Use Plastics" issues paper, which received almost 9 500 responses. Options for further actions and the next steps are being considered by the government.

(a) Not applicable.

ROEBOURNE REGIONAL PRISON — CONDITIONS

512. Hon ALISON XAMON to the minister representing the Minister for Corrective Services:

I ask this question on behalf of Hon Robin Chapple, who is on urgent parliamentary business.

I refer to the Office of the Inspector of Custodial Services' report "2019 Inspection of Roebourne Regional Prison" and to the ABC article "WA's Roebourne prison 'infested' with snakes and rats, report finds, and prisoner health at risk", published 15 May 2020, and the United Nations' "Standard Minimum Rules for the Treatment of Prisoners", also known as "The Nelson Mandela Rules".

(1) Is the minister aware that the conditions at Roebourne Regional Prison are in defiance of conditions prescribed by Nelson Mandela Rules 13, 19, 35, 42 and 58.1(a)?

(2) Can the minister offer any justification for women being ineligible for offender programs at Roebourne Regional Prison?

(3) Given that Nelson Mandela Rule 35.1 outlines the responsibilities of the prison director vis-a-vis recommendations, can the minister explain why recommendations from the 2016 report were not fully implemented by the time of the 2019 inspection?

(4) As rule 10 of The Nelson Mandela Rules states "All accommodation provided for the use of prisoners … shall meet all requirements of health, due regard being paid to climatic conditions", can the minister please explain why this does not apply to Roebourne Regional Prison?

Hon STEPHEN DAWSON replied:

I thank Hon Robin Chapple for some notice of the question. The following answer has been provided by the Minister for Corrective Services.

(1)–(4) The answer has been provided in tabular form, so I seek leave to have it incorporated into *Hansard*.

Leave granted.

The following material was incorporated —

QUESTION	ANSWER
(1)	The 2019 Inspection of Roebourne Regional Prison acknowledges the improvement made at Roebourne since its last inspection in 2016 and credits much of this to the stable management team and staff. In particular, it is noted that: • Prisoner's opinion of food quality and quantity had improved dramatically since the last report with 54% rating the quality as good and 49% rated the quantity as good. This puts Roebourne slightly ahead of the state average for quality and equal for quantity. • Each prisoner is issued 4 complete sets of clothing including shorts, shirts, recreation singlets and underwear. These items are laundered in an industrial laundry each week day and bedding is mandatorily collected and washed once per week. Pillows and Mattresses are replaced on a six monthly basis. • All prisoners at Roebourne are entitled to send unlimited written letters for free and an additional seven prisoner telephones have been installed. • Overall there are 16 prisoner telephones located throughout the prison. Skype visits have been available since April 2020 and offered through a booking system daily. • In the previous 11 years there have been no incidents of a snake being discovered or reported in a cell. Staff are trained snake catchers, as wildlife, including snakes, are evident throughout the Pilbara region. Reptiles are no more prevalent in the prison as they are in any other residence in this area. Nelson Mandela Rule 13 – *All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.* All cells contain floor to ceiling windows to maximise natural air flow, high insulated ceilings, ceiling fans, inner and outer verandas to limit sun and allow airflow. Multi cells are dormitory styled large cells. Nelson Mandela Rule 19 – *1. Every prisoner who is not allowed to wear his or her own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him or her in good health. Such clothing shall in no manner be degrading or humiliating.* *2. All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.* *3. In exceptional circumstances, whenever a prisoner is removed outside the prison for an authorized purpose, he or she shall be allowed to wear his or her own clothing or other inconspicuous clothing.* *Each prisoner is issued 4 complete sets of clothing including shorts, shirts, recreation singlets and underwear. They are able to have these items laundered in an industrial laundry Monday – Friday. Bedding is mandatorily collected and washed once per week. Pillow and Mattresses are replaced on a 6 monthly basis.* Nelson Mandela Rule 35 – 1. *The physician or competent public health body shall regularly inspect and advise the prison director on:* *(a) The quantity, quality, preparation and service of food;* *(b) The hygiene and cleanliness of the institution and the prisoners;* *(c) The sanitation, temperature, lighting and ventilation of the prison;* *(d) The suitability and cleanliness of the prisoners' clothing and bedding;* *(e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.* In WA, The Office of the Inspector of Custodial Services, preforms structured, regular reviews to ensure the wellbeing of prisoners in the state custodial services. Nelson Mandela Rule 42 – *General living conditions addressed in these rules, including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, shall apply to all prisoners without exception.*

	Prisoners have access to renovated dayrooms that include, fridges, freezers, chilled water fountains. Industrial ice machines are installed throughout the prison. Nelson Mandela Rule 58 1 (a) – *Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals:* *(a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means;* All prisoners at Roebourne are entitled to send unlimited written letters for free. An additional 7 Prisoner telephones (PTS) have been installed. There are 16 PTS located throughout the prison. Skype visits have been installed since April and offered through a booking system daily.
(2)	Female Prisoners are eligible for offender programmes at Roebourne. There are currently 10 sentenced females at Roebourne of which 3 have been assessed as requiring criminogenic treatment programs. This program is facilitated in a group work format (10 participants), and is facilitated at Bandyup, and Boronia. The next program will be scheduled prior to 30 June 2020.
(3)	The Department completed a review of its programs in February 2020 and is implementing the recommendations. This will include exploring options to deliver effective interventions to prisoners in regional areas via remote delivery. Following the inspection, the Department has: • transferred a Senior Program Officer to Roebourne, increasing Offender Program staff, available for program facilitation and treatment assessments. One of these Senior Program Officers identifies as Aboriginal, providing responsive assessment and treatment to Aboriginal offenders at Roebourne. • contracted an NGO to provide Family Domestic Violence programs at regional prisons, including Roebourne.
(4)	A number of effective controls to manage the heat risk have been implemented at Roebourne. These include: • All cells contain floor to ceiling windows to maximise natural air flow, high insulated ceilings, ceiling fans, inner and outer verandas to limit sun and allow airflow. Multi cells are dormitory styled large cells. • A number of areas of the prison are air-conditioned (recreation hall, library, education centre) and prisoners rotate through for various activities. Prisoners are not locked in cells during the day and are free to shower or use water in the recreation areas. • Transition cells (air-conditioned) used for workers who are engaged in full day outdoor physical activities for project work. • The installation of additional shaded external dining areas in Wings 1 & 2. • Air-conditioned cells used as required for medical conditions as directed by the medical centre. • Flexible routines which are adjusted to heat conditions. • Prisoners have access to renovated dayrooms that include, fridges, freezers, chilled water fountains. Industrial ice machines are installed throughout the prison: and • Preference is given to retaining prisoners who are from and are acclimatised to the local conditions of the region. Prisoners who are not from the region are prioritised for transfer.

CORONAVIRUS — PRISONS — VIDEOCONFERENCING

513. Hon ALISON XAMON to the minister representing the Minister for Corrective Services:

I refer to the use of videoconferencing in Western Australian prisons during the COVID-19 crisis.

(1) Is videoconferencing currently available in Casuarina Prison for prisoners to contact family?

(2) If yes to (1), how many prisoners are able to access the videoconferencing facilities each day?

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

Hon STEPHEN DAWSON replied:

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

(1) Yes. Videoconferencing has been in operation at Casuarina Prison since 8 May 2020.

(2) There are 15 terminals with 11 sessions per day. This allows 165 prisoners to access videoconferencing daily.

(3) Not applicable.

CORONAVIRUS — SCHOOLS — WORKPLACE LEARNING PROGRAMS

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

I refer to workplace learning programs offered to students in secondary schools.

(1) Will the minister provide an outline of the current restrictions that apply to the full workplace programs offered?

(2) Will the minister advise when restrictions for each of these programs are expected to be eased?

(3) Will the minister advise whether any additional measures have been implemented to ensure year 12 students who are completing a VET qualification are not disadvantaged as a result of restrictions arising from the COVID-19 pandemic?

Hon SUE ELLERY replied:

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

(1) Where it is critical for students to take part in work placements to complete their certificate qualifications, those placements can continue. Other programs have been deferred. The following outlines the restrictions applied to the four workplace programs, based on the advice of the Chief Health Officer. School-based traineeships and apprenticeships can proceed but schools must confirm that employers will provide a COVID-19-safe work environment consistent with Department of Health guidelines. VET certificate course work placement is limited to year 12 students and can proceed only when the training cannot be rescheduled. Schools must ensure a COVID-19-safe work environment consistent with the Department of Health guidelines. Work experience has been deferred based on health advice. Structured workplace learning has been deferred based on health advice.

(2) The decision to ease current restrictions will be based on health advice and government deliberations.

(3) Year 12 students will not be disadvantaged. When the work placement component of the VET course cannot be rescheduled to later in the year, a year 12 student can undertake it now. The School Curriculum and Standards Authority will apply special considerations for any student who is unable to complete a work placement to ensure that achievement of their Western Australian Certificate of Education will not be impacted.

OUT-OF-HOME CARE REFORM

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

I refer to the Out-of-Home Care Reform program board.

(1) When did the board last meet?

(2) When is it due to next meet?

(3) Does it have contract variations proposed by the service solutions working group before it for approval?

(4) When is it anticipated that those contract variations will be approved?

Hon SUE ELLERY replied:

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

(1) The Out-of-Home Care Reform program board last convened on 25 February 2020.

(2) The board was next scheduled to convene on 20 May 2020.

(3)–(4) The contract variations were approved on 7 May 2020 and will be tabled for noting at the meeting on 20 May 2020.

CORONAVIRUS — INTRASTATE TRAVEL RESTRICTIONS — KIMBERLEY AND EAST PILBARA

516. Hon KEN BASTON to the Minister for Regional Development:

I refer to the Western Australian government's response published on the ABC Kimberley Facebook page to a plan, co-signed by the Kimberley shire president, the Kimberley Aboriginal Medical Service and the chair of the Aboriginal and Torres Strait Islander Advisory Group on COVID-19, outlining a 12-point strategy to assist in enabling the lifting of the Kimberley designated biosecurity area travel restrictions.

(1) Did the minister suggest to the attendees of the Kimberley virtual visit, hosted by the Kimberley Development Commission on 19 May, that these restrictions could be lifted by 8 June?

(2) If yes to (1), why was the date mentioned?

(3) If no to (1), what date was discussed during this meeting?

(4) Considering the government's response to the letter mentioned, when will it be possible to provide Kimberley residents, businesses and authorities with some clarity and consistent advice on when the region can reopen?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

(1)–(4) The Premier has always been very clear that we are doing this in tranches. We went into an early and quite comprehensive lockdown, particularly in the Kimberley, where we had three layers of restrictions and

where we were able to lift those restrictions that were based on the shire boundaries, to take effect. The Premier has also repeatedly said that in the three to four weeks following the previous decision, we will assess what the impact has been and then look at the next tranche. I think I said that at the very earliest, if we are looking at three weeks, that would be a date in early June. What we have seen emerge in the Kimberley is absolutely fantastic and it is why in the last tranche we have been able to lift those boundaries between the shires with a great deal of confidence. We have had the four shire presidents, together with the Aboriginal leadership—people like Lawford Benning and Peter Yu and the Kimberley Aboriginal Medical Service, led by Vicky O'Donnell, I believe—coming together with the various chambers of commerce and arriving at a united strategy. I think that a really positive thing has been emerging in the Kimberley.

As Premier McGowan has said time and again, we do not want to impose more restrictions than are necessary to keep the community safe. We are going to be guided by the performance and rate at which we have been able to contain infection levels. We are very mindful of the fact that there are lots of businesses—indeed, lots of Aboriginal-owned businesses—that want to see people coming into their region again. There is a degree of complexity in this matter, because it is subject to a federal biosecurity regulation, and we are working closely, obviously, with the federal government. But I think that having such a united front emerging in the Kimberley will help us find an early and widely accepted resolution to the issue of the restrictions.

WATER CORPORATION — SERVICE CHARGES

517. Hon COLIN de GRUSSA to the minister representing the Minister for Water:

I refer to the service charge the Water Corporation applies to commercial customers based on the number of major sewerage fixtures such as toilets or urinals on a property.

(1) Please table the modelling alluded to by the Treasurer in response to question without notice 238 asked in the Legislative Assembly on 16 April 2020.

(2) Please provide a breakdown by Water Corporation region of the total revenue collected by the Water Corporation for these sewerage service charges for the following financial years —

(a) 2017–18;

(b) 2018–19; and

(c) 2019–20?

(3) Will the Water Corporation service charge model and methodology be included as part of the water reform legislation that was announced in August 2018?

Hon ALANNAH MacTIERNAN replied:

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

(1) As stated by the Treasurer, work has been done on this issue. When a decision is made, it will be released publicly.

(2) The information requested cannot be collated in the time available and will be tabled at the earliest available opportunity.

(3) A water resources management bill is currently being drafted and will be introduced to Parliament at the appropriate time.

CHINA–AUSTRALIA TRADE RELATIONS — CONSUL GENERAL DONG

518. Hon ROBIN SCOTT to the Minister for Regional Development:

I refer to yesterday's report that Premier McGowan had asked the Minister for Regional Development to speak to China's Consul General, Madam Dong, about China's dispute with Australia and said he would not call Madam Dong himself so he would not be accused of meddling in foreign affairs.

(1) Is the report true and did the minister speak with Consul General Dong?

(2) If so, what was said in that conversation?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question—sort of. I continue to be worried, generally, about the comments he makes.

Hon Robin Scott: Madam President!

Withdrawal of Remark

Hon ALANNAH MacTIERNAN: Sorry, I withdraw that.

Questions without Notice Resumed

Hon ALANNAH MacTIERNAN: The answer is as follows.

(1) I certainly did speak with Madam Dong.

(2) I spoke to her around the issue of barley, as we have done so previously. She confirmed that she and her government absolutely understood that the McGowan government had always made great efforts to ensure that there was a very constructive relationship. She said that she thought that this was really now very much an issue that focused around the federal government. Madam Dong also made various comments, I think, about her personal circumstances, which I do not propose to share with the honourable member.

GORGON GAS PROJECT — CHEVRON PROCESSING FACILITY

519. Hon TIM CLIFFORD to the Minister for Environment:

I refer to the requirement of Chevron to implement carbon capture and storage at its Gorgon gas facility. What are the repercussions for Chevron if it does not successfully inject 80 per cent of reservoir CO_2 in the first five years, as per its agreement with the state government?

Hon STEPHEN DAWSON replied:

Condition 26.2 of ministerial statement 800 requires the proponent to implement all practicable means to inject underground all reservoir carbon dioxide removed during gas processing operations on Barrow Island. The proponent is required to ensure that, calculated on a five-year rolling average, at least 80 per cent of reservoir carbon dioxide removed during gas processing operations on Barrow Island that would be otherwise vented to the atmosphere is injected. If the chief executive officer of the Department of Water and Environmental Regulation finds that implementation condition 26.2 has not been complied with, the CEO may exercise any power in respect of the noncompliance that is exercisable by the CEO under a written law and report it to the minister.

CORONAVIRUS — INTRASTATE TRAVEL RESTRICTIONS

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

I refer to Legislative Council question without notice 460 and the Premier's inability to understand and answer the four direct questions he received on health advice that had informed decisions to restrict intrastate travel.

(1) Has the Minister for Health requested or received advice from the Chief Medical Officer of Western Australia or the Department of Health related to or recommending intrastate and/or interstate travel restrictions?

(2) On what date was the advice identified in (1) requested and/or received and can the minister please table that advice?

(3) Has the CMO or the Department of Health provided advice directly to the Premier, the State Disaster Council or the State Emergency Coordinator related to or recommending intrastate and/or interstate travel restrictions?

(4) On what date was the advice identified in (3) requested and/or received and can the minister please table the advice?

Hon ALANNA CLOHESY replied:

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

(1) The Minister for Health requested advice from the Chief Health Officer on both interstate and intrastate borders. No advice has been requested from the Chief Medical Officer.

(2) The Chief Health Officer provided advice recommending closing interstate borders on 29 March 2020. Further advice supporting regional border restrictions was provided to the Minister for Health during the week of 23 March 2020.

(3)–(4) The advice provided to the State Disaster Council on 29 March 2020 is cabinet-in-confidence.

CITY OF PERTH — INQUIRY — KIM LENDICH

521. Hon PETER COLLIER to the Leader of the House representing the Minister for Local Government:

I refer to the City of Perth inquiry.

(1) Can the minister please explain the selection process for the appointment of Ms Kim Lendich to the position of counsel assisting the inquiry?

(2) What was the total amount of payments made to Ms Kim Lendich in her role as counsel assisting the inquiry?

(3) Why did Ms Kim Lendich cease as counsel assisting on 30 June 2019?

Hon SUE ELLERY replied:

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

(1) Ms Lendich was appointed as per the recommendation from the State Solicitor.

(2) It was approximately $468 000, exclusive of GST.

(3) Ms Lendich decided that she no longer wished to work for the inquiry and returned to the bar.

CHILDREN IN CARE — WHEREABOUTS UNKNOWN

522. Hon ALISON XAMON to the Leader of the House representing the Minister for Child Protection:

I refer to children in the care of the CEO of the Department of Communities. How many children are in the care of the CEO whose whereabouts are currently unknown?

Hon SUE ELLERY replied:

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

As at 19 May 2020, 14 young people were in the care of the chief executive officer whose whereabouts were recorded as unknown. Department of Communities staff are actively seeking to locate each of these young people. The department works to keep children safe and connected within their families whenever possible. When that is not possible, children are placed in a variety of different care options depending on their needs. Changes may occur for various reasons, such as carer availability, identification of a family carer, moving the child to be closer to family members and enhancing opportunities for cultural connection, preparing for reunification or to better meet the complex needs of the child. In a small number of cases, children in care will choose to leave placements to assert their own choices about where they will live. When a person has chosen to live with people or family in an arrangement that has not been endorsed by the department, and has been located by the case worker, an assessment is arranged as a matter of priority. Young people living in unendorsed arrangements are still in the care of the chief executive officer. Their safety and wellbeing is monitored by their case worker and they are able to access all the same supports as other people in the care of the chief executive officer.

HEDLAND SENIOR HIGH SCHOOL — REPAIRS

Question without Notice 483 — Answer Advice

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [5.05 pm]: I have some further information that I undertook to provide for Hon Jacqui Boydell on question without notice 483 asked on 20 May 2020.

(1)–(2) Refurbishment work is anticipated to commence in July 2020. Practical completion of the new building is targeted for the second half of 2021 in readiness for the commencement of the 2022 school year.

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

Leave granted.

The following material was incorporated —

Description	Nominal Allocation	Estimated Completion Date	Total
Upgrade to Hardie House	$1.1 million	Nov 2020	$26 467
Additional facilities, classrooms, sports hall and specialist facilities	$13.9 million	Practical completion in the second half of 2021	

(3) Yes. An amount of $639 555 has been allocated from the McGowan government's $200 million school maintenance blitz. This includes roof safety upgrades, roof replacement, car park repairs, electrical upgrades and structural integrity improvements.

BUSES — VOLVO AUSTRALIA

Question without Notice 454 — Supplementary Information

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.06 pm]: I would like to provide additional information to Hon Peter Collier's question without notice 454 asked on 19 May 2020, which I now table.

[See paper 3889.]

DALGARUP JARRAH FOREST

Question without Notice 451 — Supplementary Information

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.06 pm]: I now have available the requested information for Hon Diane Evers in respect of question without notice 451 asked on Thursday, 14 May, which I now table.

[See paper 3890.]

JOINT SELECT COMMITTEE ON PALLIATIVE CARE IN WESTERN AUSTRALIA

Assembly's Resolution — Consideration

Message from the Assembly requesting concurrence in the following resolution now considered —

(1) That a joint select committee of the Legislative Assembly and Legislative Council into palliative care in Western Australia be established.

(2) That the joint select committee inquire into and report on —

(a) the progress in relation to palliative care, in particular implementation of recommendations of the Joint Select Committee into End of Life Choices;

(b) the delivery of the services associated with palliative care funding announcements in 2019–2020;

(c) the delivery of palliative care into regional and remote areas; and

(d) the progress on ensuring greater equity of access to palliative care services between metropolitan and regional areas.

(3) That the joint select committee consist of six members, of whom —

(a) three will be members of the Assembly; and

(b) three will be members of the Council.

(4) That the standing orders of the Legislative Assembly relating to standing and select committees will be followed as far as they can be applied.

(5) That the joint select committee report to both houses by 19 November 2020.

(6) That the Legislative Council be requested to agree to a similar resolution.

(7) That, subject to the Legislative Council agreeing to the above paragraphs, the following Legislative Assembly members be appointed —

(a) the member for Dawesville;

(b) the member for Moore; and

(c) the member for Thornlie.

Motion in Response to Assembly's Resolution

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.07 pm] — without notice: I move —

(a) That in response to Legislative Assembly message 188, the Legislative Council agrees to the Legislative Assembly's resolution for the establishment of a joint select committee into palliative care in Western Australia subject to the following amendments to which the Legislative Council seeks the concurrence of the Legislative Assembly —

(i) Delete the words in paragraph (4) and substitute —

That the standing orders of the Legislative Council relating to standing and select committees will be followed as far as they can be applied.

(ii) Insert new paragraph (8) —

That the member for Thornlie be appointed chair of the committee and that Hon Nick Goiran be appointed deputy chair of the committee.

(b) That subject to the Legislative Assembly agreeing to the amendments, the following Legislative Council members be appointed to the joint select committee —

(i) Hon Nick Goiran;

(ii) Hon Kyle McGinn; and

(iii) Hon Alison Xamon.

This represents the agreements reached behind the Chair on the establishment of the joint select committee.

HON NICK GOIRAN (South Metropolitan) [5.08 pm]: It would suit the government for this motion to pass the house expeditiously and without any comment from any member. I note that during the debate on this matter in the other place yesterday, 20 May 2020, the member for Morley, according to the uncorrected *Hansard*, stated —

> Just to clarify the genesis of the committee, the committee was committed to by the deputy leader of the Legislative Council during the voluntary assisted dying debate.

Going to that debate on 4 December 2019, I quote the comments made by Hon Stephen Dawson —

> … I give the commitment, that we would at the first opportunity after the bill is passed, so in February 2020, move a motion along these lines —

He went on to outline the terms of reference of the committee, which are substantially the same as those presented for concurrence by the other house. He concluded his remarks at that time, on behalf of the government, to say —

> I am hopeful that those members who have rightly expressed concerns about palliative care will support this proposal and will take my word that the government will move this motion early in the new year after this bill is passed.

I am not going to let this matter pass, after everything that I personally experienced in December last year during debate on the Voluntary Assisted Dying Bill—the proposal that a committee be established came from me. With all due respect to the member for Morley and her comments yesterday, the genesis of this committee came from a motion that I moved, which the government pleaded with members of this place not to support because the government said that we should take its word because it would move this motion in February 2020. When has the motion been moved by the government? On 21 May 2020. Of course, the member for Morley would not possibly want to bring that inconvenient fact to the attention of members of the other place, but I am pleased to be able to do that now.

The other comment I make in expressing my support for this belated motion moved by the government is that the Minister for Local Government yesterday, according to the uncorrected *Hansard*, said —

> I would ask that members support the motion and I wish those members who have been charged with the responsibility of representation from this house do that appropriately.

I am glad that the minister said that because I remain deeply concerned about the establishment of any joint committee that would be operating under the standing orders of the other place. I am pleased that the Leader of the House has moved a motion to ensure that the standing orders of the Legislative Council will apply, as far as they can be applied. I have said previously on the record that never again will I serve on a joint standing committee or a joint select committee operating under the standing orders of the other house. Since the time that I said that, things have got worse. I note what I would describe now as the Kalamunda Inc situation, which we will deal with on another occasion. It is precisely because of those types of things that I will never be serving on a committee that chooses to operate under the Legislative Assembly standing orders. I thank the Leader of the House for making that amendment at this time.

Question put and passed; the Assembly acquainted accordingly.

WORK HEALTH AND SAFETY BILL 2019

Discharge of Order and Referral to the Standing Committee on Legislation — Motion

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [5.12 pm] — without notice: I move —

(1) That the Work Health and Safety Bill 2019 be discharged and referred to the Standing Committee on Legislation for consideration of part 2 of the bill and report no later than Tuesday, 11 August 2020;

(2) the committee has the power to inquire into and report on the policy of the bill; and

(3) the committee is to consider any government response to the 126th report of the Standing Committee on Uniform Legislation and Statutes Review.

There has been significant discussion behind the Chair to find a way to resolve issues so that we can ensure that this bill is dealt with in as timely a fashion as possible. I thank members for agreeing to this particular proposal.

HON NICK GOIRAN (South Metropolitan) [5.14 pm]: On behalf of the opposition, I indicate that we will be supporting the motion currently before the house. I simply want to place on the record my thanks to the Minister for Industrial Relations for the professional and courteous way that he has handled this matter.

Question put and passed.

Hon ALANNAH MacTIERNAN: I am wondering whether I can seek leave to withdraw the earlier motion that I moved. Would that be appropriate?

The PRESIDENT: No.

ASBESTOS — AUDITOR GENERAL'S REPORT

Statement

HON ALISON XAMON (North Metropolitan) [5.15 pm]: I rise to draw members' attention to the Auditor General's twenty-second report for 2019–20 titled "Regulation of Asbestos Removal", which was tabled today. If members

have not had a chance to review this report, I would highly recommend that they get a copy so they can review it over the break. It is a particularly concerning report and one that all of us need to pay very close attention to. I do not need to go over for members' benefit why asbestos is so dangerous. The legacy of asbestos within this state has resulted in a devastating loss of life and chronic and serious illness. It is a shameful and devastating history. It is very concerning to discover from this report that we still, unfortunately, have quite a lot of work to do to ensure that workers and members of the community are going to be safe from the effects of asbestos.

The criteria for the Auditor General's investigation included checking whether WorkSafe has adequate controls over the issuing of licences for asbestos removal and whether WorkSafe has in place an effective monitoring and compliance program. A number of recommendations have come out of this report, but in a nutshell the Auditor General's conclusion was that she found significant gaps in WorkSafe's processes and practices that limit how effectively it regulates asbestos removal licensing in WA, regulatory actions are not risk based, documentation is weak, and there is a lack of rigour and transparency in licensing approval controls. I agree with the comment of Owen Whittle, the assistant secretary of UnionsWA, who said, "There are so many levels of wrong in this." I completely agree with that comment.

We rely on WorkSafe to keep a very close eye on this particular regulatory regime. We expect it to closely monitor what is happening with those people who have been entrusted with licences to undertake asbestos removal, and also to adequately respond to complaints when they are brought to its attention. This report has highlighted that we are far away from achieving that outcome. The Auditor General's report found that staff within WorkSafe receive limited guidance on how they need to make licensing decisions and also that their licensing approval controls lack any rigour or transparency. It was found that even when audits are performed, they are not comprehensive or particularly well documented; the inspection regimes being undertaken by WorkSafe are happening far too infrequently; and the documentation is inadequate. It is also concerning that WorkSafe is not ensuring that it is engaging in awareness-raising activities. It is missing opportunities to do that. This means that the staff within WorkSafe are not receiving adequate training and guidance so that they can ensure they are making sound assessment decisions. There were heaps of problems with how WorkSafe keeps its documentation internally. I was particularly concerned to hear that WorkSafe's IT system is so out of date that it has no way to monitor responses to complaints to determine whether there are systemic concerns with particular operators. WorkSafe received several thousand complaints raising concerns about asbestos over a long period, yet there is no clear way that it can identify whether a significant number of those complaints might relate to the activities of a rogue operator, for example. I am really concerned about that because the one thing we want to do is make sure that when people send complaints, those complaints can be followed up effectively and we can find out whether there are systemic concerns. WorkSafe also discovered that it does not have adequate processes in place to manage conflicts of interest around this issue. In a city as small as Perth—it is a small city—it is very likely that the people who work in this industry know each other and, potentially, could also work as the regulator. I am in no way suggesting any wrongdoing on behalf of any of the people working in WorkSafe. A perceived or actual conflict of interest needs to be managed. Again, the Auditor General found that that simply is not happening. We know from the audit that an inadequate number of on-site inspections are occurring where asbestos removal work is being undertaken. A chronic lack of good information is being made available to the executive to monitor what is happening in the overall WorkSafe regime.

I understand that WorkSafe has been gutted for years. This government has been trying to improve the status of WorkSafe. It has been looking at investing a greater amount into WorkSafe and has undertaken a number of reforms. Clearly, we have a long way to go. Anyone who works in the union movement will say that they know that anyway because of the ongoing issue of ensuring that WorkSafe can meet the level of need. I am looking forward to the report by the committee that has been looking into WorkSafe for the duration of this Parliament. That report is meant to come into this place. I spent a lot of time on this issue in the thirty-eighth Parliament, so I am keen to see where things are at now. We know that this issue needs to be given the utmost level of attention by WorkSafe. We have a serious emerging concern around silicosis. I have spoken about that on a number of occasions in this chamber. Members will hear more and more about that over the next decade in particular. Silicosis is devastating because of the young age at which people become seriously unwell and can lose their life. Frankly, the fact that we still have not sorted out the issue of asbestos in Western Australia does my head in. In the next few months, we will see legislation introduced to deal with the legacy of Wittenoom. We should have sorted that out by now. When I found out that the regulator has failed so critically in the way that it regulates asbestos, it chilled me to the bone. We have known for a long time that this is an ongoing issue. We know there is a problem with home renovators in particular being exposed to asbestos. We need an asbestos education campaign in place and we need to make sure that those who undertake asbestos removal are doing it properly and diligently and are well trained and well oversighted. This is not happening. A number of recommendations are in this report and, again, I urge members to read it. More than anything, I am hopeful that we are going to see progress on this from this government. Once again, the Auditor General demonstrates that she is worth every cent she is paid, and I give thanks also to her diligent team that continues to bring these issues to the attention of Parliament. Now this information sits with us and we have to make sure that the recommendations are acted on and that we see progress on this urgently.

CORONAVIRUS — NATIONAL COVID-19 COORDINATION COMMISSION — FOSSIL FUEL INDUSTRY

Statement

HON TIM CLIFFORD (East Metropolitan) [5.25 pm]: I rise tonight to speak on some concerns that have been raised in the community directly with me and across the country about the federal government's National COVID-19 Coordination Commission and some of the characters appointed to it to supposedly steer us through to the other side of this pandemic. Some would say it is no coincidence that many of the members of the commission have ties to the fossil fuel industry, and what they plan to do pretty much mirrors the industry's philosophy. Even as early as this morning, there was a leaked document titled "NCCC Manufacturing Taskforce — A Modern Industrial Policy". This document outlines many of the points the commission has raised about the way it thinks the country should go in recovering from the pandemic. Quite a few members of the commission have relationships with the fossil fuel industry, and I would like to highlight a few of them and point to their backgrounds to put things in perspective. The chair of the commission is Neville Power, who is the former managing director of Fortescue Metals Group, and many people in this state know FMG. He is the current deputy chairman of Strike Energy. We also have Catherine Tanna, who is the head of Energy Australia, and Energy Australia just happens to be the second biggest polluter in Australia. There is James Fazzino, who is coined a gas kingmaker, and he is on board of the APA Group, which operates Australia's biggest gas pipeline network. We also have a character called Andrew Liveris, who is a former adviser to Donald Trump. He has made a claim that gas can be the silver bullet when it comes to reducing carbon emissions.

A lot of people would say that we need this recovery and we need industry supported throughout this pandemic so that it can provide thousands upon thousands of jobs, but we need to put things in perspective. We are paying the chair of this commission $500 000 a year—half a million dollars a year of taxpayers' money—to, surprise, surprise, say that on the other side of the pandemic, it will support the gas industry. We do not need to be a rocket scientist to put two and two together to see exactly what it wants—and that is to support a dying industry that is literally going to burn up the planet.

I was looking at a couple of articles recently looking into some of the asks of the fossil fuel industry and what exactly it wants. One was on the Michael West Media website. He is an investigative journalist; I recommend that everyone looks at his website. The author of the article raised a few points. The article highlights that the fossil fuel industry wants tax cuts and other financial concessions; the slashing of environmental or other corporate regulation; the fast-tracking of project approvals; a delay or rollback of climate and renewables policies; and attacks on charities and the right to protest, which we saw recently with attacks on organisations such as Market Forces that push for divestment in fossil fuels. We have also seen the undermining of local communities and workers' rights. There are a few key dates on this wish list, which I have here, and I can table it if anyone wants it.

On 10 March, the Institute of Public Affairs, which it comes as no surprise supports the federal Liberal Party, demanded that the community be stripped of the right to challenge in the courts mining projects that damage the environment by repealing section 487 of the Environment Protection and Biodiversity Conservation Act. Aston Resources has also sought a change in the approval conditions for Maules Creek to give it another year to find biodiversity offsets, which it has failed to find for the last five years. On 24 March, the Minerals Council of Australia and the Australian Petroleum Production and Exploration Association demanded that mining be listed as an essential service to allow operations and fly in, fly out work to continue, even in high-risk places such as the Northern Territory, which has been closed to other outsiders. That flies in the face of a lot of health recommendations. The list goes on. On 28 April, the Minerals Council of Australia demanded that federal and environmental laws that protect nature and threatened species be slashed so that mining project assessments could be accelerated. On 28 April, the federal Minister for Energy and Emissions Reduction demanded that investment be redirected from renewable energy to carbon capture and storage through a new technology investment road map, despite hundreds of millions of dollars of investment over several decades proving that carbon capture and storage is unfeasible. The Australian Petroleum Production and Exploration Association has also requested the use of $300 million of public funds to invest in gas to hydrogen conversion, which would rely on untested carbon capture and storage, or controversial market offsets. It is no surprise that the federal Minister for Energy and Emissions Reduction has already outlined that $300 million of the clean energy fund might be allocated to support such measures, but that would be totally deplorable.

The whole attitude of the federal government to support this commission has pretty much put aside the issue of climate change. It will not listen to experts. It will listen to experts on the COVID issue, but not on the issue of climate change. Despite what the community expected, not only are taxpayers going to pay for these people—some of the feedback I have had from some people in the community is that they view them as rent seekers, and I pretty much agree with them—but also we will see more fires, more drought and more destruction. We will see more fact described as fiction and more fiction described as fact in the way the government outlines gas as something that will help us transition towards a low carbon economy in the future. It pretty much indicates that the federal government has failed the community when it comes to looking to the other side of this pandemic and what we will do. We know that climate change will not go away. We will see more pandemics and more bushfires, such as those of last

December. The response from the federal government has been pretty woeful on the issue of supporting people who were directly impacted by the fires. Its approach has also been pretty woeful in outlining how it will address or mitigate a lot of the effects of climate change in the future. We have seen it with the droughts; we have seen our farmers being smashed in recent years. Instead, we see continued support for an industry that is accelerating the issue. We cannot keep burning fossil fuels—that is the crux of it.

When a failure of an energy minister such as Angus Taylor says that technology is the answer and proposes to divert money, which is supposed to be put into clean energy technologies and into supporting communities to make sure there will be jobs in future industries, into industries that are pretty much on the way out and will not survive this pandemic, it is absolutely diabolical. How do we get to a point at which taxpayers' money will go into industries that will negatively impact the health of our community and our environment for the sake of propping up the federal government's mates? It is absolutely indefensible. We are now near the back end of this pandemic, and it is important that we do the right thing by the community to ensure that it is protected during this transition period. If the government is not working in the interests of the community, the oil and gas industry definitely will not. All it wants is to make profits. That is its goal—to make money out of this thing. I know that the state government has a role to play in this recovery. I would like more direction and comments from the Premier on this commission, so that we really push it in the direction in which it should be going—that is, to put money back into the renewable energy industry and mitigating climate risks. I look forward to the Premier's response.

CORONAVIRUS — HOSPITALITY INDUSTRY

Statement

HON COLIN TINCKNELL (South West) [5.35 pm]: I want to represent the hospitality industry, which is a vital industry to not only this state, but also the whole of Australia and the globe. The big thing to remember is that this industry employs a large number of people. Along with the tourism industry, it is one of the biggest employers of people in this state; it is also one of the biggest employers of people in the south west. I want to make some comments to represent that industry to the government and all members of Parliament, and to ask the government to consider working a bit closer with it on the exit strategy post COVID-19, as we work our way out.

The blanket limit of 20 people per venue is a bit of a problem. I understand the health repercussions and why it was done. If there had been better consultation with the industry, there might have been a different set-up, such as allowing it to be a percentage of a venue's capacity or size. It is very important that we work closely with the industry. This industry must comply with many rules and regulations, and it is good at doing that. Hospitality has never been a one-size-fits-all industry. It is very diverse and very different, no matter where one goes. As I will talk about in a minute, there is really no point in massive venues opening if they can have only 20 patrons. Smaller venues will have trouble, too. It will be hard for them to comply with the four-square-metre rule for 20 patrons. We understand the difficulties. I am mainly looking at how we could work better with the larger venues. It is important, because we want these venues to open. The WA Day long weekend is coming up and unfortunately many places will be closed. Western Australians deserve to be able to celebrate the success we have had in working with the authorities to ensure that this state has got through this awful virus very well. We all know that it is not over yet. That is why it is about working with the hospitality industry to make sure that a commonsense approach is taken. We know that a one-size-fits-all approach will not work.

Pubs, clubs and restaurants have had many mechanisms in place to measure the number of people in their venues. They know their clientele. They have Scantek machines. Security companies also have similar phone apps these days. These things could keep track of patrons as they come in. It is just a matter of working with the industry to make sure that we get a better result and get more Western Australians back to work and get the economy working again. That will be important. When we look at the breakdown, what has affected us most? Is it COVID-19 or the devastation of businesses and unemployment and all the problems that come with that unemployment?

I mentioned the south west earlier. There are many venues in that region, such as Bootleg Brewery, Amberley, Cape Mentelle, Leeuwin Estate, Vasse Felix and MadFish Wines; in the great southern, Plantagenet Wines; and in the Swan Valley, Duckstein Brewery, the Feral Brewing Company, Houghton Wines, Mandoon Estate and Sandalford Wines. These are massive outlets and venues. The 20-person rule does not work for them. If we work with them and use a commonsense approach, these businesses could be opened up over the next few weekends and get a lot of people back to work. That will be very important. They are just a few examples. There are thousands of these venues. Some of the wineries down south have seating arrangements outside. They could possibly fit two or three groups of 20 people outside and one or two groups of 20 people inside, while still practicing the proper isolation distancing rules.

The Camfield, next to the football stadium, is one venue that really sticks out. It is capable of holding 2 500 people. It will not open for 20 people. We need to adopt a commonsense approach to work with organisations such as that, for which 20 people would make up less than one per cent of their capacity. We can understand why they would not open up; they would lose a lot of money. There is no point going into business to lose money; the owners would not be in business for long. It is just not economically viable at the moment for many venues to open under the rules and regulations that they have in front of them. People are in business to make money. If they make money and do

well, they employ more Western Australians. More Western Australians can then pay their bills and handle any other situation that comes before them, such as ill health or whatever it may be. If these venues could open, it would also just add to the industry. This is an important industry for WA. It is important to the people who work in it and it is important to the people who run those businesses. It is especially important that families in Western Australia, who need to have an income, know that, as we come out of COVID-19, the Premier's exit strategy is dealing closely with the industry and is consulting well to make it the best exit strategy we can have.

BILLS

Assent

Message from the Governor received and read notifying assent to the following bills —

1. Prisons Amendment Bill 2020.
2. Mandatory Testing (Infectious Diseases) Amendment (COVID-19 Response) Bill 2020.

PROCUREMENT BILL 2020

Receipt and First Reading

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

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.43 pm]: I move —

That the bill be now read a second time.

Government spends around $27 billion each year, most of which is on procuring goods, services and public works for the benefit of Western Australians. Government procurement is a critical part of our economy and ensures we can provide our community with essential services such as equipment for our hospitals or building new schools. It is critical that the highest standards of probity and accountability apply when public money is being spent and that government spending delivers the best value for our community and our state. Government expenditure should also support broader economic, social and sustainability outcomes. We must procure in a way that maximises opportunities for local and small to medium businesses to work with government. We must also ensure government expenditure supports development in the regions, improves Indigenous outcomes and ensures the effective delivery of services to the most vulnerable in our community. Unfortunately, the current procurement framework is fragmented and difficult for suppliers to navigate. In some instances, businesses that supply the same product or service to multiple government agencies need to engage using different tendering processes, contract documents and contract management approaches. This is a key issue for works procurement, including construction work, works consultancy services and building maintenance and property services, because these activities are not currently coordinated under the State Supply Commission Act 1991. This complexity adds an unnecessary cost to doing business with government. It limits the number of procurement opportunities that businesses can involve themselves in and makes supplying to government more difficult for local businesses we are seeking to support.

Both the service priority review and the "Special Inquiry into Government Programs and Projects: Final Report" found that poor outcomes were being delivered as a result of having multiple, different procurement arrangements across government. The bill enables the necessary action to be taken to address the recommendations from these reviews.

In 2017, the McGowan government took the first steps to improve local business access to procurement opportunities by introducing the Western Australian Jobs Act and the Western Australian industry participation strategy. This bill continues the government's work by establishing a more efficient and effective public sector procurement framework for the benefit of all Western Australians. The McGowan government has expedited introduction of this important bill in response to the COVID-19 pandemic. A streamlined and effective procurement framework for government will be an essential part of the state's economic recovery. This will support local, small and medium-sized businesses that are experiencing tough economic times as a result of the pandemic. The reforms will make it easier for these businesses to supply to government, creating even more job opportunities for Western Australians.

I confirm that I intend to move an amendment to clause 2, consistent with what was agreed to by the Minister for Finance in the Legislative Assembly on 19 May 2020. The amendment to the commencement clause will allow those parts of the act that require further time to implement, such as regulations for the debarment regime, to come into effect on a date to be proclaimed, with all other parts coming into effect on commencement date. This will allow key COVID-19 procurement measures to be implemented as soon as possible. These amendments are currently being drafted and will be distributed as soon as possible and prior to the bill being brought on for debate in June 2020.

The bill sets out the powers and functions required for a more agile procurement framework, including a strong integrity regime to rebuild confidence in public sector procurement. The bill requires state agencies to follow the same policies and principles when procuring goods, services or works. It will enable stronger central leadership while retaining local accountability and decision-making within each agency. The new framework is more flexible,

which will allow current and future governments to respond quickly to unplanned or emergency situations. It will better support innovations in procurement policy being easily implemented across government, as well as providing improved mechanisms for more collaborative procurement. Overall, this will allow the state to better respond to changing community expectations and address economic, social and environmental challenges. This is exactly the type of responsiveness needed to help stimulate Western Australia's economic recovery.

To improve the integrity of public sector procurement, the Department of Finance will strengthen its central leadership role. In addition to providing advice and support, the department will audit agency buying, collect and report on information, and address supplier complaints that cannot be resolved by agencies. This will be used to drive process improvements and build the capability and expertise of the public sector's procurement profession. As everyone in this house would know, over the last couple of years we have seen reports of unacceptable conduct from some public officials and businesses that aimed to benefit from public procurement at the expense of Western Australians. The community expects better, and all businesses should be entitled to compete on a fair playing field. The public sector and industry each have a role to play to restore the community's expectation that public procurement is conducted appropriately, and this bill will help drive the right behaviours.

This bill allows government to better ensure the transparency of public sector procurement. It will enable a more robust audit and investigation function to identify those who engage in fraudulent and corrupt behaviour, as well as a smarter use of data to inform decision-making and compliance programs that support integrity in public procurement.

In addition, the bill will enable us to develop and implement a debarment regime. This regime will enable government to work with suppliers to improve business practices and to exclude unscrupulous suppliers who have broken the law. This new regime is the first of its kind in Australia, applicable to goods, services and works, and sends a clear message that only people who do the right thing will benefit from doing business with the Western Australian government.

The McGowan Labor government thanks those industry and community members, businesses and public servants who contributed to these significant reforms. We look forward to further consultation to support implementing the changes to the state's procurement framework upon the successful passage of this bill.

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

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

[See paper 3891.]

Debate adjourned, pursuant to standing orders.

CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2019

Receipt and First Reading

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

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.49 pm]: I move —

That the bill be now read a second time.

On behalf of the government, I am pleased to present the Children and Community Services Amendment Bill 2019 to the house today. The bill implements 40 recommendations of the "Statutory Review of the Children and Community Services Act 2004" and continues the government's progress towards implementing the 310 recommendations of the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse that have application to Western Australia. As part of this commitment, the bill introduces ministers of religion as mandatory reporters of child sexual abuse, consistent with recommendations 7.3 and 7.4 of the royal commission, and implements a further two recommendations made by the royal commission that have already been captured in the statutory review.

The Children and Community Services Act 2004 provides Western Australia's legislative framework for the protection and care of children; the employment of children; the provision of social services; the provision of financial and other assistance; and other matters concerning the wellbeing of children, other individuals, families and communities. In 2017, the then Department for Child Protection and Family Support reviewed the act on the Minister for Child Protection's behalf with the assistance of a review committee and legal working group with external representation. The review received 37 written submissions in response to a consultation paper. During the four-month consultation period, regional consultations were held with Aboriginal community members, service providers and Aboriginal community controlled–organisations. The review also considered the recommendations of and submissions to a consultation on out-of-home care reform conducted in 2015.

The bill implements recommendations concerning four of the review's five terms of reference. Recommendations on the fifth term of reference—the intersection between protection proceedings in the Children's Court of

Western Australia and family law proceedings—need to be considered within the context of broader reforms underway in the family law and Children's Court jurisdictions at a commonwealth and state level and are therefore not included in the bill.

Mandatory reporting of child sexual abuse commenced in Western Australia in January 2009 under part 4 of the act. Under this bill, ministers of religion will join doctors, nurses, midwives, police officers, teachers and boarding supervisors in being required to make a report to the Department of Communities if they form a reasonable belief that a child has been or is being sexually abused. "Minister of religion" is defined as a person who is recognised in accordance with the practices of a faith or religion who is authorised to conduct services or ceremonies in accordance with the tenets of that faith or religion. There will be no excuse for failing to make a mandatory report because a minister's belief was based on information disclosed to that minister during a religious confession, or because making the report would otherwise be contrary to the tenets of the minister's faith or religion. This gives effect to recommendation 7.4 of the royal commission's final report regarding religious confession and makes both the government and the community's expectation crystal clear: child safety is paramount.

The government believes there is wide community support for this measure. Despite some opposition to the requirement as it applies to religious confession, most Australian jurisdictions have already implemented these recommendations or are in the process of doing so, on the basis that children's right to safety and protection from harm is paramount. The department will work closely with a range of religious organisations to ensure the necessary training is provided to support implementation of the new requirements.

Western Australia's expansion of the scheme to ministers of religion has been expedited over the other reporter groups that were recommended to become mandated reporters to achieve minimum national consistency. The royal commission noted that many religious institutions had institutional cultures that discouraged reporting of child sexual abuse and that mandatory reporting obligations may help persons in religious ministry to overcome cultural, scriptural, hierarchical and other barriers to reporting. Consultation regarding the additional groups will occur in 2020.

Planning for stability and continuity in a child's living arrangements and relationships is a priority when a child enters the CEO's care. The amendments to the principles in part 2 of the act reflect the importance of this and implement other recommendations of the review, including that the principles are to be applied by all persons performing a function under the act, including a court or a tribunal; the relationships a child in care has with his or her parents, siblings, other relatives and people of significance to the child should be promoted, and the child should be encouraged and supported in maintaining contact with these people; planning for children's long-term stability should be considered in accordance with an order of preference, as appropriate and in the child's best interest, starting with reunification with the child's parents, long-term care with other members of the child's family, or care with another appropriate person; strengthening the principle in section 10 concerning children's participation in decision-making processes; and strengthening the principle regarding the participation of a kinship group, community or Aboriginal representative organisation in decision-making processes about a child, having regard to the views of the child and the child's parent about such participation. The bill achieves this in its amendments to section 9 and in two new principles. Children are acknowledged as valued members of society, as is the need for interpreters or other supports if language barriers or disability means a person has difficulty understanding or participating in decision-making processes under the act.

As at 30 June this year, 5 379 children under the age of 18 were in the care of the chief executive officer of the department. Of those children, 55 per cent were Aboriginal, even though Aboriginal children form only 6.7 per cent of all children in Western Australia. This is the troubling reality facing Aboriginal families and their communities, as well as government, despite all the goodwill and efforts undertaken to reduce these disproportionate figures.

The Royal Commission into Institutional Responses to Child Sexual Abuse noted that empirical data supports the idea that connection to culture is associated with improved emotional, social and physical health for Aboriginal and Torres Strait Islander peoples, and that positive cultural connection can increase the protective factors available to Aboriginal and Torres Strait Islander children by helping them to develop their identities, fostering high self-esteem, emotional strength and resilience. Research commissioned by the royal commission also highlighted that positive cultural connection indirectly increases protective factors by supporting the social conditions necessary for all adults in a kinship placement to be available, responsive and protective of children in the community.

The bill introduces amendments to build stronger connection to family, culture and country for Aboriginal children in care through working more closely with Aboriginal people and Aboriginal community–controlled organisations to better implement the Aboriginal child placement principle. These amendments align with recommendation 12.20 of the royal commission—that governments work towards full implementation of the Aboriginal child placement principle and a greater understanding of its intent, which, in broad terms, is to enhance and preserve Aboriginal children's connection to family and community and a sense of identity and culture. The amendments also accord with a commitment by community services ministers in 2017 to —

> … uphold all five domains of the Aboriginal … Child Placement Principle to recognise the rights of Aboriginal and Torres Strait Islander children to be raised in their own culture and the importance and value of their family, extended family, kinship networks, culture and community.

The cornerstone elements of the principle are prevention, partnership, placement, participation and connection.

The Aboriginal child placement principle in section 12 of the act sets out an order of priority for the placement of an Aboriginal child. The principle prioritises placement with a member of the child's family, an Aboriginal person in the child's community or an Aboriginal person anywhere in Western Australia over placement with non-Aboriginal carers.

Based on feedback particularly from regional communities, amendments to the Aboriginal child placement principle prioritise a child's placement with family or otherwise placements in close proximity to the child's community over placement with an Aboriginal person who may live anywhere in the state. Given its vast geographical size and the cultural diversity of Aboriginal Western Australia, the intention of these amendments is to keep Aboriginal children close to their communities where possible. This will better support reunification with parents where appropriate and, in any event, Aboriginal children's connection with family, culture and country. If an Aboriginal child is placed with non-Aboriginal carers, it must be with a person who is responsive to the child's cultural support needs and prepared to encourage and support the child to develop and maintain connection with the culture and traditions of the child's family.

Before making a placement for an Aboriginal child, consultation with an Aboriginal representative organisation approved by the CEO will be required. Drawing on the cultural knowledge of approved Aboriginal representative organisations will help to identify placement options that are higher in the placement hierarchy. To this end, it is envisaged that approved Aboriginal representative organisations may be existing native title bodies or other Aboriginal community–controlled organisations that are recognised by the local community with knowledge about the child, the child's family or the child's community. The placement of an Aboriginal child will also require consultation with the child's Aboriginal family and an officer of the department who has relevant knowledge of the child, the child's family or the child's community.

Cultural support planning is also being strengthened. Cultural support plans are already prepared for each Aboriginal and culturally and linguistically diverse child in care. However, they will become a legislative requirement and, subject to regulations, approved Aboriginal representative organisations will be offered the opportunity to participate in cultural support planning for Aboriginal children in care. Cultural support plans for Aboriginal and culturally and linguistically diverse children will also be provided to the court as part of the written proposal the department must provide in section 143 when applying for a protection order other than a special guardianship order. Written proposals outline proposed arrangements for the child's wellbeing.

Other amendments regarding the content of proposals require an outline of the arrangements proposed for working towards the child's reunification under a protection order, which is time limited, or a brief explanation as to why this would be contrary to the child's best interests; for promoting, where appropriate, the child's relationships with family or other people significant to the child; for extensions of a time-limited protection order, plans for securing long-term stability, security and safety in the child's relationships and living arrangements; and, for an Aboriginal or culturally and linguistically diverse child, the arrangement proposed for placing the child in accordance with the Aboriginal child placement principle or placement guidelines for culturally and linguistically diverse children.

Amendments to the special guardianship provisions in the act continue the theme of maintaining children's identity, family relationships where possible and cultural connections. Special guardians will need to seek permission from the Children's Court to change the name of a child under a special guardianship order. Permission will depend on there being exceptional circumstances and, if the child has sufficient maturity and understanding, the child's consent.

In its report to the court about a person's suitability to become a special guardian, the department will have to outline the arrangements proposed for encouraging and supporting the child to develop and maintain contact with the child's family, subject to decisions regarding the child's contact with family. For Aboriginal or culturally and linguistically diverse children, the child's cultural support plan will need to be provided, as well as information on the Aboriginal child placement principle or the guidelines for the placement of a culturally and linguistically diverse child. Special guardianship orders for Aboriginal or culturally and linguistically diverse children will also be able to include conditions about matters that could be included in a cultural support plan. Finally, the court will not be able to make a special guardianship order for an Aboriginal child in favour of a sole or joint non-Aboriginal carer or carers without first considering a written report from an Aboriginal person or agency.

Turning to the bill's other amendments, there is clear evidence showing that young people who have been in state care are at risk of experiencing poorer life outcomes, including inadequate housing or homelessness, poor education outcomes, long-term unemployment and difficulty with life skills, mental health issues, and drug and alcohol use. The leaving care provisions already in the act are comprehensive. However, this bill strengthens and clarifies them by requiring a leaving care plan to be prepared when a child reaches the age of 15 years; providing that a leaving care plan includes the social services proposed for the child post care; requiring that children leaving care are given written information on their entitlements post care; and clarifying that a child who leaves care is to be provided with the social services the CEO considers appropriate having regard to the child's needs, regardless of whether the needs are specifically identified in the child's last care plan. These amendments will support the implementation of the royal commission's recommendation 12.22 that the assistance available to care leavers to safely and successfully transition to independent living should include assistance for those who were sexually abused while in out-of-home care to access general post-care supports.

The bill also strengthens provisions regarding the shared responsibility of government agencies for addressing the needs of children who are or were in state care. Public authorities prescribed in regulations will need to prioritise requests for assistance to children in care and young people who qualify for leaving care assistance until they turn 25 years.

The bill increases the powers of authorised officers of the department and industrial inspectors to investigate offences related to the employment of children in part 7 of the act. In addition, authorised officers of the department will be able to exercise those powers in relation to all the offences in the act. The additional powers are consistent with those provided to licensing officers under the Child Care Services Act 2007, and do not derogate from the powers provided to industrial inspectors under the Industrial Relations Act 1979.

A number of amendments address oversights, clarify provisions or remedy concerns in relation to the operation of the act, including providing a defence to a charge of failing to protect a child from harm in circumstances involving the exposure of a child to family violence if the accused can prove that she or he was a victim of that family violence; clarifying that provisional care plans and care plans must be modified as soon as practicable after a decision recorded in the plan is varied, revoked or substituted or a further decision is made; amending the grounds for a child found in need of protection to address situations in which parents are found to be able but unwilling to care for their child; limiting the court's ability to adjourn proceedings for an interim order—secure care—or the continuation of a secure care arrangement unless there are exceptional reasons for doing so, and then for only two working days; and addressing the legal status of a child following the death of a sole or joint special guardian or guardians. Upon the department's notification to the court, a special guardianship order will automatically be replaced with a time-limited two-year protection order; and, as soon as practicable, notice of the new order must be given to the child, each other party to the initial special guardianship order proceedings and each other person considered to have a significant interest in the child's wellbeing.

Finally, two minor amendments are made due to the removal of exemptions previously available to Western Australia under the commonwealth Sex Discrimination Act 1997, which prohibits discrimination on the grounds of intersex status, gender identity or sexual orientation. As elements of the search provisions and employment of children provisions may be noncompliant with the Sex Discrimination Act 1997, they are amended in the spirit of achieving the intent of that act.

In closing, the government looks forward to the implementation of the amendments in the bill to achieve the better outcomes for children, families and communities that they are intended to drive. The government would also like to acknowledge the work carried out under the Children and Community Services Act 2004 by the Department of Communities frontline protection workers, which is among the most difficult and challenging in the community. This extends to the tireless work of the foster carers and kinship carers who care for these vulnerable children, service providers in the community services sector and Aboriginal community–controlled organisations, which are united in their drive to improve the wellbeing of children and families in Western Australia. Thank you.

Pursuant to standing order 126(1), I confirm that this is not a uniform legislation bill, as it does not ratify or give effect to any intergovernmental or multilateral agreements to which the government of the state is a party. No uniform schemes or uniform laws throughout the commonwealth are introduced through this bill.

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

[See paper 3892.]

Debate adjourned, pursuant to standing orders.

House adjourned at 6.06 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

HOSPITALS AND HEALTH CAMPUSES — DOCTORS — NORTHAM, MERREDIN, NARROGIN AND KATANNING

2871. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Health:

In relation to the Northam, Merredin, Narrogin and Katanning hospitals, and I ask:

(a) on how many occasions from 1 July 2019 to present, at each hospital, has a doctor not been rostered;

(b) with respect to (a), what was the reason for the unavailability of a doctor for each occasion;

(c) with respect to (a), on each occasion a doctor was not available to be rostered, how many ATS 1, 2 or 3 patients presented to each hospital, during each period;

(d) what strategy has the WA Country Health Service put in place to avoid situations when a doctor is not available to be rostered;

(e) on how many occasions in the last 12 months at each hospital, has a doctor been rostered but unable to be contacted, or unable to respond; and

(f) with respect to (e), on each occasion a doctor was not available to respond when rostered, how many ATS 1, 2 or 3 patients presented to each hospital during each period;

(g) how many salaried Doctors are employed by each hospital?

Hon Alanna Clohesy replied:

I am advised:

(a) Occasions from 1 July 2019 to 30 March 2020 where there was no doctor available to be rostered or rostered on call, for a 12 hour shift, in the Emergency Department (ED) are as follows:

Site	Number of occasions
Northam	0
Merredin	7
Narrogin	18
Katanning	24*

* periods of 24 hrs where no on-call GP roster have been counted as 2 x 12 hr shifts

(b) The reasons for doctor unavailability to be rostered or rostered on call include:

Decline in or insufficient numbers of GP or local medical practitioners available to fill the roster;

Unexpected leave taken at short notice; or

The need to meet fatigue management standards when rostering.

(c)

	ATS 1	ATS 2	ATS 3
Northam	0	0	0
Merredin	0	5	9
Narrogin	3	25	65
Katanning	0	6	41

Note: These figures include presentations when local GP advised that they would be available to attend ATS 1 and 2 presentations, although not rostered for full on-call.

(d) Northam, Merredin, Narrogin and Katanning Hospitals have 24 hour seven day access to the Emergency Telehealth Service (ETS). In addition, the WA Country Health Service (WACHS) has the following strategies:

Rosters are created several months in advance with local doctors and regular contractors being given first option of available shifts.

Advance notification of roster vacancies is provided to recruitment agencies.

Local senior doctors may be asked to cover roster gaps in ED when rostered on duty for another task such as anaesthetic or ward cover.

Northam and Albany Hospitals are able to provide remote support to Narrogin, Merredin and Katanning Hospitals.

ED Nurse Practitioners are available in Northam, Merredin and Katanning Hospitals and can assist by seeing lower acuity ED presentations.

The Inpatient Telehealth Service (ITS) has been implemented in many WACHS hospitals, including Merredin and Katanning. Like ETS, the ITS provides access to doctors and nursing teams who can assist local staff with assessing, responding to clinical deterioration, admitting and discharging patients from inpatient facilities.

Further strategies to ensure a sustainable medical workforce model include potential collaborations with neighbouring regions and regionwide telehealth models to support existing staff.

(e) Nil.

(f) Not applicable.

(g)

Site	**Number of Salaried Doctors employed at each Hospital**
Northam	1.15 Full Time Equivalent (FTE)
Merredin	0.3 FTE
Narrogin	2.0 FTE
Katanning	0 FTE

LAVERTON HOSPITAL — UPGRADE

2881. Hon Robin Scott to the parliamentary secretary representing the Minister for Health:

I refer to question C162 regarding the Federal Government's commitment to upgrading Laverton Hospital, I ask:

(a) is it possible that the upgrade to Laverton Hospital will not go ahead; and

(b) does the Government consider the upgrade to Laverton Hospital to be a priority health infrastructure project?

Hon Alanna Clohesy replied:

I am advised:

(a) The WA Country Health Service intends to continue with the redevelopment of Laverton Hospital.

(b) Yes.

_____