



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
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LEGISLATIVE COUNCIL

Tuesday, 10 May 2022

Legislative Council

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THE PRESIDENT (Hon Alanna Clohesy) took the chair at 2.00 pm, read prayers and acknowledged country.

SENATE VACANCY

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [2.02 pm]: Good afternoon, members, and welcome back. Members, I have some messages and statements. The first is a message from His Excellency the Governor Hon Kim Beazley, AC. It reads —

The Governor transmits to the Legislative Council a copy of a despatch which he has received today from the Honourable the President of the Senate of the Commonwealth of Australia, notifying that a vacancy has happened in the representation of the State of Western Australia in the said Senate.

The dispatch reads in part —

Pursuant to the provisions of section 21 of the Commonwealth of Australia Constitution, I notify Your Excellency there is a vacancy in the representation of the State of Western Australia following the resignation of Senator Ben Small on Friday, 15 April 2022.

BILLS

Assent

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

1. Transport Legislation Amendment (Identity Matching Services) Bill 2021.
2. Legal Profession Uniform Law Application Bill 2021.
3. Legal Profession Uniform Law Application (Levy) Bill 2021.
4. Treasurer's Advance Authorisation Bill 2022.
5. Animal Resources Authority Amendment and Repeal Bill 2021.

CORONAVIRUS — LEGISLATIVE COUNCIL SITTING ARRANGEMENTS

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [2.04 pm]: Members, I have a statement regarding COVID-19 sitting arrangements—excuse me.

Hon Sue Ellery: Have you been RAT tested?

The PRESIDENT: I have, thank you, leader. It was negative.

Like all public and private institutions over the past two years, the Parliament, as a workplace, has put in place a number of public health and safety measures to minimise the risk of COVID-19 transmission. I confirm that following consultation with the party leaders, many of those health and safety settings for the chamber and its surrounds have been amended. The arrangements for the chamber going forward are as follows.

Seating arrangements have been restored and members may now sit and speak in all proceedings from their own allocated seat. As the suspension of standing orders agreed to on 15 February 2022 requiring sit–stand divisions has now expired, divisions will be conducted in the usual manner. The Bar of the chamber is now closed and the President's gallery is no longer part of the floor of the house. Arrangements for advisers in the chamber will return to the usual practice. Hard copies of documents will once again be distributed in the chamber. Masks are no longer required, but I strongly encourage the wearing of masks in the chamber and there are spare masks at the back of the chamber for those who wish to use them. Admission to the chamber remains subject to all persons strictly adhering to hygiene requirements. Hand sanitiser continues to be available at the entrances to the chamber and all persons are required to use this on entry to the chamber. Please also follow other health guidelines, including attending only if you are well. If members need to cough or sneeze, they should do so either into their elbow or a tissue, with the tissue then immediately discarded in the bin, as I have demonstrated.

The following social distancing practices will remain in place. Bottled water will continue to be available for members at the rear of the chamber. The Chair of Committees and Deputy Chairs will continue to sit in the President's chair during the Committee of the Whole. Hansard will continue to be reporting remotely and will not be present on the floor of the house or the public gallery. Any speech notes for Hansard should be delivered to Hansard via email at the conclusion of your speech. The public gallery will remain closed for the time being. Other public health and safety measures around the Parliament have been communicated to members and staff in an email update from the Clerk.

LEGISLATIVE COUNCIL — CORONAVIRUS — MANDATORY VACCINATION*Statement by President*

THE PRESIDENT (Hon Alanna Clohesy) [2.07 pm]: My final piece of correspondence is a communication from the Clerk of the Legislative Council. It reads —

President,

Compliance with an Order of the Council made on 15 February 2022

Pursuant to an Order of the Council made on 15 February 2022 regarding the vaccination and booster requirements for Members of the Legislative Council, I advise that the suspension imposed on Hon Sophia Moermond for failing to comply with paragraph 2(a) of the Order was lifted on 6 May 2022.

CORONAVIRUS — STATE OF EMERGENCY*Petition*

HON NICK GOIRAN (South Metropolitan) [2.08 pm]: I present an e-petition containing 8 318 signatures couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled. We the undersigned ...

note that:

1. The McGowan Labor Government first declared a “state of emergency” more than two years ago on 15 March 2020 under the Emergency Management Act 2005 and a “public health state of emergency” the following day under the Public Health Act 2016;
2. Both state of emergency declarations have been extended every fortnight since;
3. The Chief Health Officer gave evidence to the Standing Committee on Estimates and Financial Operations on 23 March 2022 revealing that he, or someone acting in his place, had provided advice prior to each declaration and extension;
4. Prior to being elected Premier, a promise was made by Mr McGowan that his Government would adhere to a “gold standard” of transparency;
5. The Premier recently declared under oath in open court that “gold-standard transparency does not apply to every single thing”;
6. Premier McGowan and his Ministers have refused to make the health advice and any associated modelling publicly available.

We therefore ask the Legislative Council to urgently inquire into this matter so that all health advice and modelling used to justify each state of emergency declaration is tabled in Parliament without further delay.

And your petitioners as in duty bound, will ever pray

[See paper 1248.]

ANIMAL WELFARE ACT — PENALTIES*Petition*

HON DR BRAD PETTITT (South Metropolitan) [2.09 pm]: I present an e-petition containing 695 signatures, couched in the following terms —

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

share concern, distress and disappointment as a community in the minimum penalties for animal abuse in the Animal Welfare Act 2002, and the penalties applied to recent cases of animal abuse. In February 2022 a man was convicted of brutally and savagely assaulting his dog, Red, in Katanning. The attack went on for 5 minutes, with CCTV footage also shared on social media. The penalty was 9 months community service and a 3 year ban on owning animals. In addition to this incident, there have been other cases in the last month alone in WA including neglect cases in Guildford and Midland, and a case in Kelmscott where a dog was tied up outside in 41 degree heat, with no shelter or water, resulting in a painful and long death.

Now we ask the Legislative Council to support a review of the Animal Welfare Act 2002, specifically the minimum penalties for animal abuse as per sections 19(1) and 19(2). The minimum penalties in the Act, and the penalties applied in the Katanning assault and neglect cases in Guildford and Midland, are too lenient and not appropriate to the magnitude of assault that occurred.

And your petitioners as in duty bound, will ever pray

[See paper 1249.]

HON STEPHEN PRATT — CONGRATULATIONS*Statement by President*

THE PRESIDENT (Hon Alanna Clohesy) [2.11 pm]: I omitted to make an important statement earlier. On behalf of the members of the Legislative Council, I congratulate Hon Stephen Pratt, Elena Pratt and their two girls on the arrival of baby Lennox last week.

Members: Hear, hear!

PAPERS TABLED

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

JOINT SITTING — ELECTION OF SENATOR*Motion*

On motion without notice by **Hon Sue Ellery (Leader of the House)**, resolved —

That with reference to the message reported to the Council by the President from His Excellency the Governor, the Honourable President be requested to confer with the Honourable Madam Speaker in order to fix a day and place whereon and whereat the Legislative Council and the Legislative Assembly, sitting and voting together, shall choose a person to hold the place of the senator whose place has become vacant.

FIREARMS AMENDMENT BILL 2021*Committee*

Resumed from 7 April. The Deputy Chair of Committees (Hon Steve Martin) in the chair; Hon Stephen Dawson (Minister for Emergency Services) in charge of the bill.

Clause 6: Section 4 amended —

Progress was reported after the clause had been partly considered.

Hon MARTIN ALDRIDGE: It is great to be back on the consideration of the Firearms Amendment Bill 2021 after an unusual four-week recess of the Legislative Council, I must say, at this time of the year. Nevertheless, let us make some progress, minister.

Minister, when we were last contemplating clause 6, we were nearly finished and we were tying up a couple of issues. One of those was a quite lengthy discussion that commenced on clause 1, but also continued on clause 2, about the repair of firearms. It was not strictly a definitional issue. I think it was a matter of interpretation. During the course of the debate, the minister indicated the government's preference, which was not to clarify the law, but he gave some assurance about what constitutes a repair and what constitutes perhaps maintenance or other activities. The minister indicated to the house then that the government via the Western Australia Police Force would improve the advice and guidance provided to firearms licence holders in Western Australia. In the four weeks that have elapsed, what progress has been made on that matter? Is the minister today in a position to provide that renewed guidance?

Hon STEPHEN DAWSON: I am told that we are waiting for Parliament to finish this process before the website can be updated.

Hon MARTIN ALDRIDGE: Minister, I am surprised by that answer because I thought we had reached some agreement that this matter would not be amended by the bill. In fact, I think the government's argument was that this is a status quo position of the act, and that people had been acting contrary to the act and that the advice and information provided to firearms licence holders needed to be improved in that regard. I struggle to see how the matter requires an outcome from the passage of this bill because we were assured repeatedly that indeed it had nothing to do with this bill.

Hon STEPHEN DAWSON: The comment has been noted, honourable member.

Hon MARTIN ALDRIDGE: Hopefully, before not too long, some further information will be available in that regard. I think this reflects some comments that I made in my second reading contribution that suggested that the WA Police Force could be doing a lot more to improve firearms safety, and also provide advice and guidance to licensed firearm holders, that does not necessarily require legislative action. I think this is one of those instances.

Before we were interrupted on the last sitting Thursday, 7 April, at clause 6, we were contemplating, among other issues, the concept of "things" and the government's newfound appreciation for "things" in legislation. I think there are some 88 references to "a thing" or "things" in the bill before us. This matter is strictly related to clause 6, which will amend section 4 of the act. We were contemplating to what extent "things" were constrained in their definition as they were applied in the various sections of this bill as we go through them. Hopefully, we can conclude the matter now rather than address it throughout the course of the clauses. When we last sat, we were looking at proposed section 29I for example. Proposed section 29I(6) reads —

If the prohibited person cannot immediately surrender a thing referred to in subsection (2), (3) or (4) (for example, because the thing is located or stored at a different place) —

Obviously, that is an example of a thing being limited by what is described in proposed sections 291(2), (3) or (4). Before I ask my next question, can I just make sure I am on the right path and that the minister agrees with that assessment? Would a “thing” as described in this section be open-ended and allow the police officer to seize or require the seizure of any possible thing or will it be constrained by subsections (2), (3) and (4) in proposed section 291?

Hon STEPHEN DAWSON: I am advised it is constrained, honourable member.

Hon MARTIN ALDRIDGE: Is there another instance, within the 88 instances to which I have referred, of a thing that will not be constrained by its relevance? I might draw an example here to proposed section 26C(3), which reads —

A member of the Police Force who enters or searches a place or a vehicle may do the following —

- (a) stop and detain the vehicle being searched for so long as is reasonably necessary to conduct the search;
- (b) seize a thing relevant to an offence under this Act.

I assume in this instance the thing that is to be seized must be relevant to an offence under this act. Therefore, it will not allow an officer to seize anything. It will need to be a thing relevant to an offence. My question is: where there is a reference to “thing”, some 88 of them, are there any references in terms of these types of powers whereby that reference is unconstrained?

Hon STEPHEN DAWSON: As the honourable member pointed out, the bill makes 88 references to the word “thing”. The references to “thing” fall into several categories: specifically defined terms such as “relevant things”, “surrendered thing” and “thing relevant to an offence”, and these are clearly defined in the bill. It is used in headings throughout the bill and features in 13 headings. “Thing” is commonly used in headings of divisions or sections throughout the bill, particularly when referring to “firearms and other things”. The use of “other things” in these headings has been for the simple reason of simplifying the headings so that they can be condensed. In each instance, the divisions or sections outline what “other things” specifically refers to under each heading. Generally, it refers to a collection of firearms-related items such as major firearm parts, ammunition and prohibited firearms accessories. It would be onerous to list these items in each heading, so when sections refer to these items or a portion of these items, the headings often simply refer to “firearms and other things”.

For example, the bill will introduce proposed section 4A, “Possession of firearms and other things”. The section outlines that other things in this context means —

... major firearm part, prohibited firearm accessory, sound suppressor, firearms precursor ... or ammunition ...

Another category is used to define a list of items to the bill. The bill will introduce several sections that make reference to “thing”. In each instance the proposed section and its proposed subsections elaborate on what is meant by the term “thing”. For example, “thing” is used in the definition of “firearms technology”. “Firearms technology” is defined at proposed section 23AG(1), which is introduced by clause 43 of the bill. Proposed section 23AG(1) outlines —

... *firearms technology* —

- (a) a thing that is programmed, configured or otherwise enabled —
 - (i) to carry out a step in the manufacture or repair of a firearm ...

Proposed section 23AG(2) further defines —

... a reference to any machinery, equipment, object or device, including the following —

- (a) a 3D printer ...
- (b) a moulding device;
- (c) a milling device;
- ...
- (g) any other prescribed thing.

Another category is to allow for regulations to provide for further things to be prescribed. The bill includes provisions to make regulations. In these instances, as is common practice, the bill refers to “any other prescribed thing”. For example, this is to allow for regulations to prescribe additional things for the purposes of the definitions of “firearm”, “major firearm part”, “prohibited firearm accessory” or “firearms precursor”.

A further category is amendments to other acts. The bill amends several other acts and some of these make reference to a “thing”. To align to the drafting conventions of those acts, the bill also refers to the term “thing” when making amendments. For example, section 378 of the Criminal Code outlines the offences and penalties of stolen things. Clause 68 of the bill increases the penalty for the section 378 offence if the thing that is stolen is a firearm.

Hon Martin Aldridge seemed particularly concerned about the term “thing relevant to an offence”. This term is referenced only three times in the bill—namely, in the defined terms, and in proposed sections 26C and 26D, which

are introduced at clause 50 of the bill. These new sections outline what can be seized by police when conducting a search under a firearms prohibition order. That includes a “thing relevant to an offence” as defined in the Criminal Investigation Act 2006.

Hon MARTIN ALDRIDGE: I thank the minister. That is a helpful clarification. On the last occasion on which we considered this bill, Hon Wilson Tucker raised the example of a police officer who discovered a piece of evidence in relation to another crime, such as a drug offence. That obviously is not a “relevant” offence under this bill, but it is probably a relevant offence under other acts. I think the minister’s explanation at that time was that there are provisions in the Criminal Investigation Act that would allow a police officer to make a seizure in those circumstances to, I guess, distinguish between those two likely events.

The last question I have on clause 6 is about the definition of “sound suppressor”. Recommendation 14 in point 3.7 of the Law Reform Commission report was that an amendment be made to the Firearms Act to permit the wider use of silencers, or, in other words, sound suppressors, subject to a number of requirements, which I will not read into *Hansard*, but I refer members to that recommendation. Will this bill in any way give effect to recommendation 14 of the Law Reform Commission report by changing the regulations with respect to sound suppressors?

Hon STEPHEN DAWSON: This bill does not deal with recommendation 14. I am advised that that will be part of the rewrite and the other work that is going on.

Hon MARTIN ALDRIDGE: I thank the minister. Deputy Chair, just before you put the question, I do not know whether it will be helpful, but I have an interest in clauses 7, 8, 9, 10 and 12.

Clause put and passed.

Clause 7: Section 4A inserted —

Hon MARTIN ALDRIDGE: Clause 7 seeks to insert a new section 4A titled “Possession of firearms and other things”. This will obviously be relevant later when we talk about firearms prohibition orders, and possession. Proposed section 4A states in part —

A person is in *possession* of a firearm, major firearm part, prohibited firearm accessory, sound suppressor, firearms precursor (other than a firearms precursor that is firearms technology) or ammunition if any of the following circumstances apply —

...

(d) the person occupies, or has care, control or management of, a place where it is found;

Will there be a defence to this provision? I am thinking about how this might implicate an owner or landlord of an investment property if they have a tenant who is a licensed firearm holder but that may not be known to them. No defences are outlined in this proposed section, such as providing a reasonable or lawful excuse. This provision could unknowingly entrap a person who occupies, or has care, control or management of, a place where it is found.

Hon STEPHEN DAWSON: I will give the honourable member an answer by asking his question in a different way: will someone be taken to be in possession of a firearm if they genuinely have no knowledge of being in possession or control of that firearm? I think that is essentially what the member is suggesting. A prima facie case would need to be established that the person was in possession of the firearm. If that prime facie case was not able to be established, it would not be pursued.

Hon MARTIN ALDRIDGE: That is not necessarily a legislative protection; it is an explanation of how WA Police Force would implement and enforce this provision. The person would need to knowingly possess a firearm within the provisions of proposed section 4A(e), and, if that was done unknowingly, it is unlikely that an offence would be prosecuted, notwithstanding that an offence technically or legally has likely occurred?

Hon STEPHEN DAWSON: What the honourable member has just outlined is correct.

Clause put and passed.

Clause 8: Section 5A amended —

Hon MARTIN ALDRIDGE: According to the explanatory memorandum, this clause seeks to amend section 5A of the act to permit the Commissioner of Police to delegate certain powers under the Firearms Act. It provides that the powers to make or revoke a firearms prohibition order may be delegated only to a police officer who holds the rank of commander or above. We discovered on our last sitting day that the firearms branch will not be enforcing FPOs or, indeed, even considering them; the state crime unit will be responsible for that task. How many officers in WA Police hold the rank of commander or above? I recall that the minister said that there are roughly 15 commanders in WA Police. Can the minister clarify how many officers we are talking about?

Hon STEPHEN DAWSON: It would be a maximum of 15. There are currently 15 commander positions within WA Police. It would be up to the commissioner. The commissioner may or may not issue all of those with the ability to do what has been suggested in this clause.

Hon MARTIN ALDRIDGE: There are 15 commanders. These things can change, obviously. The officers ranked above commander would be eligible persons as well. Based on the minister's last response, the commissioner would have discretion to approve only a subset of those ranks, so only one commander out of the 15 might be authorised as a delegate of the commissioner?

Hon STEPHEN DAWSON: The honourable member is correct, although the intention is to afford the delegation to two commanders within the state crime portfolio. The state crime portfolio includes the serious and organised crime division, which deals with outlaw motorcycle gangs and other serious crimes.

Clause put and passed.

Clause 9: Section 6 amended —

Hon MARTIN ALDRIDGE: I did have a question about sound suppressors, but I think the minister answered that during the debate on clause 6; namely, that apart from changing the language from “silencer” to “sound suppressor”, this bill will make no other substantial change, and it will be contemplated as part of the next stage of the reforms. This clause seeks to amend section 6 of the Firearms Act, which refers to prohibition. I have a question about the Governor's powers. Section 6(1) of the act will state —

The Governor, on the recommendation of the Commissioner, may make regulations to prohibit the acquisition, sale, possession, or use of any firearm, major firearm part, sound suppressor or ammunition, whether licensed under this Act or not, either —

Then it goes on. Usually the Governor makes recommendations on the advice of government ministers in Executive Council. Is this perhaps an exception to that norm, in that a commissioner will directly instruct the Governor to make regulations, or is this some sort of historical drafting language?

Hon STEPHEN DAWSON: Certainly, we are not proposing a change to the current situation. There are many cases whereby the commissioner, in this portfolio, sends things to the Governor for a decision. That is what happens generally. I cannot say definitely—I think the Minister for Police does—but there are certain things that the commissioner sends to the Governor to make regulations on. That is the language and that is how it happens.

Hon MARTIN ALDRIDGE: I guess that is probably a function of the appropriate independence of the WA Police Force from government. Indeed, there may be matters that are decisions of government, otherwise there may well be matters that are decisions of the commissioner with respect to that person's independence from government. I have no further questions on clause 9.

Clause put and passed.

Clause 10: Section 7 amended —

Hon MARTIN ALDRIDGE: Clause 10 amends section 7 of the act, a provision titled “Governor may order delivery of firearms by dealers and manufacturers in cases of emergency”. There are a number of changes in this section of the act; some are stylistic and some are definitional. I am wondering whether this provision, section 7 of the act, has ever been invoked.

Hon STEPHEN DAWSON: Not that we know of, honourable member, but although the people around the table are very knowledgeable, we could not be confident that it has not been used historically.

Hon MARTIN ALDRIDGE: Thanks, minister. Obviously, it is a 1973-vintage act, so I would not imagine a fulsome account could be provided. This is obviously a matter of interest, because the minister may recall that the State Emergency Coordinator, who is also the Commissioner of Police, issued a direction that, effectively, closed dealers of firearms and ammunition as a result of the state of emergency. I wonder why this provision, which it seems could have applied in that circumstance, was not used by the Commissioner of Police in cases of emergency and, indeed, his preference was to rely on the Emergency Management Act. That is obviously a much more recent example. Could some advice be provided with regard to that matter?

Hon STEPHEN DAWSON: Sorry, could the member ask the question again? We were talking about the earlier point that he made.

Hon MARTIN ALDRIDGE: Proposed section 7 of the act that we are amending will state —

- (1) Where the Governor is of opinion that any emergency has arisen, or is likely to arise, the Governor may by proclamation declare that all dealers and manufacturers and repairers of firearms in the State, or in any specified portion of the State, having firearms, major firearm parts or ammunition in their possession —
 - (a) shall render the same innocuous by a method to be specified in the declaration;
 - (b) shall deliver the same, or any parts or kinds of the same specified in the declaration, within a time and at a place so specified, to the Commissioner or any specified member of the Police Force, for the purpose of safe keeping.

This is obviously contemplating a situation in which there could be a particular emergency event in Western Australia. Not all that long ago the State Emergency Coordinator issued a direction, pursuant to the Emergency Management Act, which effectively closed and prevented the sale of firearms and ammunition and the like in this state during the then-current state of emergency. Why was this provision of the Firearms Act deficient in any respect with regard to the Governor's powers to achieve the same?

Hon STEPHEN DAWSON: I am told that this power is held by the Governor and the Governor alone. No-one can direct the Governor to do what this clause suggests. In terms of the state of emergency and the closure of a premises during the COVID emergency, I am advised that that was based on the closure of the premise and was not based on firearms. The decision was made in that regard.

Hon MARTIN ALDRIDGE: That is an important clarification. I am not quite sure that the minister's comment that nobody can do it but the Governor is accurate. Whenever a Governor appears within an act, it has to reference the Interpretation Act, that the government cannot use or exercise any of his powers, or many of them at least, without direction by government in Executive Council. Is that not the case with this section, and is this the Governor's prerogative alone?

Hon Stephen Dawson: The government may well give a recommendation to the Governor; however, the Governor retains the power.

Clause put and passed.

Clause 11 put and passed.

Clause 12: Section 8 amended —

Hon MARTIN ALDRIDGE: Clause 12 amends section 8 of the act, entitled, "Exemptions from licensing requirements". There are quite significant changes, some of them definitional, but others, found at paragraphs (f) and (fa), have obviously more substantial changes in this quite lengthy section. There are two exemptions provided from licensing requirements. The two that I have an interest in are paragraphs (b) and (d)(ii).

Paragraph (b) is an exemption, strangely, for the Governor to not require a firearms licence. As we know, the next Governor of this state will be the current Commissioner of Police, who I have heard on ABC Radio confirm that he is a firearms licence holder. According to this strange quirk, when he assumes the office of Governor, he will no longer be required to renew or even have a firearms licence whilst serving in that office. Is that correct?

Hon STEPHEN DAWSON: That is correct. This has been a historical issue; however, the intention is that the rewrite of the act would likely tidy this part up.

Hon MARTIN ALDRIDGE: I am sure there is some interesting history around why the Governor would be exempt from such a requirement, given, I mean, obviously the important —

Hon Stephen Dawson interjected.

Hon MARTIN ALDRIDGE: It will be interesting to hear how the government will deal with this when we have a licensed firearm holder assuming the office, and how it will then treat them, given this section. Anyway, we move on.

The other paragraph of section 8 that I am interested in is (d)(ii), which is about an employee of the department. I completely appreciate why a member of the police force would be exempt from having a firearms licence, given the nature of the work that police officers do, but I have a lesser understanding of why an employee of the department would have the protection of an exemption from holding a firearms licence. Could the minister provide some advice?

Hon STEPHEN DAWSON: The bill before us will not change that part of the act. I do not know why it was in there initially. Certainly, there are members who work for the department who are not sworn officers and it might be that they need this power to enable them to do certain parts of their job. I am not sure, but what is before us today will not change the act.

Hon MARTIN ALDRIDGE: I appreciate that, minister, but I think a later clause reaffirms this exemption. It might be when we get to firearms prohibition orders or a later clause that reasserts the exemptions for these two categories— a member of the police force and a member of the department. If I am not mistaken, we will come to that. There may be an unsworn officer in the firearms branch of the police force who may need to be involved in the handling of firearms and the like or even a customer service officer at a police station. They could be circumstances in which somebody who is not a sworn officer of the police force may need to possess and handle a firearm.

Hon Stephen Dawson: I am advised that what you are saying is correct.

Clause put and passed.

Clauses 13 and 14 put and passed.

Clause 15: Section 11 amended —

Hon MARTIN ALDRIDGE: Clause 15 seeks to amend section 11 of the Firearms Act. I have just one question about the inspection requirement. In the blue bill, section 11(7) says —

Without limiting the other grounds on which an application may be refused, the Commissioner may refuse an application if satisfied that the applicant has —

...

- (c) refused to permit a member of the Police Force to inspect, at a reasonable time, the storage facilities for any firearms or ammunition that the applicant would be entitled to possess.

We are removing the words “requested in writing” in this subsection and inserting the words “inspect, at a reasonable time”. I wonder what practical implications this may have and how the word “reasonable” may be applied by a member of the WA Police Force in conducting an inspection.

Hon STEPHEN DAWSON: I am told that this clause will remove a significant administrative burden. However, in relation to “reasonable”, my advisers tell me that it is generally thought that the hours of darkness is not a reasonable time to visit somebody.

Hon MARTIN ALDRIDGE: I am just trying to think. We have had similar debates on other bills about what is and is not reasonable for inspections, visits and the like. It obviously leaves it quite open to interpretation. To be honest, I was not aware that there was a written requirement, and I appreciate the administrative burden that that could place on an inspection. In fact, it could well be counterproductive to the inspection itself; for example, it could give somebody who may not be compliant advance notice of an inspection to become compliant. It worries me a little that it leaves it quite open to interpretation, if the only assurance that the minister can give us is that it would be during daylight hours and not three o'clock in the morning or something of that nature, when it clearly would not be reasonable. I probably cannot take that issue any further, apart from taking the minister's assurance that officers will use the appropriate discretion in ensuring that it is indeed reasonable and appropriate.

Hon STEPHEN DAWSON: That is all I can give the member, unfortunately. I cannot comment on other bills, but my advisers from the police tell me that once it gets dark, it is unlikely that a visit would be made to somebody's property.

Clause put and passed.

Clauses 16 to 19 put and passed.

Clause 20: Section 15B amended —

Hon MARTIN ALDRIDGE: According to the explanatory memorandum, clause 20 will amend the wording of section 15B to make clear that it is an obligation for an accredited society of collectors to inform the commissioner following the expulsion of one of its members. This is a rather niche amendment and I wonder whether the minister could provide any more guidance on whether this issue has arisen and perhaps the context of the problem that we are addressing.

Hon STEPHEN DAWSON: There was a recommendation from the Law Reform Commission for a small wording change in section 30B from “is required to” to “must”. We are just copying that in this section.

Hon Martin Aldridge: So that was one of the recommendations listed?

Hon STEPHEN DAWSON: Yes, that was indeed. I am told further that it is a more modern way to draft such a provision by using the word “must” as opposed to “is required to”.

Clause put and passed.

Clause 21 put and passed.

Clause 22: Sections 16 and 16A replaced —

Hon MARTIN ALDRIDGE: Clause 22 will replace sections 16 and 16A of the Firearms Act. It is quite a substantial change in clause 22. Sections 16A and 16B relate to firearms licences and approvals in relation to firearms licences. Will there be any material change in the way in which different licences are described and applied? Because it is such a significant change—the amendment goes over many pages and is a complete rewrite of current sections 16 and 16A—what will the material differences be? If, for example, I hold a shooting gallery licence or a manufacturer's licence, will the principles that apply now still apply with the passage of the bill or will there be any transformational change in this respect?

Hon STEPHEN DAWSON: It is a major firearm part; there will not be any changes. Can I just put this on the record: clause 22 repeals the existing sections 16 and 16A and incorporates them in modified content into different subsections for different types of licences and approvals to allow greater clarity between the different types of licences, and to include the concept of a major firearm part. The only significant changes are to sections 16B

and 16E, which introduce an ability for individuals to apply to possess replacement or additional major firearms parts, and section 16J, which introduces an ability for individuals to apply to create, develop and be in possession of firearms technology.

Clause put and passed.

Clauses 23 and 24 put and passed.

Clause 25: Section 17B amended —

Hon MARTIN ALDRIDGE: Clause 25 is one of the changes with respect to the issue that I spoke about earlier, the issue of silencers, or sound suppressors as they are now referred to. This clause is, in a quite significant way, the replacement of the word “silencer” with “sound suppressor”. I have a question on this clause. I recognise that the government is contemplating the Law Reform Commission’s work on the more significant reforms that are coming. Under the current section 17B(3)(f), the inspector must surrender a sound suppressor obtained by the inspector to a member of the police force at the nearest police station. I was a little confused when reading this clause with respect to how police currently regulate sound suppressors. The way I read the current section is that there are legitimate reasons for a sound suppressor being used, largely for vermin control and those types of activities. Is it the case that if a person is approved, the sound suppressor, when not in use, needs to be held by a police station, or does the police station provide a sound suppressor for that purpose?

Hon STEPHEN DAWSON: I am told that it is only agricultural inspectors who can have a sound suppressor that is approved by the minister in Western Australia. Only if they are asked to be relinquished would they go to a police station.

Hon MARTIN ALDRIDGE: Perhaps the more relevant section is section 17B(3)(a), which states that an agriculture inspector to whom an authority has been granted shall, when he requires the use of a silencer, obtain one from a member of the police force at the police station nearest to the area in which he proposes to use the silencer. Is it the case that the agriculture inspector will simply keep the sound suppressor for safekeeping at the nearest police station and access it as required, or will the police force provide that person with a sound suppressor?

Hon STEPHEN DAWSON: The bill before us has not changed what the act currently says. I am told that it is the agriculture department that has the sound suppressors, not the police station or the police in this regard. That is the current practice.

Clause put and passed.

Clause 26 put and passed.

Clause 27: Section 18 amended —

Hon MARTIN ALDRIDGE: This is a very small change to a large section, section 18 of the act. According to the explanatory memorandum, this clause amends section 18(6) to extend the commissioner’s licensing power to include granting an approval within the scope of this provision. That obviously makes some sense, but I am trying to understand what the existing problem is that we are trying to resolve here. The previous words were “issue to the applicant a licence or permit”, and we are changing it to “grant or issue to the applicant a licence, permit or approval”. Why was this change required? Are we expanding or, indeed, constraining the commissioner’s powers?

Hon STEPHEN DAWSON: I am advised that the issue was brought up through case law. A judge made a decision that it should be read as if it confers a power to grant an approval, so a change was made subsequent to that decision.

Clause put and passed.

Clause 28 put and passed.

Clause 29: Section 19 amended —

Hon MARTIN ALDRIDGE: Clause 29 amends section 19. Under section 19(1), any person who sells, delivers or disposes of any firearm, major firearm, part or ammunition and is not the holder of a licence or permit under the act entitling them to do so will commit a crime unless subsection —

Hon Stephen Dawson: Honourable member, what are you reading from?

Hon MARTIN ALDRIDGE: I am looking at proposed section 19(1) of the blue bill. We are amending section 19, and I am looking at proposed section 19(1), and the amendments here, which refer to subsection (1ad)(a). If they commit a crime, unless subsection (1ad)(a) or (1ac) or section 19AA provides otherwise, section 8 applies. I am wondering why subsection (1ad)(a) is relevant now. Is that a subsection that we are inserting and is relevant to the new provisions?

Hon STEPHEN DAWSON: Clause 20 inserts proposed subsection (1ad)(a) into section 19 to clarify that it is not an offence to be in possession of a firearm, major firearm part or ammunition, if the person is in charge of either the vehicle or place where the item was found, and the item was in the lawful possession of another person at the time.

Hon MARTIN ALDRIDGE: The issue I have is that I cannot locate proposed subsection (1ad)(a) in the bill. I assume that is because it does not refer to another act but refers to a section in the current act. But subsection —

Hon Stephen Dawson: By way of interjection —

Hon MARTIN ALDRIDGE: Sorry; I just worked it out! All good; thanks, minister.

Clause put and passed.

Clauses 30 to 34 put and passed.

Clause 35: Section 22 amended —

Hon MARTIN ALDRIDGE: Clause 35 will amend section 22 of the act quite significantly. The heading will be renamed “Reviews by State Administrative Tribunal”. My interest here, minister, is an amendment to this section, which was not present before, for the so-called clause 5 matter protections. What is the purpose of issuing this clause 5 matter protection? As I understand it from the explanatory memorandum, a clause 5 matter relates to confidential intelligence information identified by the commissioner. Why is there a need for this to be inserted in this review provision now?

The second part of that question is: are there examples of this in other areas within the statutes that provide for these similar exemptions to apply?

Hon STEPHEN DAWSON: The grounds for making an FPO are likely to be supported by confidential intelligence information and information from sources that must remain protected. This confidential intelligence information, identified by the commissioner, is referred to in the bill as “clause 5 matter” and is information that is currently exempt from disclosure under schedule 1, clause 5 of the Freedom of Information Act 1992. Information that is intended to be captured by the definition of “clause 5 matter” includes, but is not limited to, all information regarding content and sources that is contained within Western Australia Police Force state intelligence holdings. In relation to the member’s second question, I am advised that this has been taken from the Criminals Organisations Control Act—another piece of legislation.

Hon MARTIN ALDRIDGE: If this new protection, under this drafting, is put in place, will it be the case that when an FPO decision is made and somebody seeks a review from the SAT of that decision, would this new protection prevent the tribunal from requiring certain documents or information from the WA Police Force to make its decision? If that occurs, how will that advantage or disadvantage the applicant or, indeed, the respondent? If significant proportions of the information that police rely upon are clause 5 matter-protected information, it may prove difficult for the police, in seeking to uphold a decision of the tribunal, if a significant proportion of its evidence is protected matter. I am not sure whether the minister follows where I am going but perhaps if he could respond to that. The other thing I am contemplating is: would it allow the commissioner, notwithstanding these protections, to voluntarily provide clause 5 matter to the tribunal?

Hon STEPHEN DAWSON: The commissioner would provide the material to the tribunal, but the information cannot be made public, essentially. The tribunal can make a decision or a determination based on all available information, but just that information—that clause 5 matter—cannot be made public.

Hon MARTIN ALDRIDGE: That is an important clarification because I can see situations in which it could disadvantage the state’s defence of an application. In terms of protecting that information, obviously it prevents the publication of that information, but would it also prevent the applicant from having access to that information? Is it literally the tribunal member or members who would have access to that protected information but would not allow the applicant—the person seeking review—to prosecute an argument or defend anything that is said or discovered during that process?

Hon STEPHEN DAWSON: Yes, the member is correct.

Hon MARTIN ALDRIDGE: I have one last question. Given that this protection does not exist, as I see it, in the current section 22, does the protection exist in a different perhaps inferior form, or is it the case that if the police wish to defend an application for review now, they have to do so knowing that they either provide the information and it potentially becomes public or they do not provide the information, therefore weakening the state’s defence in the review application?

Hon STEPHEN DAWSON: That information is not provided at the moment because protection does not exist.

Clause put and passed.

Clauses 36 to 41 put and passed.

Clause 42: Section 23 amended —

Hon MARTIN ALDRIDGE: Clause 42 amends section 23, “General offences”, of the act. It is quite a significant section over a number of pages. However, I have some discrete inquiries in this area. Page 21 of the explanatory memorandum states —

- the person is considered to be in possession of the sound suppressor merely because they occupy or manage the place where it was found, as long as it is in the lawful possession of another person at that time. The same applies to a person in charge of a vehicle.

The preceding paragraph states —

Section 23(6), (7) and (7a) contain two offences relating to the unlawful possession and use of a silencer. These offences are repealed and replaced with updated terminology (“sound suppressor”). An exemption to these offences is inserted in respect of members of the armed forces or other specified disciplined forces acting in the course of their duty. Furthermore, a person is not considered to be in unlawful possession of a sound suppressor if:

- the person is permitted to receive a sound suppressor being surrendered;

Then the second dot point, which I just read out, states —

- the person is considered to be in possession of the sound suppressor merely because they occupy or manage the place where it was found ...

This is a different approach to the one taken earlier in that it will be an offence for a person to manage, control or occupy a place that has a firearm, firearm part or a couple of other things if they are under a firearms prohibition order. Why is this being treated differently—or on my reading it appears to be treated differently—from sound suppressors in that it is okay to be in the company of one as long as it is in the lawful possession of another person at the time?

Hon STEPHEN DAWSON: Honourable member, we are struggling to understand the question, so perhaps you might ask it in a different way.

Hon MARTIN ALDRIDGE: This proposed section is about offences relating to the unlawful possession and use of a silencer. In the explanatory memorandum, the second dot point for proposed sections 23(6), (7) and (8), refers to a carve-out. It states —

- the person is considered to be in possession of the sound suppressor merely because they occupy or manage the place where it was found, as long as it is in the lawful possession of another person at that time.

The preceding sentence states —

Furthermore, a person is not considered to be in unlawful possession of a sound suppressor if:

...

- the person is considered to be in possession of the sound suppressor merely because they occupy or manage the place where it was found, as long as it is in the lawful possession of another person at that time. The same applies to a person in charge of a vehicle.

It seems to me as if a different approach is being taken with this carve-out for sound suppressors. The minister may recall that in debate on an earlier clause I asked a question—I may have difficulty locating it now—about somebody who manages, controls or occupies a place, and we talked about knowingly or unknowingly being aware of that. I am just wondering why it would be okay for someone subject to a firearm possession order. It would not be okay for them to be in the company of somebody who possesses a firearm or a firearm part or ammunition, but it would be okay to be in the company of somebody who lawfully possessed a sound suppressor. Perhaps I am misreading this. I am just trying to understand or reconcile those points of view.

Hon STEPHEN DAWSON: I think I remember we were talking about clause 29 and why proposed subsection (1ADA) had been added in as an exemption to the offence. Clause 29 will add subsection (1ADA) into section 19 to clarify that it is not an offence to be in possession of a firearm, major firearm part or ammunition if the person is in charge of a vehicle or place where the item is found and the item was in the lawful possession of another person at the time. I am told in relation to what is before us now that it is the essentially same. It has just been re-termed because it has to do with the sound suppressor.

Hon MARTIN ALDRIDGE: I think my confusion may be coming from the fact that these are general offence provisions that apply to any person, not just a person to whom an FPO has been served. We were talking before about somebody subject to an FPO not being able to do certain things such as be in possession of something, be in the company of someone or be in or occupy a place that has such a thing. I think my confusion may arise here because these offence provisions apply generally and not just to somebody who is subject to an FPO. Proposed sections 23(6) onwards relate to a series of matters related to sound suppressors and this culminates in proposed subsection (7C), which says —

(7C) A person does not commit an offence under subsection (7) if —

- (a) the person is in possession of a sound suppressor in a place or vehicle solely by reason of section 4A(d) or (e); and
- (b) the sound suppressor is in the lawful possession of another person at that time.

Unless the minister tells me that I am on the wrong track, I think that my confusion arose because this applies generally as opposed to just somebody subject to an FPO.

Hon STEPHEN DAWSON: The member is correct. And, of course, sound suppressors are particularly dangerous.

Hon MARTIN ALDRIDGE: I have another question about—this is such a long clause—proposed section 23(9)(e), which again goes to storage. We did discuss this. I will not revisit the same issues about what is reasonable and not reasonable or the written notice requirement that is going, but I have one question here. Could the minister provide some advice about the current approach taken by the WA Police Force for a member of the police inspecting storage facilities? Is it something triggered at particular stages? Is somebody applying for a licence for the first time? Would it be triggered when somebody applies for an additional firearm? Is there an approach taken to random inspections of storage facilities? Could the minister provide some guidance on this matter? I think we learnt earlier in debate on clause 1 and, indeed, in the minister’s second reading reply that quite a significant number of the examples that have been used in the course of this debate relate to licensed but stolen firearms. I wonder whether the minister could shed some light on the approach taken with these types of inspections.

Hon STEPHEN DAWSON: Currently, random inspections are based on a risk matrix. A letter is sent two weeks ahead of time and then contact is made just before the attempt. So potentially the day before they say, “We’re coming tomorrow; we’re going to be in at two o’clock. Have your stuff ready.” I think the suggested changes probably give the community a lot more confidence than currently exists.

Hon MARTIN ALDRIDGE: The minister can take this as a comment. I think this is an area where there could be improved compliance. I know this is probably done by ordinary officers in the course of their duties, so these types of tasks will probably only ever be prioritised when sufficient resources allow them to be prioritised. I am not aware of a class of officer who traverses the state conducting storage facility inspections. This is one of the areas, one of the non-legislative improvements, that the government could consider to improving community safety, particularly in the context of the examples we have contemplated during the course of debate on this bill so far, which I think in the main have involved licensed yet stolen firearms.

Hon STEPHEN DAWSON: I am told that there are compliance officers dedicated to the law currently.

Clause put and passed.

Clause 43: Part 5 Divisions 2 to 4 inserted —

Hon MARTIN ALDRIDGE: I have one discrete question, minister. It is probably easiest to refer to page 22 of the explanatory memorandum, which reads —

Section 23AF Participating in unauthorised manufacture, repair or dealing in firearms and other things

Section 23AF creates an offence for a person to participate in a “firearms activity” without a valid licence. The offence is realised whether or not all steps in the activity are completed. The penalty for this offence is imprisonment for 14 years.

This question will be similar to one that I asked earlier. The explanatory memorandum continues —

To provide clarity, “**participates**” in a firearms activity includes:

It then lists three dot points but I am particularly interested in the third dot point that states —

- providing a place (that the person has in some way care of) for any part of the process.

In my earlier example, a person who owns a property, whether it be commercial or residential, might then lease that property to a person who unlawfully engages in a firearms activity. Technically and legally that person who owns the property could well be committing an offence under proposed section 23AF in terms of their participation. Can the minister again provide some assurance with respect to the approach that the police force might take in that example of someone knowingly versus unknowingly participating in such an activity?

Hon STEPHEN DAWSON: I am told that the evidentiary burden would be on the Western Australia Police Force to show that it is a prima facie case in this regard.

Clause put and passed.

Clauses 44 to 46 put and passed.

Clause 47: Section 24 amended —

Hon MARTIN ALDRIDGE: Again, this is another discrete inquiry. It is probably best to reference the explanatory memorandum at page 24, which states —

Clause 47(3) inserts new sections 24(3A) and (3B) to provide Police with powers to access devices that may store firearms technology. If Police suspect on reasonable grounds that any person is in possession of firearms technology, Police may direct the person to provide a password or other required information to access the technology.

Failure to comply with this direction is a crime and the penalty is imprisonment for 10 years. The summary conviction penalty is imprisonment for 3 years.

This amends section 24 of the Firearms Act. I will now turn to the blue bill in which proposed section 24(3B) states —

A person who refuses or fails without lawful excuse to comply with any direction given by a member of the Police Force under subsection (3A) commits a crime.

In the blue bill proposed subsection (3A) states —

A member of the Police Force who suspects on reasonable grounds that a person is in possession of firearms technology may direct that the person provide a password, device or some other information or thing to enable the member of the Police Force to access the firearms technology.

I will make two points here. This is one example that is not constrained with relevance to an offence or some other matter; it is very open-ended. The other point that I will make is that clearly, when we are dealing with offences relating to firearms technology, the power of seizure will need to be much broader than that for perhaps traditional firearms, firearms parts and the like given the nature of manufacture and related matters. What would be a lawful excuse for refusing to comply with this section?

Hon STEPHEN DAWSON: I am told that that would depend on the time, place or circumstance of the issue. I am not able to give the member an example.

Hon MARTIN ALDRIDGE: Perhaps I will give the minister a couple of examples and see where we might be on these. One example involves legal professional privilege. If we could imagine the types of people to whom a firearms prohibition order might apply, or, indeed, just generally with respect to the offence of manufacture and firearms technology—again, these are general enforcement matters that are not necessarily strictly related to the FPO scheme, which we will shortly come to. These people may well be involved in other legal matters given the nature of these types of offences. Would legal professional privilege be one example of where a lawful excuse may well exist? How would WA police deal with the circumstance in which the compulsion to provide access to a device may well divulge material that is subject to legal professional privilege?

Hon STEPHEN DAWSON: I am told that it would, again, depend on the time, place and circumstance as to whether that might be reasonable.

Hon MARTIN ALDRIDGE: I suspect that I will get the same answer to this next question. The other example that I had to offer was where a claim of parliamentary privilege was made to an officer who sought to use powers under proposed subsection 3A and require that a person provide a device or a password to a device. How would an officer react to a situation in which a person claims that the device is subject to parliamentary privilege?

Hon STEPHEN DAWSON: In that case it would be up to the court or the Parliament to decide whether it was an appropriate excuse.

Clause put and passed.

Clauses 48 and 49 put and passed.

Clause 50: Part 7 Division 2 inserted —

Hon MARTIN ALDRIDGE: For the minister's benefit, the only clauses that I have left to ask questions on are clauses 50 and 53, which both relate to the FPO scheme. Other members might be interested in this section as well. Clause 50 inserts into the Firearms Act part 7, division 2 titled "Enforcement powers relating to firearms prohibition orders". Later in clause 53 we will consider the scheme itself, which will be inserted as part 8 of the Firearms Act. I probably have more questions on clause 53, but with respect to the enforcement powers—in fact, I probably have a question that applies to both clauses so I best ask it here to not miss the opportunity. The report of the Law Reform Commission of Western Australia stated under recommendation 127 that the Firearms Act 1973 should be amended to provide for firearms prohibition orders. The report, obviously, canvassed how these schemes operate in other jurisdictions—namely South Australia and New South Wales. That resulted in recommendation 127 and a number of sub-recommendations, which I will not read in the interests of time. The minister identified at clause 1 that this was one of the clauses of the bill that will implement a recommendation of the Law Reform Commission report. I am just wondering to what extent we are creating an FPO scheme that is consistent with the Law Reform Commission report and to what extent we may be deviating from its recommendations.

Hon STEPHEN DAWSON: The Law Reform Commission report came down in 2016 and there have been reviews of FPO schemes in other jurisdictions since that time. The state government believes that it has largely met the spirit of the Law Reform Commission's recommendations, but it has taken on board learnings from those other jurisdictions that have had reviews since 2016.

Hon MARTIN ALDRIDGE: There is an obvious difference that I think is probably more relevant to clause 53, which is the application of an order. I think the Law Reform Commission recommended five years, but I am pretty sure that under the bill before us it is a period of 10 years. However, I think that matter is contained in part 8, which we are coming to.

Hon Stephen Dawson: Honourable member, I am happy to answer that. Although the Law Reform Commission did recommend a five-year duration, through liaison with other jurisdictions, the WA Police Force learnt that

five years was not adequate, particularly for members of serious and organised crime groups, where it is not uncommon to be a lifelong member. The bill aligns with the Victorian scheme, in which an FPO is in place for 10 years. The essence of going for 10 years is to give people enough opportunity to change and be in a position to potentially get back their licences. In New South Wales, FPOs do not have an expiry date. It should be noted that under the bill, the commissioner will be able to revoke an FPO at any time. This power might be used in instances in which an individual's circumstances have changed and they no longer pose a threat to the community.

Hon MARTIN ALDRIDGE: I thank the minister. I am just looking at recommendation 127.3, which states —

The entry, search and seizure powers in respect of firearms prohibition orders should be as contained under the current section 24 of the *Firearms Act 1973* ... that is, the powers may be exercised as reasonably required for the purpose of ensuring compliance with a firearms prohibition order and can be exercised without warrant if:

- a. the member of the WA Police is reasonably of the opinion that there is an immediate threat of harm being suffered by a person;
- b. the delay that would be involved in obtaining a warrant would be likely to increase the risk or extent of such harm; and
- c. gives the Police Commissioner, after the powers are exercised, a written report explaining the reason for that opinion.

If an officer exercises powers without a warrant, will there be any requirement for that officer to give the police commissioner, after the exercise of those powers, a written report explaining the reasons for that opinion?

Hon STEPHEN DAWSON: If section 24(2)(a) is used, then section 24(7) requires a report. In relation to other instances, a threshold will need to be met. In regard to a prohibited person, the search must be reasonably required for the purposes of determining whether a prohibited person has committed an offence under part (a), and for a person in the company of the prohibited person, if the police officer suspects on reasonable grounds that the person has committed an offence under part 8. These thresholds align with recommendation 8 of the report published by the New South Wales Legal Affairs Committee, which was tasked with reviewing the New South Wales Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020. The requirement to prepare a report for the Commissioner of Police after a search under this power would be unnecessary considering that a threshold test must be met. It would also be onerous on police resources and would prevent the legislation from being effectively used.

Hon MARTIN ALDRIDGE: I think the section the minister just quoted with respect to the two tests was proposed section 26C(1)(a) and (b), which states —

- (a) may be exercised only if reasonably required ...; and
- (b) may be exercised at any time after the service of a firearms prohibition order ...

I am not sure to what extent that recommendation has been adopted, because I cannot see a specific requirement in the bill. In fact, there may be good reasons that there should not be. I think that could flow from the number of FPOs that are likely to be implemented, which we will come to at clause 53. The other question I had was about recommendation 127.5. Actually, I might leave that question until we get to clause 53, because it is more relevant to the scheme itself than to the current clause that we are on, which concerns enforcement powers. I will leave that question until then.

Clause put and passed.

Clauses 51 and 52 put and passed.

Clause 53: Part 8 inserted —

Hon MARTIN ALDRIDGE: I might ask that question now before I get to my other questions. Recommendation 127.5 of the Law Reform Commission report states —

A decision to make a firearms prohibition order should be reviewable, unless such person would already have been ineligible to possess or use a firearm under another non-reviewable provision of the *Firearms Act 1973* (WA).

Of course, this is part of a recommendation that I do not think has been implemented, because there is no such restriction. In fact, I think it is unrestricted in that any person subject to an FPO can apply for a review whether or not they are an eligible firearm licence holder. That is because the scheme we are considering at the moment will apply to both people who hold a firearms licence and those who do not hold a firearms licence, and will prohibit them from being in the company of certain people and devices.

Hon Stephen Dawson: By way of interjection, you are correct.

Hon MARTIN ALDRIDGE: That is good. Clause 53 will insert part 8, titled “Firearms prohibition orders”, into the act. There was quite a bit of discussion of the FPO scheme during the debate on clause 1. If I am not mistaken,

Hon Wilson Tucker asked some questions about the oversight or protections there will be in terms of the application of an FPO. Obviously, and clearly, one of those is that every FPO decision will be subject to review by the tribunal if such a person desires. I think the minister's response also made reference to proposed section 29A(1), which is —

- (1) The Commissioner may make an order (*firearms prohibition order*) against a person if the Commissioner is satisfied that —
 - (a) possession of a firearm, major firearm part, prohibited firearm accessory or ammunition by the person would likely result in undue danger to life or property; or
 - (b) the person is not a fit and proper person to possess a firearm, major firearm part, prohibited firearm accessory or ammunition; or
 - (c) it is otherwise in the public interest to make a firearms prohibition order against the person.

I am pretty sure that mirrors the recommendation of the Law Reform Commission report or at least largely follows what those three limbs follow.

We have heard a lot of commentary about the types of people who are likely to be subject to a firearms prohibition order. Organised motorcycle gangs, terrorists and family violence offenders are the three categories that we quite often hear reported as the targets of this legislation. I am wondering whether the minister can provide any further explanation of how the commissioner or his or her delegate will make judgements with respect to proposed section 29A(1)(b), “the person is not a fit and proper person” and (c), “is otherwise in the public interest”. The second reading speech referred to —

The FPO scheme will give the Commissioner of Police or his delegate the power to make an FPO against a person who should not be in possession of a firearm. Although members of OMCGs are clearly target candidates for FPOs, terrorist suspects and serious family violence offenders are among others who will also fall within their remit.

The second reading speech clearly identified those three categories. I am pretty sure people who might be characterised by those three definitions would fall foul of all three tests, but I am wondering whether the minister could provide any guidance on who is a fit and proper person and what is in the public interest.

Hon STEPHEN DAWSON: If I take family violence offenders for example, some people who experience family violence may not go through the court process. For example, if the police have been involved and they decide that for whatever reason they will not proceed, the judiciary would have no knowledge of that family violence having taken place. The police, however, would and so that could be an example of someone not being fit and proper.

The police may have intelligence that a right-wing extremist, for example—it might not be a terrorist—has potentially been following terrorist organisations or whatever, and they may decide it is not appropriate for them to continue to go to the shooting range to continue to get lessons or whatever. That would be another example.

Hon MARTIN ALDRIDGE: I think that is helpful, particularly with respect to the family violence example. Is this where the clause 5 matter of protection will be quite beneficial? If police have regular interactions with a particular family, they may have particular intelligence about offending, but that offending has not resulted in a charge, a prosecution or a conviction; that would all be relevant information in perhaps defending on application to the tribunal and would not necessarily on the face of it be a public conviction of a person for an offence against the Criminal Code or something of that nature. I guess bringing that family violence example that the minister has provided would allow the commissioner, or his or her delegate, to form a view that a person is not a fit and proper person without necessarily having an arbitrary or a restricted definition that would require somebody to be effectively charged or convicted of an offence or offences to be judged as a person who is not fit and proper to have or have access to firearms.

Hon STEPHEN DAWSON: The short answer is yes. This will essentially protect the victim from being re-victimised.

Hon MARTIN ALDRIDGE: Three examples of particular offences were given in the second reading speech. One was with respect to an incident that occurred at Perth Motorplex. The others were an incident linked to organised crime in which a man was arrested in East Perth after holding a motorist at gunpoint and a drive-by shooting in the suburb of Port Kennedy. Three examples in support of an FPO scheme were given in the second reading speech. A further three examples of firearm-related offences were given in the clause 1 debate. One was a mass shooting at Osmington, near Margaret River. The other was the execution of a search warrant in Helena Valley where an illegal firearm-manufacturing facility was located. The third one was a search warrant executed in Warnbro where five illegally manufactured firearms were located.

Section 20 of the Firearms Act is the appropriate section for revocation. In fact, the section is called, “Revocation, cancellation, refusal to renew and variation”. I think section 20 is the relevant section under which a person who holds a licence can indeed have their licence suspended or indeed removed from them for a range of reasons. The subsection goes over two pages. I think what I have heard in the course of the public debate—when I say the “public debate”, I mean the debate outside the chamber is this section is deficient in many respects. This section can apply only to someone who is a firearm licence holder.

The FPO scheme is superior in that it can apply to a person who is not a firearm licence holder. We have heard that the FPO scheme will seek in part to address the particular circumstance in which the police have revoked or suspended a firearm licence, particularly in the context of family violence, and that has not been upheld by the State Administrative Tribunal on review. Can the minister provide any advice, or even confirmation, about the challenges that police face in the application of the current section 20 of the Firearms Act in that context, and why we need an FPO scheme to allow the police to use these powers in those circumstances?

Hon STEPHEN DAWSON: Section 20 is a short-term solution. FPOs are in place for 10 years, so for a long period of time; therefore, they provide more protection. We have already touched on the fact that section 20 relates solely to a licensed firearm holder. FPOs can apply to a person who is not a licensed holder. The proposed change in the bill before us is that it will help protect the information that forms the basis of the revocation. At the moment, there is no protection of that information.

Hon MARTIN ALDRIDGE: The specific circumstance that I have heard articulated is that police have revoked or suspended firearm licences from family violence offenders or people who are alleged to have committed heinous crimes, and that has been overturned by SAT. That is what has been put forward publicly. Is that situation correct? Is that actually occurring; and, if it is, to what extent is it occurring? How will clause 5 of this bill, which deals with the FPO scheme, address that concern?

Hon STEPHEN DAWSON: I cannot comment on what the honourable member has heard outside of the Parliament and what is happening in SAT. Under clause 53, police have to build an application, and that needs to be approved by the commissioner. An inspector is involved in that work. Approval then has to be provided by a superintendent, and then by a delegate of the commissioner, that being one of those commanders whom we spoke about earlier. I am further advised that a new quality and assurance unit is being established at WA Police Force to focus on the guidelines around this area.

Hon MARTIN ALDRIDGE: We learnt during the debate on clause 2 that some information technology infrastructure upgrades will be required with respect to, I think, the FPO scheme or the introduction of the FPO scheme.

Hon STEPHEN DAWSON: The whole bill will have some IT requirements.

Hon MARTIN ALDRIDGE: Okay. I did not think the other aspects of the bill were that significant in comparison with this new FPO scheme. Is there any update on when the FPO scheme might be implemented? I think the minister had suggested to us that it would be in the second half of this year, closer to Christmas, and that that was subject to a tendering and development process to build or rebuild the appropriate IT infrastructure. Is the government still working towards that time line for when this FPO scheme will come into effect?

Hon STEPHEN DAWSON: We remain on the same time line, honourable member.

Hon MARTIN ALDRIDGE: I refer to proposed section 29K, “Prohibition on prohibited persons entering, or remaining or residing at, certain places”. I will read proposed subsection (2) first —

A prohibited person commits a crime if the person enters or remains at any of the following —

...

- (f) a commercial premises where a firearm, major firearm part, prohibited firearm accessory or ammunition is stored;

Proposed subsection (1) states —

In this section —

commercial premises means any premises (including premises that are also a residence) —

- (a) named and identified in a Dealer’s Licence, a Repairer’s Licence or a Manufacturer’s Licence; or
- (b) used by an approved warehouseman to store a firearm, major firearm part or ammunition for another person;

My interest is more in proposed subsection 1(b); I think 1(a) is pretty straightforward. Can I get some understanding of what circumstances or situations would meet the definition of “approved warehouseman to store a firearm, major firearm part or ammunition for another person”?

Hon STEPHEN DAWSON: I am told that the Commissioner of Police has issued a number of approvals to licensed holders to enable them to store the licensed firearms of another person. That is what this refers to.

Hon MARTIN ALDRIDGE: I was thinking that police regulate the commercial transportation of firearms. Companies such as Australia Post, Toll and other courier companies may well be approved by WA Police Force in the transportation of firearms between, say, manufacturers, dealers, and repairers. That is regulated by WA police and they have to be approved for that purpose. Would their warehouses not be captured by this definition? Is it more a place where someone can securely store their firearm, and that is what is being referred to in proposed section 29K(1)(b), as opposed to those types of places that I just described?

Hon STEPHEN DAWSON: I am told they are two different things. The member has referred to approved carriers. They have to be responsible for the firearm all the way through, from pick up and storage, to where it is being delivered. The approved warehouseman—that is a bit of an issue, but anyway, that is what it says—is as I previously explained.

Hon MARTIN ALDRIDGE: The minister pre-empted my next question. I do not want to pause at clause 66 of the bill, but it is a clause that amends various references to gendered language in the Firearms Act. The explanatory memorandum states —

Clause 66 provides a summary table outlining the various changes to gender-biased language throughout the act.

I am wondering why we are inserting a definition that appears to be gendered?

Hon STEPHEN DAWSON: I am told that will be looked at in the more fulsome review of the act.

Hon MARTIN ALDRIDGE: Or, minister, we could resolve this problem right now and the government could move an amendment.

Hon STEPHEN DAWSON: I am very uneasy about making amendments on the fly without seeing whether any other circumstances might be affected. I am very happy to place on the record that we should, in modern contemporary legislation, use gender-neutral language, but my guarantee to this chamber is that this matter will be looked at as part of the broader review into the act.

Hon MARTIN ALDRIDGE: It is certainly not the most significant issue we have dealt with, but this bill will correct some of these issues.

I have just one last question, going back to those six examples. If the minister recalls, the contribution I made during the second reading debate outlined that we obviously want the scheme to be effective. Three examples were given in the second reading speech and three examples were given during the clause 1 debate of types of events that have occurred, some of which have resulted in the death and injury of others that have certainly compromised, to varying extents, community safety, that relate to firearms. They were obviously very different circumstances. Some of them were committed by licensed firearm holders; some were not. Some were committed with stolen licensed firearms; some were not. Is the minister in a position, particularly given those examples have been proffered by the government, to give the chamber some confidence that this scheme will address those types of events from occurring? It would appear that the assassination that occurred at the Perth Motorplex was committed by a person who was both licensed and using a licensed firearm. That being the case, why had that person not had their firearms licence revoked, pursuant to section 20, and how would a firearms prohibition order scheme necessarily have avoided that circumstance from occurring?

Hon STEPHEN DAWSON: I am told that the FPO scheme would have assisted in each of those circumstances, without going into the specifics of each case. I am further advised that the brightest of minds have contributed to the bill before us, and so I am certainly hopeful that this is very good legislation that will stand the test of time and do what was suggested it would do in the second reading speech.

Hon MARTIN ALDRIDGE: Is the Kwinana motorplex incident, which was identified in the second reading speech, still a matter before the courts?

Hon STEPHEN DAWSON: I cannot be confident that the appeals process in relation to the case has come to a conclusion.

Hon MARTIN ALDRIDGE: Without knowing that, I will not seek to pursue that matter any further, but I will say, based on the government's assurance, that if these type of offenders were known to the government and they were licensed firearm holders, there certainly were powers available to the government in the existing Firearms Act. I appreciate the deficiencies that exist, particularly with persons who are not licensed firearm holders and how that will improve, but we should not leave this place thinking that these types of events are not likely or not possible to occur, simply by the creation of this FPO scheme. It will still require police to identify and serve, and for that service of the notice to be effective in preventing these types of people who we are trying to address from accessing and using firearms into the future.

Hon STEPHEN DAWSON: One thing we can be confident about, honourable member, is that regardless of the laws that the state has in place, nefarious people will be out there trying to circumvent them. Certainly, I stand behind the legislation that is before the chamber, I commend it to the chamber and hopefully the chamber will support it.

Clause put and passed.

Clauses 54 to 85 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [4.18 pm]: I move —

That the bill be now read a third time.

HON PETER COLLIER (North Metropolitan) [4.19 pm]: I will make a few comments on the third reading of the Firearms Amendment Bill 2021. I made my contribution to the second reading debate and also the committee stage prior to the four-week recess in what I thought was constructive debate on the bill. I want to make one thing perfectly clear: the opposition alliance is very supportive of this bill, particularly with regard to the notion that we want to take guns away from outlaw motorcycle gangs. We made that quite clear. We are emphatically supportive of that; however, unintended consequences have been presented to the opposition over a sustained period by a plethora of different organisations and individuals, and to me personally. For example, a number of gun associations and organisations, farmers and legitimate gun owners expressed concerns that they were, in fact, going to be caught up in the unintended consequences of this legislation. We were told constantly and unambiguously by the minister that that was not the case and that it would have no impact on them whatsoever. However, this chamber revealed exactly why we needed this element of scrutiny. During the very short committee stage of the bill held prior to the four-week recess, we found that thousands of legitimate gun owners in Western Australia are currently breaking the law by repairing their own guns. The representative minister reinforced that that is the case. Yet again, that shows the value of the committee stage in this place.

Quite frankly, it was frustrating in the extreme to be ridiculed by the Minister for Police over the last few days when he said that we were somehow filibustering on this piece of legislation. Not only was it frustrating, but also it was completely and absolutely wrong. I will explain a couple of things to the minister, because three days ago he said that it was the Liberal Party—not the Nationals WA or the alliance or the crossbench—that was filibustering and delaying this piece of legislation. He said that we had delayed this legislation for six weeks. In politics, you pick your fights, but this is not one of them. We support this legislation. We support taking guns away from outlaw motorcycle gangs, but we also have a legitimate right and an obligation to members of the community who feel that their voices are not being heard, so that is what we did.

The representative minister, who, as always, is very good in this respect, answered all the questions and it was revealed that a lot of legitimate gun owners have been misled. The information that they have been provided means that they have in fact been breaking the law. That is what came out of the committee stage. I make no apology for that. We tried to expedite the legislation as much as we possibly could—I certainly did. I ask members to make a value judgement on whether we filibustered on this bill. The bill was brought on for debate on Wednesday, 6 April, and we have parlous, little time for orders of the day on Wednesdays. I made a 39-minute speech during the second reading debate, Hon Dr Steve Thomas made a 46-minute speech and Hon Martin Aldridge made a 55-minute speech, so the total contribution by the alliance to the second reading debate was two hours and 20 minutes. That is hardly filibustering. Hon Dr Brian Walker spoke for seven minutes and Hon Wilson Tucker spoke for 18 minutes, so that was another 25 minutes. The total duration of the second reading debate on this bill was two hours and 45 minutes—and we filibustered! Give me a break! We spent an exorbitant amount of one hour and 57 minutes in committee before the government's four-week break. I am glad that we did that, because if we had not, legitimate gun owners would have been knocking on our doors and texting us to say that this was not correct. They would have still been confused because they thought that they could repair their guns. That is why it was good. This house performed its role. Sometimes, guys, believe it or not, what we say has not only legitimacy, but credence, and in this instance it most definitely did.

Let us look at what happened then. The assistant police commissioner said on TV on Sunday night that the police desperately needed these guns laws to come in.

A member interjected.

Hon PETER COLLIER: Will you be quiet!

A member interjected.

Hon PETER COLLIER: I am not adding to it at all. I am adding to the debate. If you have a point of order, make it, mate!

A member interjected.

Hon PETER COLLIER: Make your point of order.

The ACTING PRESIDENT: Order, members!

Hon PETER COLLIER: Delay it longer. I will talk for an hour if you like.

The ACTING PRESIDENT: Order! Hon Peter Collier has the call.

Hon Sue Ellery interjected.

Hon PETER COLLIER: No, I am not actually. I have been very accommodating on this bill.

Hon Sue Ellery interjected.

Hon PETER COLLIER: The Leader of the House will want to control her members. I am talking about the time taken for the debate on this piece of legislation, which is entirely within the standing orders.

The government is now using the Western Australia Police Force to present its argument. It is inconceivable to me that the government would put WAPOL in that situation. Why would it do that? If the Minister for Police wants to present the nonsense that we have somehow delayed the passage of this bill, he should not use WAPOL to do his dirty work. That is exactly what happened two days ago, I can assure members. I have enormous respect for WAPOL. Having held the education portfolio, I think we have the best teachers and the best public and non-government education system in the nation, and I say exactly the same about WAPOL. Our police are phenomenal, so the government should not use them for political purposes.

During the committee stage, the final part of the debate that we have just had, there were another two hours of legitimate scrutiny by Hon Martin Aldridge. I do not deny the fact that they were completely legitimate points. He used the opportunity. He did not filibuster. He did not ask any inappropriate questions. He asked some questions for clarity about the legislation—that is all he did. Let me tell members that the sum total amount of time that the opposition used for this bill was six hours and 42 minutes. I would hardly call that filibustering. In an entire week, there is 10 and a half hours for orders of the day—11 hours if we push it and there is no formal business each day. We could have well wrapped up the debate on this piece of legislation in that one week if it had been brought on on the Tuesday. Instead, we did not get it done by the Thursday, and then we got accused of filibustering on it and delaying it for six weeks. It was not six weeks. The minister cannot count. The bill was brought in one week and then there was the government's four-week recess, which made it five weeks. But that is not the point. The point is that what the minister said was manifestly inaccurate. Let me make this perfectly clear: we, as an opposition, totally support the endeavours of the government to take guns out of the hands of outlaw motorcycle gangs. That is why we support the intent of this legislation, but we wanted to identify some issues that had been raised with us by dozens upon dozens of legitimate gun owners. We raised those issues and, as a result, the views that were raised by those legitimate gun owners were seen to be founded.

I thank the representative minister for the manner in which he has handled this bill. The opposition in the alliance is very supportive of the intent of the bill and we most definitely did not filibuster on it; we performed our legitimate right, and that was to identify the issues that were provided to us by relevant members of the community.

Question put and passed.

Bill read a third time and passed.

QUESTIONS WITHOUT NOTICE

FINANCIAL MANAGEMENT ACT — SPECIAL PURPOSE ACCOUNTS

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

I refer to my question without notice 295, answered on 7 April 2022, on special purpose accounts.

- (1) Will the Treasurer please identify each of the 24 Treasurer's special purpose accounts referenced in part (3) of the answer to question 295?
- (2) Will the Treasurer please provide the balances sitting in each of those 24 Treasurer's special purpose accounts referenced on —
 - (a) 30 June 2021;
 - (b) 4 April 2022; and
 - (c) 30 April 2022?
- (3) If the Treasurer is unable to provide the three sets of balances in (2), will he please provide the most current balance with date referenced?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I do not have an answer to the question. We are having some issues with our files and there are some questions out of order. If either of us have it, or if I can find it by the end of question time, I will provide it then.

PUBLIC SERVANTS — VOLUNTARY SEPARATION SCHEME

347. Hon Dr STEVE THOMAS to the Leader of the House representing the Premier:

- (1) What have been the audited and identifiable savings to the state of Western Australia for each financial year from 2017–18 to 2020–21 inclusive, delivered by the McGowan government's targeted voluntary separation scheme implemented on 1 July 2017?
- (2) What have the associated financial costs of implementing the scheme been for each of those financial years?
- (3) How many WA state public servants, full-time, part-time and casual, were employed by the state on 1 July 2017–18, 2018–19, 2019–20 and 2020–21?

- (4) What was the wages bill for WA public servants for each of the financial years from 2017–18 to 2020–21 inclusive?

Hon SUE ELLERY replied:

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

- (1)–(2) This has been explained to the honourable member on multiple previous occasions. After allowing for separation costs and savings retained by agencies, the net savings from the commencement of the voluntary targeted separation scheme from mid-2017 to 30 June 2020 are estimated to total \$60 million. This is because the separation costs are front-loaded. The scheme is on track to achieve net savings of \$524 million by 2022–23 as savings occur after separations have been paid.
- (3) The Public Sector Commission collects and reports workforce data from public sector agencies. This information is published quarterly, with the annual average tabled in Parliament each year in the *State of the WA government sector workforce* report. For the convenience of the honourable member, I seek leave to have the information incorporated into *Hansard*. This part of the answer is in tabular form.

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

Annual Average	Public Sector FTE
2016–17	109,171
2017–18	110,155
2018–19	110,972
2019–20	114,734
2020–21	119,273

Over the past five years, from 2016 to 2021, more than 90 per cent of the net increase in public sector headcount has been driven by growth in three service delivery areas. WA Health is 49.9 per cent of the total increase; the Department of Education, 34.1 per cent of the total increase; and the Department of Justice, 9.6 per cent of the increase.

- (4) This information is published each year in the *Annual report on state finances* that is tabled in Parliament. For the convenience of the honourable member, I seek leave to have the below information, which is again in tabular form, incorporated into *Hansard*.

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

Financial Year	Public Sector Wages and Superannuation (\$m)
2017–18	14,779
2018–19	14,480
2019–20	15,532
2020–21	18,190

CORONAVIRUS — RAPID ANTIGEN TESTS — REGIONS

348. Hon COLIN de GRUSSA to the Leader of the House representing the Premier:

I refer to the delivery of free rapid antigen test kits to households by the state government.

- (1) To date, how many people have registered to have their RAT kits mailed to their regional household?
- (2) Of those people who have registered to receive RAT kits in regional locations, how many —
- (a) of the initial allocation of five kits been delivered; and
- (b) of the additional allocation of 15 kits been delivered?
- (3) Why have many people who registered for free RAT kits in March 2022 not yet received any kits despite receiving email confirmation that the kits had been dispatched?
- (4) What actions has the state government taken to remedy this situation?

Hon SUE ELLERY replied:

Honourable member, I do not appear to have an answer. If I can find it or if it comes before the end of question time, I will give it to the member.

FORRESTFIELD–AIRPORT LINK — COMMENCEMENT

349. Hon TJORN SIBMA to the Leader of the House representing the Minister for Transport:

I refer to the Forrestfield–Airport Link, which was rebranded as a Metronet project. When will the line commence services?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. Testing and commissioning work is currently underway on the Forrestfield–Airport Link, which will be followed by train driver training. The opening will occur following the completion of these activities.

CHILDREN IN CARE — WHEREABOUTS UNKNOWN

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

I refer to the minister's answer to my question without notice 292, asked on 5 April 2022, in which the house was informed that seven children in the care of the CEO were recorded in the placement type "unknown", and that one had been reported to WA Police Force as missing.

- (1) Have these children been found?
- (2) For how many days have each of the children had their whereabouts recorded as "unknown"?
- (3) How many other children are in the care of the CEO whose whereabouts are currently recorded as "unknown"; and how many have been reported to WA Police as a missing person?

Hon SUE ELLERY replied:

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

- (1)–(2) The child reported as missing as at 5 April 2022 and reported to the WA Police Force was located on 12 April 2022, but further absconded and has been reported missing with the WA Police Force since 22 April 2022. One child has remained in the same continuous unknown placement for 135 days. The Department of Communities remains in contact with this child. The other five children are no longer in a placement type "unknown". There is currently a child who was not accounted for in the previous response who has been in placement type "unknown" for 39 days. This child had their placement type updated to "unknown" on 6 April 2022. Communities remains in contact with this child.
- (3) As of 10 May 2022, there are five children recorded in the placement type "unknown". Four of those children are in contact with the Department of Communities and one has been reported to the WA Police Force as missing.

CORONAVIRUS — COMMUNITY CHILD HEALTH NURSES

351. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Health:

I refer to the answer provided to question without notice 34, asked on 16 February 2022, regarding community child health nurses and COVID-19 health measures.

- (1) Can the minister advise whether drop-in clinics delivered by the Child and Adolescent Health Service currently remain closed; and, if so, why?
- (2) If no to (1), when did these clinics reopen?
- (3) If yes to (1), when are these clinics anticipated to be reopened for parents and their children to access?

Hon SUE ELLERY replied:

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

- (1) The Child and Adolescent Health Service follows the COVID response detailed in the system alert and response—SAR. As the health system is currently in the red phase, drop-in clinics remain closed. Drop-in clinics are those attended without a prior booking; therefore, there is no ability to support the SAR-recommended screening processes or to manage physical distancing requirements.
- (2) Not applicable.
- (3) Drop-in clinics will be reopened in line with the SAR phase. Parents and carers can call and request an appointment or nurse call-back to discuss any concerns.

BANKSIA HILL DETENTION CENTRE — INSPECTOR OF CUSTODIAL SERVICES REPORT

352. Hon PETER COLLIER to the parliamentary secretary representing the Minister for Corrective Services:

I refer the minister to *Banksia report* 141, issued by the Office of the Inspector of Custodial Services, and to his media release of 18 April 2022 titled "\$25.1 million committed for Banksia Hill Detention Centre".

- (1) Does the Labor government accept recommendation 2 of the report on an increased welfare-focused workforce in the ISU and Cue Unit at Banksia Hill Detention Centre?
- (2) If yes to (1), what steps have been taken to facilitate improved staffing for non-Aboriginal young people?
- (3) If no to (1), why not?

Hon MATTHEW SWINBOURN replied:

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

- (1) The McGowan government is investing \$25.1 million towards improving services for youth in detention as part of the 2022–23 state budget. This includes providing funding of \$3.6 million towards staffing an Aboriginal services unit that will provide specific cultural support and services for Aboriginal youth in custody at Banksia Hill, especially those from the regions. This funding will increase the number of Aboriginal welfare officers and Aboriginal medical and mental health workers by eight, bringing the total on site to 12. Also included is funding for the redevelopment of one wing of the intensive supervision unit—the ISU—as a temporary crisis care area to provide an improved therapeutic response to young people in crisis, including improved exercise areas. The budget includes funding of \$7.5 million for the development of a purpose-built crisis care unit to provide a safe and therapeutic environment to support vulnerable at-risk young people.
- (2) Staffing at Banksia Hill Detention Centre has been improved through three recent entry-level training programs commencing on site in December 2021, March 2022, and April 2022. A further three entry-level training programs are scheduled for the remainder of 2022, with the next commencing this month—that is, May 2022.
- (3) Not applicable.

POLICE — FIREARM OWNERSHIP

353. Hon JAMES HAYWARD to the minister representing the Minister for Police:

I refer to the 349 000 individual firearms owned by Western Australians mentioned in the minister's media release of 22 March 2022.

- (1) How many individual firearms are registered under categories A, B, C, D, E and H?
- (2) How many individual firearms are registered to —
 - (a) commercial carrier and warehouse licence holders;
 - (b) dealer, repairer and manufacturer licence holders;
 - (c) corporate and shooting gallery licence holders; and
 - (d) collector licence holders?
- (3) How many individual firearms are stored at private residential properties?
- (4) Can the minister confirm whether the policy announcement at the press conference of 22 March 2022 considered the detailed data requested in questions (1) to (3)?

The PRESIDENT: That is a fairly long question, honourable member. But we will see whether the Minister for Emergency Services has an answer.

Hon STEPHEN DAWSON replied:

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

- (1)–(4) The Western Australia Police Force advises that a response to this question cannot be provided within the time frame. The member may wish to place the question on notice.

PUBLIC HOUSING — WAITLIST

354. Hon Dr BRAD PETTITT to the Leader of the House representing the Minister for Housing:

- (1) How many applications were on the public housing waitlist at the end of April 2022, and how many individual applicants does that represent?
- (2) How many applications were on the public housing priority waitlist at the end of April 2022, and how many individual applicants does that represent?
- (3) How many people on the public housing waitlist at the end of April 2022 received the disability support pension?
- (4) How many people on the public housing priority waitlist at the end of April 2022 received the disability support pension?

Hon SUE ELLERY replied:

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

- (1)–(2) As at 30 April 2022, there were 18 837 applications on the public housing waitlist, representing 33 084 people. This included 4 005 priority applications, representing 8 105 people.

- (3)–(4) As at 30 April 2022, there were 3 734 applications on the public housing waiting list that identified a household member being in receipt of a disability support pension or payment. Of these applications, a total of 1 027 applications were priority listed. This does not mean that all these individuals in any given household are in receipt of a disability support pension or payment.

ST JOHN AMBULANCE — SERVICE DELIVERY

355. Hon Dr BRIAN WALKER to the Leader of the House representing the Minister for Health:

I refer the minister to a report in yesterday's online edition of *The West Australian* noting the unprecedented warning of ambulance delays issued by St John Ambulance WA.

- (1) Were either the minister or her department consulted before this warning was issued?
- (2) What plans, if any, does the government have to tackle an issue that threatens, to paraphrase the article in *The West Australian*, to push our state's health system to breaking point?

Hon SUE ELLERY replied:

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

- (1) The minister's office and the department were informed of St John Ambulance's decision to issue a warning shortly before it was distributed.
- (2) The Premier and Minister for Health recently announced 17 measures to address ambulance ramping as part of a \$252 million budget package. These reforms include —
 - (a) \$74.1 million to secure more appropriate forms of care for long-stay hospital patients;
 - (b) \$55.2 million for telehealth services, which provide patient care for people who do not need emergency department support, and reduces emergency department presentations;
 - (c) the establishment of a ministerial task force to oversee short and long-term solutions, such as the establishment of a state health operations command centre; and
 - (d) an \$18.2 million investment in real-time data capability needed to manage system pressures and improve the flow of patients through emergency departments.

This is on top of existing measures already being undertaken, such as adding 530 beds to the hospital system, the construction of mental health transition units and record funding into our health and mental health systems.

CHILD SEXUAL ABUSE THERAPEUTIC TREATMENT SERVICES

356. Hon MARTIN ALDRIDGE to the Leader of the House representing the Minister for Child Protection:

I refer to the lack of a wheatbelt service provider for the delivery of child sexual abuse therapeutic treatment services, or CSATS, listed on the Department of Communities website as at 9 May 2022.

- (1) Which provider, if any, is contracted to offer these services to support children and families to reduce the harmful effects of sexual abuse on children, manage trauma and assist in the development of social skills and strategies to enable them to be safe and establish non-abusive relationships?
- (2) If there is no provider for the wheatbelt, how long has this been the case?
- (3) What advice can the government provide to residents of the wheatbelt in need of accessing such services?

Hon SUE ELLERY replied:

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

- (1) The Department of Communities funds Parkerville Children and Youth Care to provide child sexual abuse therapeutic services in the wheatbelt. The service is based in Northam and is called the Wheatbelt Therapeutic Family Service. The Department of Communities website does not display the contact details for this service. This is being rectified.
- (2)–(3) Not applicable.

HEALTH — NURSES — WORKFORCE

357. Hon STEVE MARTIN to the Leader of the House representing the Minister for Health:

I refer to the number of registered and enrolled nurses working in the WA public health system.

- (1) How many resignations and/or departures of registered and enrolled nurses across all health service areas in the WA public health system were there between 1 December 2021 and 1 May 2022?
- (2) Of those resignations and/or departures how many were on part-time, casual and full-time contracts?

Hon SUE ELLERY replied:

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

- (1) For the period 1 December 2021 to 1 May 2022, 1 787 registered and enrolled nurses across all health services areas in the WA public health system have resigned. Over the same period, 3 366 registered and enrolled nurses commenced employment within the WA health system.
- (2) The table below shows the number of resignations for enrolled and registered nurses by contract type of casual, part-time or full-time. The numbers represent headcount rather than FTE.

That information is in tabular form and I seek leave to have it incorporated into *Hansard*.

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

Employment Status			
Casual	Part Time	Full Time	Total
262	1,218	307	1,787

BUSHFIRES — LARGE AIR TANKER

358. Hon Dr STEVE THOMAS to the Minister for Emergency Services:

I refer to the minister's media statement of 19 April 2022, titled "First locally based Large Air Tanker to fight WA bushfires".

- (1) Has a contract between the government and the provider of the large air tanker been signed; and, if so, when was it signed and to what value?
- (2) What company or entity will be contractually providing the annual three-month LAT services?
- (3) Where will the LAT be based?
- (4) What criteria has been or will be assessed in determining the base location for the LAT?

Hon STEPHEN DAWSON replied:

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

- (1) No.
- (2) This is yet to be determined.
- (3)–(4) The Department of Fire and Emergency Services will determine the base location based on risk and the proximity to likely area of operation. Other factors include the suitability of the airport, runway length, jet aviation infrastructure and hangar facilities used to support the LAT operations; the ability to establish and maintain an aircraft retardant mixing facility and aircraft reloading infrastructure; and ground support at the airport. An announcement about the LAT base location will be made in the coming days.

SYNERGY — REBATE CALCULATION

359. Hon COLIN de GRUSSA to parliamentary secretary representing the Minister for Energy:

I refer to recent notifications sent by Synergy to customers advising that due to a shortage of meter readers electricity bills would be calculated on historical usage rather than an actual meter reading. However, rebates under the renewable energy buyback scheme, or REBS, and distributed energy buyback scheme, or DEBS, will not be made under a similar estimate but will only be made following an actual meter reading.

- (1) Does the minister acknowledge that participants of the REBS and DEBS will be financially worse off because of this decision by virtue of being required to pay their full electricity bill based on an estimate, while having their rebates held back until an actual meter reading is made?
- (2) What steps is the minister taking to remedy this situation?
- (3) Does the minister acknowledge that this issue has arisen due to the delay by Synergy and Western Power in installing smart meters to households?
- (4) Can the minister provide a definitive time line for when smart meters will be installed in all relevant households?

The PRESIDENT: The Parliamentary Secretary to the Attorney General and other portfolios.

Hon MATTHEW SWINBOURN replied:

Thank you, President. That was nice coverage there!

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

- (1)–(4) It is not possible to provide the information requested in the time required and I therefore ask the honourable member to place his question on notice.

CORONAVIRUS — WA RECOVERY PLAN — GREEN JOBS

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

I refer to the government's July 2020 green jobs plan to create 1 000 conservation jobs as part of the WA recovery plan.

- (1) How many of these jobs were filled?
- (2) Of those filled, please advise whether the appointment was on a full-time, part-time or casual basis.
- (3) Of those filled, please advise whether the employing authority was —
 - (a) the state government;
 - (b) the local government;
 - (c) a not for profit;
 - (d) an Aboriginal body corporate;
 - (e) the private sector?
- (4) How many of the 1 000 jobs are currently occupied?

Hon STEPHEN DAWSON replied:

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

- (1) The green jobs plan includes projects that will run until 30 June 2026. As at 31 December 2021, the green jobs plan was approximately 30 per cent complete and had resulted in 247 jobs.
- (2) Based on the data provided, 30, or 12 per cent, were full time; 62, or 24 per cent, were part time; and 155, or 63 per cent, were not specified.
- (3) (a)–(b) There were zero.
 - (c) There were 101 or 41 per cent.
 - (d) There were 18 or 7 per cent.
 - (e) There were 119 or 48 per cent.
- (4) This information was not collected.

ATTORNEY GENERAL'S EVIDENCE — STATE SOLICITOR ADVICE

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

I refer to the Attorney General's evidence in court on 8 April 2022 that the State Solicitor, Mr Egan, was unable to provide advice on a defamation case due to a possible conflict.

- (1) What has been the cost to the state of that possible conflict?
- (2) On what dates since the March 2021 state election did the Attorney General meet with the State Solicitor?
- (3) Did the Attorney General and the State Solicitor communicate on any other occasion outside of a meeting during that period?
- (4) If yes to (3), what was the mode of that communication and when did it occur?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question and provide the following answer based on information provided to me by the Attorney General.

- (1) These costs have not been quantified.
- (2)–(4) The Attorney General meets regularly with the State Solicitor. Given the State Solicitor's Office is responsible for providing legal advice to government on an array of legal matters, many of these meetings and communications are covered by legal professional privilege.

HOSPITALS — PERINATAL ESCORT AND TREATMENT SERVICES

362. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Mental Health:

I refer to mother and baby units that provide specialist perinatal escort and treatment services.

- (1) What is the current median wait time from referral to admission for inpatients to access beds in the mother and baby unit at the following hospitals —
 - (a) King Edward Memorial Hospital for Women; and
 - (b) Fiona Stanley Hospital?
- (2) For each hospital referenced in (1), how many patients are currently on the waitlist to access a bed in the mother and baby unit?

Hon SUE ELLERY replied:

I thank the member for some notice of the question.

- (1) (a) There is no median wait time. The King Edward Memorial Hospital mother and baby unit has eight beds available and usually all patients can be placed.
- (b) It is 24 to 48 hours, depending on the day of week and turn occupancy. Patients awaiting admission receive support through the community mental health team.
- (2) (a) There was one.
- (b) Nil.

BANKSIA HILL DETENTION CENTRE —
SELF-HARM AND SUICIDE ATTEMPTS — STAFF ASSAULTS

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

I refer to the Banksia Hill Detention Centre.

- (1) How many self-harm and suicide attempts were there at BHDC in 2019, 2020 and 2021?
- (2) How many assaults on staff were there at BHDC in 2019, 2020 and 2021?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. The answer is not available but will be provided on the next sitting day.

WESTERN POWER — CONDUCTOR FAILURE RISK

364. Hon JAMES HAYWARD to the parliamentary secretary representing the Minister for Energy:

I refer to the Western Power *State of the infrastructure report 2020/21*.

- (1) With regard to the 3 769 conductors considered to be at higher risk of failure, when will this risk be removed?
- (2) With regard to the 567 kilometres of high-risk conductors in high population centres and bushfire-prone risk areas, when will that risk be removed?
- (3) What action is Western Power able to take to remove the risk of clashing conductors considering the likelihood of increased extreme weather events in the future?
- (4) What is the estimated cost of removing the risk of clashing conductors across the south west interconnected system?

Hon MATTHEW SWINBOURN replied:

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

It is not possible to provide the information requested in the time required and I therefore ask the honourable member to place his question on notice.

CORONAVIRUS — RAPID ANTIGEN TESTS

365. Hon MARTIN ALDRIDGE to the Leader of the House representing the Premier:

I refer to the procurement and supply of rapid antigen tests by the state government.

- (1) How many tests have been ordered?
- (2) How many tests have been received?
- (3) How many tests have been distributed from the central stores of the government?
- (4) Is the government aware of concerns relating to the inaccuracy of rapid antigen tests, and has the government received any formal advice in this regard?

Hon SUE ELLERY replied:

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

- (1) There have been 110.7 million rapid antigen tests ordered by the government.
- (2) There have been 97 million RATs received to date.
- (3) There have been 32.3 million RATs distributed to support their use in the health system by households and for vulnerable people as at 10 May 2022.
- (4) Distribution of RATs by the government has been conducted in line with health advice on the use of RATs. The RATs approved for use by the Therapeutic Goods Administration must have a sensitivity of

80 per cent or above, with many having sensitivities of 90 to 95 per cent when used in symptomatic people. Although RATs are considered to be slightly less accurate than PCR tests, this is balanced by the increasing accessibility for the wider population to an easy, quick and comparatively inexpensive testing approach.

FORESTRY — FIREWOOD SHORTAGES

366. Hon STEVE MARTIN to the minister representing the Minister for Forestry:

I refer to the recent media reports of firewood shortages in Western Australia.

- (1) For the following calendar years how many cubic metres of wood has the Forest Products Commission provided to be used for firewood —
 - (a) 2018;
 - (b) 2019;
 - (c) 2020;
 - (d) 2021; and
 - (e) 2022 to date?
- (2) How many cubic metres of wood does FPC plan to be used for firewood for the following years —
 - (a) 2022 total; and
 - (b) 2023?

Hon KYLE McGINN replied:

I thank the member for some notice of the question. I answer on behalf of the minister representing.

The following answer has been provided to me by the Minister for Forestry.

- (1) The below table represents the Forest Products Commission's deliveries of firewood timber grade. Other grades of timber not deemed firewood can contain residue material and could be used for firewood. Firewood is delivered by the tonne. Calendar year sales are as follows —
 - (a) in 2018, 71 550 tonnes;
 - (b) in 2019, 76 740 tonnes;
 - (c) in 2020, 91 815 tonnes;
 - (d) in 2021, 86 320 tonnes; and
 - (e) in 2022, 1 January to 10 May, 21 937 tonnes.
- (2)
 - (a) There were approximately 85 000 tonnes.
 - (b) Delivered volume for 2023 is predicted to be similar to previous years.

HARDSHIP UTILITY GRANT SCHEME — ENERGY DISCONNECTIONS

367. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Energy:

- (1) How many households were issued with energy disconnection notices in April 2022?
- (2) How many households had their power supply disconnected in April 2022?
- (3) How many hardship utility grant scheme applications did each organisation receive in April 2020?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of question. The following information has been provided to me by the Minister for Energy. Unfortunately, the answer is not available, but we will provide an answer on the next sitting day.

WESTERN POWER — VALIDATION TEAM

368. Hon COLIN de GRUSSA to the parliamentary secretary representing the Minister for Energy:

Given answers from 7 April, I refer to the validation team within Western Power.

- (1) How many FTEs are assigned to this team, and what is the current headcount for this team?
- (2) What is the average time that an application sits with this team before proceeding to the next stage?
- (3) How many applications were submitted to the validation team for each individual month—October 2021, November 2021, December 2021, January 2022, February 2022 and March 2022?
- (4) To date, how many applications are awaiting consideration?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. The following information has been provided to me by the Minister for Energy, and I note that it was correct as at 7 April 2022.

- (1) Thirteen FTE are assigned to this team and the current head count is 11. Two vacancies are actively being recruited.
- (2) The average time in the application technical assessment stage is currently 20 business days.
- (3) The number of applications were: October 2021, 296; November 2021, 369; December 2021, 313; January 2022, 232; February 2022, 382; March 2022, 494.
- (4) Currently, there are 435 non-simple applications under consideration.

ENVIRONMENTAL PROTECTION (COST RECOVERY) REGULATIONS 2021

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

I refer to the fees charged for part IV environmental assessments under the Environmental Protection (Cost Recovery) Regulations 2021. What regulatory efficiencies have emerged from the Department of Water and Environmental Regulation since the fees were first charged?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following answer has been provided by the Minister for Environment.

In the four and a half months that cost recovery of part IV environmental assessments has been in effect, the Department of Water and Environmental Regulation has continued to develop a suite of regulatory efficiencies resulting from recent amendments to the Environmental Protection Act 1986, the building of Environment Online and other Streamline WA initiatives. It is expected that the 18-month review of the part IV cost recovery program in mid-2023 will capture and reflect these efficiencies appropriately.

SCHOOLS — CHILDREN WITH HARMFUL SEXUAL BEHAVIOURS

370. Hon NICK GOIRAN to the Minister for Education and Training:

I refer to the minister's answer to question without notice 15, which informed the house that as of 15 February 2022, one alleged or convicted offender was attending the same public school as their victim.

- (1) As at the start of term 2, is that alleged or convicted offender still at the same school as their victim?
- (2) What is the current total number of alleged or convicted offenders who are attending the same public school as their victims?
- (3) What is the current total number of students who have been identified as having engaged in harmful sexual behaviours?
- (4) Is the minister aware of any offenders attending the same private school as their victims?

Hon SUE ELLERY replied:

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

- (1) Yes.
- (2) Two.
- (3) As of 10 May 2022, the Department of Education has received 165 police notifications for public school students through the multiagency protocol for education options for young people charged with harmful sexual behaviours. Twenty-five have also been received for non-government schools. In 2017, the McGowan government put in place protocols to manage safety arrangements for school students when a young person at a school is charged with harmful sexual behaviours. Prior to this, under the Liberal-National government, no such arrangements were in place.
- (4) No.

BUSHFIRES — DISASTER RECOVERY FUNDING

371. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:

I refer to the media releases issued on 23 March 2022 stating that disaster recovery funding arrangements have been activated for the Shires of Bridgetown-Greenbushes, Bruce Rock and Corrigin following the February bushfires.

- (1) What is the total funding amount for the disaster recovery package in relation to the Bridgetown bushfire?
- (2) What is the total funding amount for the disaster recovery package in relation to the Shackleton complex bushfires?

- (3) What specific assistance is available for impacted households, small businesses and primary producers in these communities?
- (4) Can the minister please table the DRFA funding request from the state government to the commonwealth for each activation?

Hon STEPHEN DAWSON replied:

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

- (1)–(2) Funding is not capped.
- (3) For individuals and families—impacted households—personal hardship and distress measures may include emergency food, accommodation and clothing; temporary living expenses; the replacement of essential household contents; and housing repairs to return housing to a habitable, safe and secure condition. For small businesses, it can be interest rate subsidies on new loans approved by authorised deposit-taking institutions. For primary producers, these eligible measures are administered by the Department of Primary Industries and Regional Development’s Agriculture and Food division, and may be used towards freight costs, materials for boundary fences, professional advice grants and interest rate subsidies on new loans approved by authorised deposit-taking institutions.
- (4) There is no separate funding request to the commonwealth for both the Bridgetown bushfire and the Shackleton complex bushfire.

CORONAVIRUS — RAPID ANTIGEN TESTS — REGIONS

Question without Notice 348 — Answer

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.04 pm]: I now have an answer to the question asked earlier in question time by Hon Colin de Grussa to me as Leader of the House representing the Premier.

- (1) There have been more than 767 000 valid registrations across Western Australia, including collection and delivery. This includes approximately 160 000 valid registrations from regional households.
- (2) Of all valid registrations, approximately 715 000 households have had their deliveries completed across WA. A further 32 000 orders have been dispatched for delivery from recent registrations. The remaining approximately 20 000 orders were collected from dispatch locations. Of the 715 000 households who have had their deliveries completed, approximately 22 000 were returned to sender due to issues with invalid addresses or incorrect information provided at registration.
- (3)–(4) As above, a small proportion of households across regional and metropolitan WA have had their package returned to sender. These households are predominantly in the metropolitan area. The government is contacting those households with more information on how to receive their free rapid antigen tests. This will include an option for it to be resent via mail or for people to collect at key locations.

QUESTIONS ON NOTICE 591, 621, 622, 623, 651 AND 663

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Sue Ellery (Leader of the House)**, **Hon Stephen Dawson (Minister for Emergency Services; Innovation and ICT)** and **Hon Kyle McGinn (Parliamentary Secretary)**.

FINANCIAL MANAGEMENT ACT — SPECIAL PURPOSE ACCOUNTS

Question without Notice 346 — Answer

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [5.05 pm]: I have an answer to the question asked earlier by Hon Dr Steve Thomas to me, the Minister for Emergency Services representing the Treasurer. It is a long answer in list form, so I ask that the answer be incorporated into *Hansard*.

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

- (1) I seek leave to have the below information incorporated into *Hansard*.
 1. Accrued Salaries
 2. Bankwest Pension Trust
 3. Commonwealth SPP / NPP Grants
 4. Debt Reduction
 5. Holding Accounts
 6. Ind Schools-Recurr Grants Schools Assistance Act
 7. Independent Schools General Building Grant
 8. Jervoise Bay Infrastructure Development Trust A/C
 9. Local Authorities Tax Sharing Entitlements A/C

10. Mortgage Monies U/Transfer Of Land Act
11. National Redress Scheme
12. Non Government Schools-Other Recurrent Grants
13. Noongar Land Fund
14. Perry Lakes Maintenance
15. Perth Stadium
16. Public Bank Account Interest Earned
17. Royalties For Regions
18. Stat Authorities Investment A/C
19. Strategic Alliance Fund
20. Tariff Equalisation Fund
21. Temporary Access Contribution (TAC)
22. WA Future Research And Innovation Fund
23. Women's And Babies' Hospital Account
24. Social Housing Investment Fund

(2)–(3) An update on the balances of Special Purpose Accounts will be provided in the 2022–23 State Budget Papers, which will be released on Thursday, 12 May 2022.

CRIMINAL CODE AMENDMENT (COVID-19 RESPONSE) BILL 2020

Question without Notice 337 — Correction of Answer

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [5.06 pm]: On behalf of the Minister for Police, I will provide an update to parts (1) and (2) of Hon Peter Collier's question without notice 337 asked on 7 April. The answer provided stated —

- (1) One arrest has been made under section 338B of the Criminal Code, where the offence description specifically refers to COVID-19.
- (2) Two charges have been laid under section 338B of the Criminal Code, where the offence description specifically refers to COVID-19.

The answer should read —

- (1) One arrest has been made under section 338B of the Criminal Code, where the offence description specifically refers to COVID-19. Twenty-three arrests have been made under section 318(1A) of the Criminal Code, where the offence description specifically refers to COVID-19.
- (2) Two charges have been laid under section 338B of the Criminal Code, where the offence description specifically refers to COVID-19. Thirty charges have been made under section 318(1A) of the Criminal Code, where the offence description specifically refers to COVID-19.

I apologise to the house for the error.

CORONAVIRUS — DAILY REPORTS

Question on Notice 625 — Answer

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.08 pm]: This is an answer to a question asked by Hon Martin Aldridge to me representing the Minister for Health. I think it was lodged on 16 March 2022. The answer includes an extract from an update document, which is headed "Government of Western Australia: Department of Health: COVID-19: Body text for email distribution". I ask that the answer be incorporated into *Hansard*.

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

- (1)–(3) The Department of Health provide a daily COVID-19 update to the Minister's Media Adviser each morning. This update includes the confirmed number of new cases, hospitalisations and deaths in the 24 hour period to 8pm on the day prior. The exact time the update is received varies each day and is dependent on the publication of vaccination data by the Australian Immunisation Register.
- (4) See tabled paper.
- (5) Information has been refined to reflect higher caseloads in the community. The Department of Health's daily COVID-19 update includes a breakdown of new cases by region.
- (6) Tests are matched to existing people in the contact tracing database and a new case created only if the person is not an existing case.

ANIMAL RESCUE KITS

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [5.08 pm]: Western Australia's Animal Rescue Cooperative has provided animal rescue kits for members. Members can keep them in their vehicles should they encounter injured animals on the road. These kits have contact details for wildlife rescue groups, information about who to contact

for emergencies and some items to help in an emergency until a vet or wildlife carer can be contacted. WA's ARC has offered these kits free for members to promote good animal welfare and the important work they do, particularly during the fire seasons. I encourage members to pick up a rescue kit from Parliament's courtyard this week. I thank the member for Maylands for coordinating this.

SENTENCING LEGISLATION AMENDMENT (PERSONS LINKED TO TERRORISM) BILL 2021

Second Reading

Resumed from 23 March.

HON NICK GOIRAN (South Metropolitan) [5.09 pm]: It is indeed interesting that we should be debating the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021, which is the eighth order of the day and deals with persons linked to terrorism. It is a truly, truly heinous type of offence that might be occurring in Western Australia and, indeed, in our nation. As members might recall, the history of this bill has its genesis in a Council of Australian Governments agreement of some years ago.

It is interesting that this bill should be brought on by the McGowan Labor government this week, because one of the things that this bill does is look at circumstances in which a person can have early release from imprisonment. It looks at circumstances in which a person might be able to be released from prison under a parole order or a re-entry release order. Interestingly, the government is—incidentally, with the support of the opposition—looking to enshrine a presumption against granting early release for these types of people who have been convicted of terrorism offences. Once this bill passes, there will be a presumption against them being released early from incarceration.

Why would the McGowan Labor government bring this bill on today, 10 May, when we have just learnt that the Attorney General, with the support of the Premier of this state, the member for Rockingham, is releasing into the community a person who has killed their grandmother in the vilest of circumstances? This individual tried to decapitate his grandmother—unsuccessfully, I might add—only then to disembowel her and, ultimately, murder her. He was sentenced to life imprisonment by a Western Australian judge but under the McGowan Labor government life does not mean life for a killer of a grandmother in the vilest of circumstances. The Attorney General has been mucking around in different courts around the nation, assisting the Premier with his ego games with billionaires. This first law officer has brought a bill such as this into Parliament, and it is a very serious bill. The government is asking for the support of members here to agree that there should be a presumption against early release for someone who commits a so-called terrorism offence, yet this same first law officer has agreed to release this person from jail.

What are we to make of this? What is the Western Australian public to make of this? Is this some kind of message from the McGowan Labor government that it is tough on terrorists but soft on murderers? Is that the message that is being pushed to the community this week, the McGowan Labor government's budget week? Mr McGowan and Mr Quigley do not want to talk about this—least of all Mr McGowan. He just wants to talk about his budget on Thursday. No doubt the shadow Treasurer will have plenty to say about that in the fullness of time. In the meantime, what is happening with keeping our communities safe, something that Mr McGowan loves to talk about? The case here exposes just how paper-thin that commitment really is.

Here we are again considering the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021. It might interest members to note that this bill was introduced into the other place in August last year. It managed to be third read in that government-dominated chamber on 20 October last year, and six days later made its way into our chamber and was introduced for the first time. Since 26 October last year, the government has decided on only one occasion prior to today to bring this bill on for debate. This bill looks at creating a presumption against early release for those who have committed terrorism offences. It was on only one occasion, on 23 March. According to my records, it was brought on for a mere 12 minutes. I say that lest we have any kind of nonsense from the Minister for Police, as we had earlier this week—as quite successfully prosecuted by my colleague, Hon Peter Collier, the shadow Minister for Police—that somehow these bills are getting held up in the Legislative Council. How remarkable it was to hear the Minister for Police suggest that he had been trying to pass a bill for six weeks when the government controls the times when we sit. It decided that we would not be sitting for the last four weeks. We have had ministers jetting around the place for the last four weeks and then the Minister for Police came along and criticised the opposition because he could not get a bill through in the last six weeks apparently. For four of those weeks we were not even sitting. Evidently, the minister has ruled himself out from becoming a Treasurer of this state because he is having trouble counting to six.

This is another serious bill. We do not want any nonsense from the first law officer or any of his colleagues suggesting that somehow this bill has been held up when it has been brought on once in the Legislative Council—once in the last year—for 12 minutes. Today is day 2. The government can rest assured that we will fulfil our duty in this place as honourable members and consider this important bill in detail, including in Committee of the Whole House, to make sure that we get this right. The last thing we want is for this bill, which creates a presumption against the early release of very serious offenders, to be rubberstamped by the Legislative Council. The government has a tendency—in fact, there is a pattern of behaviour of this government—to release offenders early. We will make sure that we get this right over the course of the remainder of today.

On 23 March this year, when this bill came on for a mere 12 minutes, I indicated that the bill's genesis can be found in a 2017 COAG agreement. This is effectively phase 2 of the reforms. Phase 1 was addressed by the Bail Amendment (Persons Linked to Terrorism) Act 2019, so we have dealt with the situation of bail for terrorists. Phase 2 is parole and early release for terrorists, and that is what we are dealing with in the bill before us.

The Sentence Administration Act 2003 is one of four statutes in our state that will be amended as a result of this bill. This bill seeks to create a new tiered system for categorising prisoners, namely category 1 and category 2. Category 2 prisoners will be captured by this scheme if they are the subject of what is referred to in the legislation as a Commissioner of Police report. I want to take a few moments to consider this new concept of a COP report. It is introduced by way of proposed section 66H. That refers to a written report that deals with additional release considerations. In particular, it may refer to terrorist intelligence information. A Commissioner of Police report will be required when the parole board is making a release decision for a category 1 prisoner. The Commissioner of Police will also have discretion to provide a report to the board on any other prisoner. It would be of interest to know, possibly in the parliamentary secretary's reply, but otherwise as we dive into Committee of the Whole House, in what circumstances it is intended that the Commissioner of Police would exercise the discretion to provide a report to the board on any other prisoner. Will some guidance be provided to the Commissioner of Police? Obviously the government is busy at the moment recruiting a new Commissioner of Police as we farewell the current commissioner into his soon to be assumed duties. In the meantime, whoever will be the new Commissioner of Police will be given this discretion. What will guide the exercise of that discretion, and in what circumstances does the government consider it will be appropriate for the commissioner to exercise that discretion?

The bill includes a detailed definition of "terrorism offence". That definition cross-references a range of offences under the commonwealth Criminal Code and other legislation. It seems appropriate that our sentencing laws are updated to incorporate specific references to terrorism offences to acknowledge the unique sentencing considerations that should apply to terrorism-related offences.

Section 4 of the Sentence Administration Act provides in part —

early release order means —

- (a) a parole order; or
- (b) a re-entry release order;

...

parole order means an order made under Part 3 that a prisoner be released on parole and includes a parole order made for the purposes of section 72 or 73;

I understand that the board may parole a prisoner who is eligible to be released on parole under the Sentencing Act 1995 if the board considers it appropriate to do so having consideration for various factors set out in the legislation. In comparison with a parole order, a re-entry release order made under part 4 includes a re-entry release order made for the purposes of section 72. This will allow certain prisoners to apply to the board to be released up to six months before they would otherwise be eligible for release. The core amendment to the sentencing of prisoners is contained in proposed division 1B, which will introduce additional release considerations. Members will find that that commences at clause 16 of the bill. Proposed section 66G in division 1B introduces a presumption against the making of an early release order for a prisoner with links to terrorism unless there are exceptional reasons why the prisoner should be released.

I turn now to clauses 9 and 10 of the bill. These clauses introduce restrictions in proposed sections 13 and 14 that the board cannot endorse a resocialisation program for a prisoner with links to terrorism who is subject to a Commissioner of Police report unless it is satisfied that the prisoner is suitable for inclusion in the program. This seems to be focused on preventing prisoners from radicalising others. However, it is not clear whether the government has necessarily considered what I might describe as concrete ways in which to address radicalisation. It is interesting for us to pause and consider the notion of a resocialisation program. I say that because, if I am not mistaken, the recent decision by the Attorney General to release the grandmother-killer offender was on the basis that he had done a resocialisation program. I simply give notice that we will have some further questions on that program and how it will work in the instance of an offender who is the subject of one or more terrorism offences. There are various other additions in the bill, such as provisions relating to confidentiality of information, and automatic cancellation of a supervised order in certain circumstances.

The bill also seeks to amend the Young Offenders Act. It appears at first glance that the proposed amendments to the Young Offenders Act are very similar to the proposed changes to the Sentence Administration Act, albeit there appears to be at least one notable difference. Of course it is a well-recognised sentencing principle that additional considerations should be taken into account when sentencing young offenders. The Young Offenders Act specifically includes the general principles of juvenile justice, which are set out in section 7, and the specific principles and considerations for young offenders, which are set out in section 46. Even though the paramount consideration under the Sentencing Administration Act is the safety of the community, that was obviously forgotten by the first

law officer when he allowed the grandmother-killer back into the community. We need to keep in mind that, as I understand it, when this individual was caught by police, he said something to the effect of, “Well, lucky you caught me, because I was about to go and kill some more people.” Having killed his grandmother in the most vile of circumstances, he was lying in wait for the aunty. This is the type of person that the first law officer, with the full support of the member for Rockingham, has released into the community. That is despite the fact that the paramount consideration under the Sentence Administration Act is the safety of the community. I am sure Western Australians feel very safe with Mr Quigley and Mr McGowan releasing an individual of this ilk into the community. That is why we need to make sure that we get this particular legislation right so that these known terrorists will not also be released at will into the community. As I said, whereas safety of the community is the paramount consideration under the Sentence Administration Act, under the Young Offenders Act, community safety is specifically listed as paramount for repeat offenders only, although it is still an important consideration for all other offenders. It is similar to the changes to the Sentence Administration Act; the proposed changes to the Young Offenders Act will introduce a new tiered system of offenders and new definitions of terrorism offences. The bill before us will create new divisions to specifically address release consideration for offenders with links to terrorism or subject to a Commissioner of Police report. Although I will be quite happy if the parliamentary secretary wants to deal with this all under either clause 1 or in his reply or under the provisions dealing with the amendments to the Sentence Administration Act, again, the same consideration applies here. In what circumstances will we see the Commissioner of Police preparing a report under the Young Offenders Act? What will be the circumstances that will guide the commissioner to determine to invest the resources of his agency to prepare such a report?

As I said, the opposition supports this bill and agrees that it is a necessary reform to sentencing legislation. It is, of course, I imagine for every member of particular concern that there are children engaging in terrorist activities. One must consider this in light of the ongoing campaign by many not only Western Australians, but also Australians of goodwill who argue and advocate for an increase in the age of criminal responsibility. As I understand, the advocacy at this present time suggests that it be moved from the age of 10 to 14, although some are arguing it should be 12 years old. That is a debate for another day, I am sure the parliamentary secretary will agree; nevertheless, to the extent that it is relevant to the matter before us today, it is indeed particularly concerning to note that there are children engaging in terrorist activities.

I would have thought that probably a decade or so ago, the idea of children committing terrorism offences would not have been top of mind for lawmakers or policymakers. They would not have been considered to be a serious risk. But over the course of the last decade or so, things have certainly moved. I note at this time that in a 2018 report to the Prime Minister, entitled *The prosecution and sentencing of children for terrorism*, Dr James Renwick, Senior Counsel, in this fifth report had to say in the executive summary, for the benefit of Hansard, found at page viii, paragraph 1.10 —

Since 2014, the risk of children committing terrorism offences has emerged as a significant issue, as reflected in the marked increases in intelligence interest and police investigations, as well as the number of charges and convictions concerning children. Significantly, over 10% of the total number of persons convicted of terrorism offences since 2014 were under 18 at the time of offending, and a further 25% were between 18 and 25 (meaning that over a third of the total group of federal terrorism offenders were under the age of 25).

That is over one-third. Now, that is of course not just children; that is what we would describe as children and young people, up to the age of 25. Nevertheless, I would share the concern noting that over one-third of the total group of federal terrorism offenders were under the age of 25.

I also note the rapid growth from increased online activity and found the Australian Federal Police’s submission from February 2021. The Australian Federal Police made a submission to the Parliamentary Joint Committee on Intelligence and Security for its inquiry into extremist movements and radicalism in Australia. The AFP in its submission to the commonwealth parliamentary inquiry, at page 6, paragraph 27, had this to say —

The AFP believes the rapid growth and globalisation of —

Extreme right-wing groups —

comes from the increasing move to an online environment and ability to connect internationally with like-minded individuals and small groups online including through social media, encrypted communications and across dark web platforms. Law enforcement have identified young individuals supporting ... ideologies and espousing them online.

It went on to say in its submission at page 10, paragraph 54 —

Further, the increased prevalence and ease of access online makes it easier to radicalise young people and encourage their alignment with international extremist groups. As noted above, the AFP is aware of individuals as young as 13 years old holding ... views.

That is at the age of 13, says the AFP in its submission to the commonwealth parliamentary inquiry.

It seems to me we need to consider how best to protect our community, in not only the short to medium term while young offenders are in prison, but also the long term once they are released. It is interesting that this bill was talking about a presumption against release in certain circumstances. It seems to me that it is imperative that we consider the principles and approaches that will minimise reoffending and maximise the chance of changing the mindset of these young offenders who have been radicalised. In New South Wales there is a proactive integrated support model, known as PRISM. I note that that model is a disengagement intervention delivered by corrective services in that state. It is aimed at prison inmates who have a conviction for terrorism or have been identified as at-risk of radicalisation. I note that it is a voluntary support service that uses tailored intervention plans to address the psychological, social, theological and ideological needs of radicalised offenders to redirect them away from extremism and help them transition out of custody. It would seem appropriate for the government to provide some indication, possibly in reply or otherwise under clause 1 in Committee of the Whole House, to what extent it has or intends to have programs of this sort, whether it be modelled on the New South Wales model or otherwise. It is all very good to have a bill before us that is making a presumption against the early release of these offenders, these people who have committed terrorism offences, but what does the government propose to do with them while they are being detained? What is happening at the moment and what are the government's plans for these individuals in the future? If we pass this bill, there is going to be a presumption that they will not get early release, so what will the McGowan Labor government do with them during that time of non-early release? During that time of continued incarceration, what does it propose to do with them? Will it be more of the same or does it have specific plans for what it intends to do with these individuals?

With that said, I indicate again that the opposition supports the bill. I intend to ask a few questions when we get into Committee of the Whole House, noting that there are some 45 clauses in the bill. To assist the parliamentary secretary with the passage of the bill, I indicate that those questions primarily relate to part 2 and the Sentence Administration Act 2003.

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [5.40 pm] — in reply: I thank the member for his contribution, which obviously was interrupted in March after 12 minutes before we brought the Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021 on again for debate today. I note that I think it was listed for debate during the last sitting week, but I am not sure that we would have reached it. The problem was that I was in isolation, so it was not possible for us to further debate it even if we had been in a position to do so. The member has raised a number of issues about the bill, some of which he raised on 23 March. One of the issues that he wants us to explain to him, which I am willing to do at this stage, is why the bill was not referred to the Standing Committee on Uniform Legislation and Statutes Review. As he might recall, he raised that issue, and I think it is a reasonable question to answer given the nature of how this bill has come to us. I have a detailed answer to provide to the member, so please bear with me as I work my way through it.

In our view, the bill is not a uniform legislation bill as contemplated under Legislative Council standing order 126. The relevant question under this standing order is whether the bill before the house ratifies or gives effect to the intergovernmental agreement that was referred to by Hon Nick Goiran in his second reading contribution—that is, the Intergovernmental Agreement on Australia's National Counter-Terrorism Arrangements, which is dated 5 October. Relevantly, clause 4.1 of that agreement states —

The Commonwealth, States and Territories will:

- (a) take whatever legislative action is necessary to ensure that their legal frameworks allow for terrorist incidents to be prevented, disrupted, investigated, responded to, and/or prosecuted; and
- (b) review their legislative arrangements to ensure they are effective in responding to changes in the national security environment.

The balance of clause 4 refers to consultation. The view of the government is that for a bill to give effect to the terms of an intergovernmental agreement, that agreement needs to include sufficient particularity of the matters that are contemplated by the bill. That is clearly not the case with the terrorism intergovernmental agreement. Appendix 1 of the sixty-fourth report of the Standing Committee on Uniform Legislation and Statutes Review from 2011, *Information report on uniform scheme structures*, provides guidance in considering whether a bill ought to be referred to the committee. This bill does not fall under any of the five structures referred to within the report: applied laws, model laws, referral of powers and adopting commonwealth laws, nor any combination of these things.

In the standing committee's 113th report on the Financial Transaction Reports Amendment Bill 2018, it also had an opportunity to consider the same terrorism IGA in the context of that bill and had the following to say about it at paragraph 5.6 of the report —

There have been various commitments in relation to Australia's national counter-terrorism strategy. These include agreements between the Commonwealth and all States and Territories in 2004 and 2017 to ensure that legislative arrangements and legal frameworks enable an effective response to the terrorism threat. They are not specific to money-laundering, counter-terrorism financing or financial transaction reports legislation. They do not underpin the Bill.

The same can be said about the bill before us. The terrorism IGA is not specific to parole and does not underpin the bill. Outside of the IGA, COAG agreed to include a presumption against granting bail and early release orders, including parole, to those persons who have links to terrorism. That agreement, although specific to the subject matter, still did not do more than provide a commitment to have some consistent principles. COAG tasked the Australia–New Zealand Counter-Terrorism Committee with endorsing a set of principles, which I will state for the benefit of members. The following four principles were developed. The first principle is that the presumption against bail and early release orders, including parole, should apply to categories of persons who have demonstrated support for or links to terrorist activities. The second principle is that a high legal threshold should be required to overcome the presumption against bail and early release orders, including parole. The third principle is that the implementation of the presumption against bail and early release orders, including parole, should draw on and support the effectiveness of the joint counterterrorism model. The fourth principle is that implementing a presumption against bail and early release orders, including parole, should appropriately protect sensitive information. These principles provide for a minimum level of consistency, but afford a wide discretion for each jurisdiction choosing to give effect to them.

I also note for completeness that the Bail Amendment (Persons Linked to Terrorism) Bill 2018, to which the same COAG agreements were relevant, was not referred to the standing committee by the Legislative Council. I refer to the comments made by the then chair of that committee, Hon Michael Mischin, at the time. In his second reading contribution, he noted —

We do not have the issue of a Standing Committee on Uniform Legislation and Statutes Review report or any examination of it, nor does there seem to be any need for us to do so.

In summary, on that basis, we do not think that this fits within standing order 126 for it to be referred to the uniform legislation and statutes committee. I am on that committee so I should try to remember to get the name of it right!

A member interjected.

Hon MATTHEW SWINBOURN: Statutes review—that is right. I hope that that is an explanation for why it was not referred to the uniform leg committee, as it is more commonly referred to.

The member raised a number of other matters in his two-part speech, if I can call it that, on 23 March and today. Some of those matters are quite technical in nature. I do not want to do a disservice to them in my reply, other than to note the fact that we are now aware of the matters that the member is interested in. I think it would be helpful for us to deal with those matters in more detail, perhaps during debate on clause 1. It would certainly give the member the opportunity to explore them and open up lines of inquiry for responses, as opposed to in the second reading reply and running the risk of repeating them. I note the points he has made about those things and I have a red pen.

At the beginning of the second part of the member’s speech today, he made a number of points about a matter involving a person who was not accused of a terrorism offence, notwithstanding the heinous nature of his offending. I am not in a position to get into a debate with the member about his views on it and I do not think it would take this bill any further at this point. He is certainly entitled to express his views as he did, but I am sure he can understand my lack of interest in getting involved in the nature of that particular part of the debate. As I say, we are not talking about a person who has been charged with a terrorism offence or is viewed as being involved in terrorism, which is what this bill is more specifically related to. I will just leave that there. I am sure we have not heard the end of that, and I do not mean today; I mean more broadly. I am sure that we will hear much more, and others will take up the cudgel on that particular point.

I note the points that the member made about young people and recognise the different principles that we deal with in sentencing young people and what the Young Offenders Act tries to achieve as opposed to the Sentence Administration Act. I appreciate the member bringing to the attention of the house some of the complexities with young people, particularly children, that we would not countenance from fully formed adults. One of the things that continues to strike me—not just in this area, but in some other areas as well—is the impact of access to information through social media and electronic devices. The member referred to 10 years in terms of the change; I actually think it is probably a little longer than that—maybe more like 20 years—but it is only getting worse in terms of the ability of a young person or a child to access imagery and information, and people who are disposed to terrorism-like activity. That is a continuing concern for all of us in our society, not only for the prevention of harm that might arise for the community from them engaging in those activities, but also the harm that those people do to themselves by involving themselves at such a young age in very antisocial, rather than pro-social, activities. As I say, it is not only limited to terrorism; there is obviously a range of other areas in which social media and online activities are causing issues.

We appreciate the opposition’s support for this bill. I think it is one of the important parts of our society that, across the political divide, there is a consensus amongst political parties as to how serious these issues are and how we should deal with them. The government appreciates the support of the opposition and the other parties, although the other parties have not yet spoken; we shall see whether they support this bill, but I presume they do. They have not indicated otherwise to me. On that basis, I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Jackie Jarvis) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

Clause 1: Short title —

Hon NICK GOIRAN: We will make our way through this 45-clause bill, but as I indicated earlier, the vast bulk of my questions pertain to the Sentence Administration Act 2003 and the amendments to that act as set out in part 2 of this bill. I think the parliamentary secretary will agree that, in large part, part 3 seeks to mirror, to the extent that it can, the amendments to the Sentence Administration Act 2003 by inserting those mirror-like amendments into the Young Offenders Act 1994, with at least one notable exception, which we will get to. Otherwise, there are some ancillary changes in parts 4 and 5 to the Criminal Procedure Act 2004 and the Freedom of Information Act 1992.

Before we get to part 2 I have some preliminary questions on part 1 that are probably best addressed under clause 1. I note that this bill is part of a concerted effort by what is now known as the National Federation Reform Council—the new name, as I understand it, for the Council of Australian Governments. To what extent does the bill before us vary from the law reform that was implemented by the other jurisdictions as a result of the COAG agreement?

Hon MATTHEW SWINBOURN: As the member probably knows, the parole arrangements across the different jurisdictions are significantly different in their nature, so it is heavily detailed in terms of what those changes are. We have a spreadsheet that details them, but it is rather large and reflects the nature of the point I have just made, which is that, as the member can appreciate, in each particular jurisdiction, their parole arrangements have developed over time for their own circumstances and in their own particular manner, so it is hard to say like for like in that regard. We have a table here, and if the member wishes, we can table it, but it is quite detailed, so the member is probably not going to be able to get across it unless he spends his dinner break examining it.

Hon Nick Goiran interjected.

Hon MATTHEW SWINBOURN: No, I would not be, member. Knowing the member, I can see him enjoying his pinot noir over the finer details of the jurisdictional comparison presumption against parole table! I table that document.

[See paper [1256](#).]

Hon NICK GOIRAN: I thank the parliamentary secretary for tabling that document, which we will digest over the dinner break. In the interim, can he indicate whether there has been any analysis undertaken within government to answer this question: will it be easier for a terrorist to be released from prison in another Australian jurisdiction, or will it be easier for them to be released from a Western Australian prison? That goes to my earlier point of making sure that there is consistency across the nation. Has anyone done some work in that respect?

Hon MATTHEW SWINBOURN: Work has been done in one respect, because the table the member has in his hands now is a reflection of that work, but it is not as simple as saying that one jurisdiction is stronger than another jurisdiction, owing to the complexities within the jurisdictions, or between jurisdictions. Certainly, they have different parole frameworks, which is where there is a departure between states in terms of how they are achieving their principal common goal, which is the presumption against parole for those people. There is a general uniformity regarding terrorism offences, and there is obviously uniformity in terms of the goal of the presumption against parole. We also have to take into account that, within each state, there is still a discretionary element, and that will depend on the individuals who might make up a parole board, or the chair of a parole board in a particular state. Also, there is not enough comparative data available because we have not had a suite of people who have come through the system to be able to say that theoretically they are the same. In practice, there have been differential outcomes. We do not have that data yet because we are not talking about thousands of people coming through the system. There is a relatively small but significant number of people who fit within the class of people whom these terrorism sentencing provisions would affect.

Sitting suspended from 6.00 to 7.00 pm

Hon NICK GOIRAN: The dinner break has been timely because it will have enabled the parliamentary secretary to become expert in the document that was tabled prior to the break. The document provided a useful jurisdictional comparison. Members will recall that this bill will create a presumption against early release for a range of prisoners, in particular, category 1 and category 2 prisoners. As the parliamentary secretary indicated, the first part of the table is a large document of four pages dealing with category 1 prisoners and another six pages dealing with category 2 prisoners. For the sake of better understanding the table that has been provided to members, on the left hand side of the document is a number of, shall I say, criteria or characteristics. Each of the jurisdictions from New South Wales through to Western Australia, including the commonwealth, are reconciled against these criteria or characteristics. Is it intended that each of the characteristics is seen as a positive or necessary provision for the legislation, and although I know the parliamentary secretary is reluctant for us to use the phrase “weaker or stronger” in terms of different jurisdictions, they are desirable criteria for category 1 and 2 prisoners?

Hon MATTHEW SWINBOURN: I will do my best here. The advisers have brought to my attention that the member referred to a “desirable” element and they are not comfortable with that. My note refers to not putting too

much emphasis on its being a “desirable” thing. To explain what they have tried to do, we can go to the far left column at annexure E, which are the category 2 links to terrorism that enliven the presumption against parole. They have come up with what they think are the potential elements, which the member can tell by the question marks, that constitute an association with a terrorist organisation that supports those activities, links, affiliations or notification. Then they have analysed the law in those other jurisdictions as against those other categories of things, potentially, to give an indication of, firstly, how they have dealt with those things; and, secondly, if they have dealt with them, to see how well they have dealt with them and whether that will help to inform us. One of the benefits that Western Australia has is that it is one of the last jurisdictions to proceed with this, so it has the advantage of reflecting on what the other states have been able to do. That is the exercise they have engaged in through this table to try to come up with where Western Australia should land in constructing the law that gives effect to those principles identified in the intergovernmental agreement.

Hon NICK GOIRAN: I think the analysis that has been done in this table is very good and it has been most worthwhile and helpful. I take the parliamentary secretary to a specific example. In the first table, the final page, page 4, deals with a category 1 prisoner. The penultimate category is “Special treatment/considerations in the case children with links to terrorism?” It then asks a question. The parliamentary secretary will see that in each of the jurisdictions, including Western Australia, the answer is no, with the obvious exception of the commonwealth where the answer is yes. This goes to my earlier question about desirability. If we can use this as a case example, is it desirable, from the government’s perspective, that there should be special treatment or consideration in the case of children with links to terrorism? It would appear the answer to that is no, because the proposal for WA is no, yet the commonwealth has that criteria. As a case example, can the parliamentary secretary give an explanation, first of all, of whether it is desirable that there should be special treatment; and, if the answer to that is no, why is that not desirable?

Hon MATTHEW SWINBOURN: If we are going to characterise this particular point about special treatment of children, I am told that when they are in the juvenile justice system they are called “detainees” and not prisoners, so there is a difference in language there. If members hear me saying detainees, it is in reference to those children. There is no special treatment for them. Why? First of all, it is worth noting that no children in Western Australia would currently be subject to these particular laws because there are no children in Western Australian detention who fall within the terrorism categories, but we are legislating for the prospect that that may happen in the future, unfortunately, because of the society we live in and all those sorts of things. It is also worth noting that there is no commonwealth equivalent of the Young Offenders Act, so obviously when they are dealing with it, they do not have the intersection between the commonwealth laws and the Young Offenders Act, whereas we still do. Currently under sections 7(h) and 7(k) of the Young Offenders Act, the general principle of juvenile justice mandates that detention should be used only as a last resort and for a shorter time, as is necessary, and the punishment should be dealt with in a time frame that is appropriate to a young person’s sense of time. That principle is incompatible with the purpose and operation of the presumption against parole. Really, that is what we are dealing with here. If we are thinking about the kind of reasons for that, it is that if those particular children are accused or have been convicted of terrorism-related offences or they are suspected of continuing to be involved in terrorism activity, however that might be described, then their risk to the community—à la what happened in Victoria, which precipitated the onset of this legislation, which is a person coming out on parole and then committing a further act of terrorism when we already knew that they presented a risk for the community—is identified through the process that I am sure we will get into in more detail as we get to that sort of thing. I think it is worth recognising that particular point and acknowledging that this does generally cut across the principles of the Young Offenders Act and juvenile justice principles in terms of detention as a last resort and understanding that children experience time frames differently from adults.

Hon NICK GOIRAN: The parliamentary secretary will see that on the first page of the category 1 table, the third category is “Convicted of Commonwealth terrorism offences”. There is reference in each of the jurisdictions to an “Annexure F”. It does not seem to me that annexure F has been provided in the tabled documents, but if it has, could the parliamentary secretary identify it; and, if it has not, could that now be tabled?

Hon MATTHEW SWINBOURN: I am sorry that we have omitted it. That was not our intention. As the member can see from what I am holding in my hand, it is not an A3-sized piece of paper; it is A4 but it is annexure F. The table deals with how the Western Australian law deals with both the bail and the parole with respect to the commonwealth laws. I am happy to table this in any event because I think that was our intention and it really just forms part of the larger document that was tabled earlier.

[See paper [1257](#).]

Hon NICK GOIRAN: While copies are being made of annexure F, I have just a few more questions on the helpful jurisdictional comparison. Members will see on the third page of the category 1 table that those conducting this useful analysis asked the question whether the legislation captures those who are “Subject of a Commonwealth Control Order”. There is a curiosity here in the analysis because in each of the jurisdictions, reference is made to either a current control order, which is said to include an interim control order but in some circumstances, such as for South Australia, Victoria and Queensland and, from what I can gather, although I think some further elaboration

is going to be required, also the proposal for Western Australia, there is reference to former control orders. Why is it the case that some jurisdictions are looking to ensure that former control orders are captured and not just current control orders, including interim control orders?

Hon MATTHEW SWINBOURN: As to why the other jurisdictions have chosen to do what they have done or not done, we cannot really go into their reasoning because we do not know. We are not trying to be glib but we are not involved in that. The analysis done here is more about whether it is or it is not, rather than why. The question then became for us why we have provisions relating to what we call historic or former control orders; that is probably where the member was leading in any event. I have a prepared answer before me. Why do the equivalent persons linked to terrorism provisions in the bill apply only to a person who has been subject to a confirmed control order within the last 10 years and not an interim control order within the last 10 years? It is because that is the time frame that we picked. Control orders are initially made in an interim form. The terms of the interim control order must specify the date for the court to consider confirmation of the interim order, which may be contested by the person for whom the interim control order was sought. During a confirmation hearing, the court will consider the factual basis for the control order with all the evidence provided. Until this time, an interim control order cannot be confirmed. When parole is being considered, a judicial function is being exercised. In these circumstances, there is a greater requirement for the rules of natural justice to apply. For example, in judicial proceedings, a person is innocent until proven guilty. For this reason, it was not considered appropriate to include a person who had been subject to an interim control order as the control order had not been confirmed by the court. I have been asked to confer with my advisers a bit further, so I ask members to hang on for a moment if they do not mind.

I was unintentionally leading the member down the wrong path. There was some confusion on our part, so I apologise for that. I think the member asked why jurisdictions want to capture current and former control orders. I said that we cannot really speak about that. We can say why we want to capture current and former control orders. I will explain what a former order is. It is a historic order that has expired. These control orders are not in perpetuity, so in time, they might have expired. I think the question for us as a matter of policy was how long should a historic control order that had expired remain a relevant consideration for the board to take into account when determining whether to grant parole for a person who is involved—I will use the generic term—in terrorism and terrorism-like activities or those sorts of things. We settled on 10 years, which is consistent with the Bail Act, which dealt with similar provisions. It had a 10-year arrangement. That is where we have landed on this issue. I think the member already identified that other jurisdictions dealt with it differently, but that is the choice that we have made in this legislation. It comes back to what we think is a reasonable consideration when determining possible risk and what should be a relevant consideration in determining that. Historic and/or former—however we wish to describe them—control orders will continue to be relevant up to that 10-year mark.

Hon NICK GOIRAN: I thank the parliamentary secretary. That is curious, because New South Wales has elected not to capture what are being described as former control orders. New South Wales is not alone. The same situation applies in Tasmania, and indeed the commonwealth. It would seem that these three jurisdictions are only interested in capturing a group of terrorists, at least in part, who are subject to either a current control order or an interim control order. As the parliamentary secretary already explained, the necessity for the two is because we start with an interim control order before a control order is finally made. Yet a number of jurisdictions, including our own, intend to include former control orders. The parliamentary secretary will see that that includes South Australia, Victoria and Queensland. The parliamentary secretary seemed to indicate that our definition of a former control order, to the extent that it can be defined, is that it is a historical control order no greater than 10 years of age. That is me paraphrasing the parliamentary secretary to provide some form of definition. I could not find a definition of “former control order” in the bill. I found the definition of “confirmed control order” in clause 4 of the bill. Indeed, “interim control order” is also defined there. From memory, I also found a like provision in clause 30, which deals with the amendments to the Young Offenders Act.

I guess my twofold question is: how is “former control order” defined in the bill? Perhaps I should rephrase the question and ask: where is “former control order” defined in the bill? That is part one of the question. Part two of the question is: why is Western Australia choosing a former control order to have a maximum age of 10 years when it is not apparent that any of the other jurisdictions choose to narrowly define a former control order in that way?

Hon MATTHEW SWINBOURN: There is no place where that is defined because there is no definition for a “historic” or “former” control order. To get an understanding of it, we will have to have a bit of a construction exercise. I take the member to clause 4 of the bill, which amends section 4 of the Sentence Administration Act. I note it is the same provision that applies to the amendment of the Young Offenders Act as well.

Hon Nick Goiran: It’s a category 1 prisoner.

Hon MATTHEW SWINBOURN: Yes. Clause 4 states —

category 1 prisoner means —

(a) a prisoner who —

- (i) has been charged with, or convicted of, a terrorism offence; or
- (ii) is subject to an interim control order or a confirmed control order;

The first part of the definition is essentially in the present tense and then we have the critical disjunctive word “or” followed by —

- (b) a prisoner who has been subject to an interim control order or a confirmed control order at any time during —
 - (i) the period of the prisoner’s sentence (the current sentence); or
 - (ii) the period of 10 years ending on the day on which the prisoner’s current sentence begins or is taken to have begun;

As members can see from that provision, effectively if we want to define what a historic control order is, it arises really from the construction of the definition in this particular clause. As I say, it is not a term that is defined in the bill. I think when we were using the term “historic” before, it was not in a definitional sense as historic but the fact that this category 1 prisoner includes that particular definition.

As to the member’s further question, which I am not sure I answered fully, about the 10 years, like anything, a decision was made that it should not be open-ended and there had to be a time limit that is reasonable. The working group’s view, as it advised the government, was that 10 years would be reasonable in the circumstances. The government accepts that advice from the working group that helped to develop the bill. Could it be 12 years or eight years? Of course it could be. There is no magic about 10 years in particular, but the working group felt that that time period is where the balance sat appropriately for what is reasonable. I cannot really take the member much further on that and say why other jurisdictions have left it open-ended. I suppose over a period, if someone had a historic control order from 30 or 40 years ago, how relevant might that be given the course of their life, when they might engage in a whole different set of potentially terrorist activities that are unrelated to what they might have been involved in? I trust that the experts who work in this area made a decision that 10 years is the appropriate measure in that regard.

Hon NICK GOIRAN: I suspect the parliamentary secretary would prefer to take a break from this topic; we might pick it up again at clause 4. Rather than ask a question now, I will flag my concern so that consideration can be given to it in readiness for when we get to clause 4. The parliamentary secretary helpfully drew our attention to the definition of “category 1 prisoner” at clause 4. The first of the three subcategories of a category 1 prisoner, as set out in paragraph (a), deals with, in the present tense, if you like, what I will refer to as a current terrorist. That is not the language used in the bill, but to be clear about who we are trying to capture under this subcategory of a category 1 prisoner I will refer to them as a current terrorist, because the clause states it is a person who “has been charged with, or convicted of, a terrorism offence”. I accept that obviously that is a person who has been charged but not yet convicted, and it is perhaps a leap to call them a current terrorist because that is yet to be proven; nevertheless, they are currently incarcerated and have been charged with a terrorism offence—present tense. It may also be somebody who is subject to an interim control order—that is, a current interim control order or a confirmed control order, which I understand to be, if you like, the next iteration of a control order. First there is the interim control order, and then ultimately there is the confirmed control order. In any event, it is a person whom the authorities currently consider to be a current terrorist.

In contrast, the second category of person is —

a prisoner who has been subject to an interim control order or a confirmed control order at any time ...

Are we really talking about a historical control order? Rather than use the terms “interim” and “confirmed”, for the purposes of this exercise, I will simply refer to them as a “control order”. It is a person who has been subject to a historical control order at any time in the period of the prisoner’s sentence or a period of 10 years ending on the day on which the prisoner’s current sentence begins or is taken to have begun. I am not asking that this question be answered now; this is being flagged in advance for consideration of clause 4. Is it not the point that we are sufficiently concerned about this prisoner with this historical control order that we will invoke this scheme for them that includes the presumption against early release? At some time in the last 10 years this prisoner was considered a terrorist. It is not apparent to me why we would no longer be concerned about that individual just because it happened to be 11, 12 or 15 years ago when the person was subject to either an interim control order or a confirmed control order. The fact is that there is a historical concern that this person is a terrorist, and it is more than a mere concern. It is a concern that has been elevated, at a minimum, to that of an interim control order, and quite possibly a confirmed control order. However, because more than 10 years has passed, we seem to no longer be concerned about that. It is not readily apparent to me why we would do that and why we would not instead allow the open-ended definition that appears to be in place, according, at least, to a quick perusal of this very useful jurisdictional comparator, in South Australia, Victoria and Queensland. It seems that those places allow historical control orders to be a factor, but in Western Australia we are interested in historical orders only if they happen to be fewer than 10 years prior. As I said, hopefully that outlines my concern. We can take that further when we get to clause 4 and we consider the definition of a “category 1 prisoner”.

I am keen for us to make progress on clause 1, so I simply have one further question to ask about this, as I say, very useful table that has been provided. Again, we are still dealing with page 3 of the category 1 table. The second-last

category deals with the decision-making authority. This once again demonstrates the benefit of this work having been done by whomever is responsible for it because we can very readily see that there is, once again, a divergence in the approach taken across our nation. I will deal exclusively with the situation for adults. In New South Wales, the parole authority will be the decision-making authority; in Queensland and Tasmania, it will be the parole board; and in Victoria, it will be the serious sexual and serious violent offenders' division of the board. I think the parliamentary secretary will agree with me that in each of those circumstances we are talking about more than one person. We are talking about a board or a division of the board. We can compare and contrast that with the situation in South Australia, in which it will be a presiding member of the board; in other words, just a single person. In the commonwealth's case, it will be the Attorney General. I raise this matter at this time because the parliamentary secretary will be aware from his earlier briefings on this bill that in Western Australia the decision has been made to vest quite a bit of the authority in one single person, which is the chairperson of the Prisoners Review Board or the Supervised Release Review Board, as the case requires. Noting the number of jurisdictions that have chosen to vest this authority in more than one person and the limited number of jurisdictions that have chosen to vest it in a single person, why was the decision taken to vest such an important decision in a single person, albeit the eminent chairperson of the review board?

Hon MATTHEW SWINBOURN: In the first instance, perhaps there should be a little bit of caution about the table itself and particularly the row that the member has pointed out, which, I think —

Hon Nick Goiran: The decision-making authority.

Hon MATTHEW SWINBOURN: Yes. I am told by the advisers, at least two of whom were, I think, significant contributors to the table, that the information there is of a general nature. It is not really as precise as it could be for each jurisdiction. Even though, on the face of it, the table might represent it being a group of people, in some cases it might not be. Even in the case of South Australia it says a presiding member of the board, but we do not know precisely whether that is a single person or multiple people. That is a bit of a caution about that particular row. The overall table, as the member has already indicated, is a significant piece of work, but in this instance that is the level of superficiality about it in one regard. With all due respect to the advisers; I am not calling them superficial.

Hon Nick Goiran: No. Understood.

Hon MATTHEW SWINBOURN: On the more important question, which is why Western Australia has picked only the chairperson to be the person who would receive that information, I think we have to understand it within the broader context of the type of high-level nature of the information that is being received, because that information is coming from WA police, which is also coming from the federal police and other federal government agencies. It is a question of how we can be as comfortable and as secure about what can be very critically sensitive information being as limited as it can possibly be in our jurisdiction so that that information could not possibly fall into the hands of a person who could use that against the Western Australian community and things of that nature. It is our view that the most senior and eminently qualified member of the board, for want of a better word to describe that authority that makes those decisions, is the appropriate person, particularly given the standing of the chairperson of those boards. That person has to be vetted at security levels. I think we could probably go to the appropriateness of the person receiving that information when we get to those stages of the bill. We just wanted to make sure that it was as limited as it could possibly be, and the most limited that it can be is a single person.

As the member knows, that board is made up of community representatives and a deputy chairperson. Those people might be absolutely the most outstanding citizens, but they can be on the board for different reasons because the role of the board is obviously not limited to the parole of terrorists; in fact, its role is extremely broad. Potentially vetting those people might end up excluding them from that role. If we can narrow it down to one person, that person will be absolutely assured in terms of who they are, what they are about, their appropriate security clearances and all those sorts of things. That is the policy decision that was made to limit it to one person. Hon Nick Goiran and I are both lawyers and, as lawyers, obviously, the rules of natural justice and procedural fairness are in our DNA. But, of course, in these parole decisions—we will come to that as well—there is an element whereby there is not a level of accountability that we would expect in other areas and points of the law. That is because we are talking about a special group of people who are not only already convicted of the offences for which that they are in jail—or detention if they are juveniles—but also because parole is a privilege in any event. It is not like bail. We are not talking about the same level of mechanisms and those sorts of things. As I say, we will probably have the luxury, therefore, of limiting it to single individuals in those circumstances.

Hon NICK GOIRAN: Thank you for that helpful explanation, parliamentary secretary. I understand the caution that has been taken by the government for sensitive information that will go before the chairperson when making this type of decision. That information will come from the Western Australia Police Force, but in total how many people currently serve on the Prisoners Review Board and on the Supervised Release Review Board? I am interested in that number because I am also interested to know how many Western Australian police officers will have access to that sensitive information? I do not make light of this. It is such sensitive information that a decision is being made here so that only the chairperson can see it. It would be making a mockery of this decision if we were to say only one person from the Prisoners Review Board can see it when thousands of police officers in Western Australia

have access to that same bit of information. I am not suggesting that thousands of officers would have access to it, but, by way of comparison, would the parliamentary secretary have that information at his disposal at the moment? It does not need to be the precise number. We do not need the precise number to get to the bottom of this, but how many people approximately serve on those two boards? As a comparator, how many Western Australian police officers will have access to this sensitive terrorist offence information data that will be provided to the board for a decision?

Hon MATTHEW SWINBOURN: I will start with the WA Police Force. I cannot give a precise number, but I am advised that fewer than 50 people in the Western Australian Police Force have access to the kind of counterterrorism information that will be captured by the bill. I am also advised that all of them will not have access to a lot of that information—that is, a piece of counterterrorism information. Within that group, I think the words that were used is that it is “grouped up”. There will be some “eyes only” things, so some people will see it and others will not. It is caveated and things like that. The police adviser used those words and I take them to be in their ordinary meaning. With that sort of figure, we are talking about fewer than 50 people among the 8 000 or 9 000 sworn police officers in Western Australia. We covered those numbers in an earlier debate; I cannot remember them precisely.

We are getting the numbers of the Prisoners Review Board now. There will be 21 appointed Prisoner Review Board members, plus the Department of Justice and WA police. There will be six members on the Supervised Release Review Board. The board is made up of fewer than 30 people altogether, so that is the comparison of the total number of people.

But to help the member and people following the debate, the members of the Prisoner Review Board are as follows—a chairperson, to be nominated by the minister and appointed by the government; at least two deputy chairpersons; as many community members as are necessary to deal with the workload of the board; as many officers of the public sector agency, of which the CEO is the chief executive officer, as are necessary to deal with the workload of the board; and as many police officers as are necessary to deal with the workload of the board. That figure will go up and down depending on the workload of the board. The minister must not nominate a person as the chairperson unless the person has served as or is qualified for appointment as a judge of the District Court of Western Australia; the Supreme Court of Western Australia or another state or territory; the High Court of Australia or the Federal Court of Australia; and, if the person holds judicial office, the person has consented in writing to being nominated. A person holding judicial office must retire upon being nominated as chairperson. An order giving effect to the decision made by the board is to be signed. I do not need to get into that.

But the Supervised Release Review Board will be constituted by the chairperson, who is appointed by the Governor; two persons appointed by the Governor who are to include at least one person who has an Aboriginal background and is appointed from a panel of persons nominated by the Aboriginal community organisations that have been invited by the minister to submit nominations; at least one person appointed from a panel of persons nominated by community organisations that have been invited by the minister to submit nominations—these members are to have such skills and experience with young persons as the minister considers appropriate—and one person with an understanding of victims’ interests and concerns appointed by the Governor; the chief executive officer by reason of the office; and a police officer nominated by the Commissioner of Police. Membership of the board is to include at least one male and one female. The chair is to be a person who is or has been a judge of the Supreme Court or District Court, or a person who is and has for at least eight years been an Australian lawyer. His Honour Allan Fenbury is the current chairperson. I have been advised that that has just changed.

Hon Nick Goiran: Yes; somebody has got it for an interim period, I think, and they are looking for a permanent placement.

Hon MATTHEW SWINBOURN: The former chairperson was His Honour Allan Fenbury, and I have been informed that it is an interim person in former District Court judge Kevin Sleight. I had not come to the other part that says that Mr Fenbury’s appointment ended in April 2022. We are in that phase at the moment. I hope that has been helpful for the member.

Hon NICK GOIRAN: I think that is very helpful to understand. What was particularly interesting was the reference to the fact that—I appreciate we are not working with precise numbers here, but as a general response—approximately fewer than 50 police officers will have access to this sensitive information. Helpfully, the parliamentary secretary was at pains to explain that not all those fewer than 50 police officers will have access to all the information; some of the information will be accessed, if you like, in tiers or in groups. The Commissioner of Police will obviously have access to all the information, because the bill refers to a police commissioner report. Again, I do not mind if it is an approximate number: how many police officers other than the commissioner would have access to all the information? In other words, when I say “all the information”, remember, the decision is being made at a policy level here to say that the only person from the review board who will be able to see this will be the very highly qualified eminent chairperson; that is one person who will get to see all the information. We know that the police commissioner will get to see all the information. How many other police officers—it will obviously be a figure fewer than 50; I imagine a much smaller number than 50—would have access to all the information that the police commissioner and the chairperson will have?

Hon MATTHEW SWINBOURN: The figure is not a precise one, because things change, and I do not want to be too precise in these things for obvious reasons, but about 10 to 12 people would have access to all the information. Those people are all people who will be involved in the preparation of the report that the commissioner would have to consider, so they will obviously have an integral role. They will all have the highest necessary level of security clearance. They are really the people who will be supporting the role that the police commissioner will have under the act. It is worth noting that the act provides for delegation from the police commissioner of his—eventually maybe one day her—functions to others. I will read from my notes. The bill provides delegation powers to provide that the Commissioner of Police may delegate the commissioner’s powers or duties under the Sentence Administration Act and the Young Offenders Act to a police officer who is or is acting as an officer of rank more senior than commander.

It is not surprising that we have a delegation of power given how busy the police commissioner is, but it will not be to every person. The delegation would occur to a specific person; therefore, not every officer more senior than commander would have access by virtue of the fact that there is a delegation power. It would be only to the person to whom the delegation occurs, who will be a person within the state security operations division, which is the part of the Western Australia Police Force that deals with these counterterrorism matters.

Hon NICK GOIRAN: I think all I can say at this point is that although it would be preferable to be able to properly compare and contrast how other jurisdictions deal with this with the decision-making authority, and particularly whether they invest in only one person or a group of individuals, in the absence of being able to do that—we have already deliberated on why that is—I think I can at least say that it is not unreasonable that the government is allowing only the chairperson to have access to this sensitive information, given just how few Western Australian police officers will ultimately have access to all that information. As I say, in circumstances in which we had—dare I say it—unlimited time to scrutinise these things, I would prefer to be able to see exactly what those other jurisdictions are doing, but that is something that would be better left for a parliamentary committee and we do not have that option available to us at this time.

I will move on to a different theme. The parliamentary secretary will recall during the second reading debate that we identified that the genesis of this matter was a COAG agreement. In particular, on 5 October 2017, in Canberra, there was a special meeting of the Council of Australian Governments on counterterrorism, and the communiqué of that meeting of 5 October 2017 referred to an agreement to ensure that there is a presumption against bail and parole. That, of course, is nothing new; we have already discussed that at some length during the second reading debate. However, what is interesting is that the communiqué goes on to say that there is an agreement to ensure that there is a presumption against bail and parole in agreed circumstances across Australia. What are those agreed circumstances?

Hon MATTHEW SWINBOURN: I have not had a chance to look at the communiqué that the member is referring to, but my understanding about the term “in the agreed circumstances” is that the circumstances were not agreed at the time, which was 5 October. In October 2017, COAG agreed to the development of a nationally consistent approach across the states and the commonwealth, and then in November 2017, as tasked by COAG, the Australia–New Zealand Counter-Terrorism Committee endorsed a set of principles to guide jurisdictions in the development of their legislation. That comes back to the four principles that I have previously outlined to the member, which I do not propose to read again, unless the member really wants me to, but it is essentially the presumption against bail and early release, high legal thresholds and the implementation of the presumption against bail and early release. Does that make sense? The communiqué obviously set out the initial headline theme, which is the presumption against bail and parole, and then the point that the member made about agreed circumstances, which were then worked through with the Australia–New Zealand Counter-Terrorism Committee in November 2017. It then came up with the four principles that were developed and categorised the agreed circumstances, which I think is being referenced there. We did not write the communiqué, so we are trying to thread these things together to provide the context.

Hon NICK GOIRAN: The second paragraph on the second page of the communiqué states —

At their last meeting, leaders agreed to ensure there will be a presumption that neither bail nor parole will be granted to those persons who have demonstrated support for, or have links to terrorist activities.

I will pause there for a moment. It is an interesting line in the communiqué, because it goes to my earlier point, and I will get to it when we get to clause 4, about historical orders. There is no reference there. Interestingly, the agreement is signed by none other than Hon Mark McGowan. We do not see any reference there to it being limited to a 10-year period. It is stated here that the leaders agreed that there will be a presumption that neither bail, which we have dealt with previously, nor parole, will be granted to those persons who have demonstrated support for or who have links to terrorist activities—those persons who have demonstrated support for or have links to terrorist activities, not necessarily in the last 10 years. It might have been 15 or 20 years ago, but, as I said, we will pick that up when we get to clause 4. It then goes on to state that on 5 October 2017, leaders agreed that legislation implementing the 9 June COAG decision will be underpinned by nationally consistent principles to ensure that there is a presumption against bail or parole in agreed circumstances across Australia. The parliamentary secretary has quite rightly drawn to my attention that a consequence of these decisions, and indeed this special meeting that

took place on 5 October 2017, was the creation of the Australia–New Zealand Counter-Terrorism Committee, which subsequently met. Annexure A of the intergovernmental agreement sets out the terms of reference for that committee. It subsequently met, and the parliamentary secretary has helpfully drawn to our attention that it determined the four principles, or something to that effect. It does not necessarily explain to us what the various jurisdictions had decided would be the agreed circumstances. It might well be the case, as the parliamentary secretary indicated, that they had not yet determined the agreed circumstance on 5 October 2017. I do not think those listed principles are necessarily the agreed circumstances either, particularly when we consider that this line in the communiqué seems to draw a distinction between the two of them. It states —

Today leaders agreed that legislation implementing the 9 June COAG decision would be underpinned by nationally consistent principles to ensure that there is a presumption against bail and parole in agreed circumstances across Australia.

It seems to be two different things. I accept what the parliamentary secretary is saying about the work of the committee, but is any other information available that might help to shed light on what was ultimately the agreed circumstances for the presumption against bail and parole? Again, by way of explanation, we want to make sure that the bill before us, which deals with the second phase—the parole phase—will actually implement the presumption in those agreed circumstances, and that we are not missing something.

Hon MATTHEW SWINBOURN: Unfortunately, I do not have a lot for the member because, although this did not happen donkey’s years ago, it was back in 2017. It is fair to say that the framework put in place was fairly broadbrush and did not particularise what each jurisdiction must do at each level; it was guided by those principles. The advisers think—they are not 100 per cent sure—that in relation to principle 1, the presumption against bail in early release orders, including parole, should apply to categories of persons who had demonstrated support for or links to terrorist activities. That is not settled. There must have been some work done after that to establish those particular categories, but at the table here we have not been able to put our hands on anything of more substance. The chronology was that the original meeting was in June 2017, the follow-up in October and by November the Australian counterterrorism committee had already set that framework, and the other states legislated not long after. Some legislated as early as 2018, going by the dates. The bills may not have been passed in those years that they are listed, but we presume it occurred not long after that.

Hon NICK GOIRAN: That takes me to my next point. The parliamentary secretary will recall that each of the states has implemented its amending legislation. The chronology provided has been helpful with the original meeting in the middle of 2017; a special meeting in Canberra, which led to the communiqué in October; and then the committee met in November to develop the principles—all in 2017. Presumably, sometime in 2017, South Australia passed its legislation, which commenced in February 2018; Victoria passed its legislation, presumably in 2018 and it commenced in November of that year; Tasmania did the same, albeit it commenced in December 2018; and Queensland and the commonwealth waited until the following year, 2019. Queensland’s legislation commenced on 11 April 2019 and the commonwealth’s commenced on 12 December 2019. The curiosity in all this is that New South Wales had done all of this before there was even an agreement, because according to the table, its Terrorism Legislation Amendment (Police Powers and Parole) Act commenced in June 2017, so New South Wales must have had a crystal ball and understood what was going to be agreed to in October and ultimately by the committee in November. That said, was there an agreed time frame in which all this needed to be actioned?

Hon MATTHEW SWINBOURN: There was no agreed time frame. To put it in my words, it was as soon as jurisdictions could get it done, but that was not an explicit agreement. To add context, Western Australia, touch wood, has a different environment from Victoria and New South Wales with home-grown terrorism. The imperative for those states to have these laws in place was much more pressing than here. We are fortunate that is the case. That does not mean it is not important for us to get on and do it, but it gives us more breathing space. From a legislative point of view, they have been driving the agenda and been more innovative with the laws—I am only speculating with New South Wales, but it had the terrorist attack in 2014 with the Lindt Café siege in which the individual was on bail, not parole. The second reading speech also mentioned the circumstances in Victoria where an individual was on parole and engaged in a terrorist act. Unfortunately, they are more at the coalface on this issue than Western Australia. Again, touch wood, we are fortunate in Western Australia that we do not have the same pushes happening in our community that make it as imperative as it is for those states; nonetheless, it remains extremely important.

Hon NICK GOIRAN: On the surface, I agree with the parliamentary secretary, albeit it is probably only those 12 or so police officers who have access to all of that information, including the police commissioner, who will probably be well apprised and able to give an opinion on the state of affairs in our own state. Nevertheless, I note that every other jurisdiction had attended to this, including the commonwealth, by no later than the end of 2019. More than two full calendar years have passed since that time and Western Australia has not brought its legislation into effect. No doubt, of course, as I have heard many times from the McGowan government, it will all be because of COVID-19. It is interesting that every other jurisdiction in Australia managed to do this before the arrival of the coronavirus, but not Western Australia. We decided to wait until such time as the pandemic arrived. I know that will be part of the explanation that is provided by the government, amongst other things, including that very

important bill that had to pass the Parliament to ensure that it would be as difficult as possible to extend Roe Highway through the Beeliar wetlands—a project this government has absolutely no desire to undertake. That was more important than this bill, interestingly enough. The real question here is: how many Western Australian prisoners will be captured by the bill that is currently before us?

Hon MATTHEW SWINBOURN: I am advised that in Western Australia no-one has been charged with a terrorism offence as defined in the bill. There is, however, one person who is an adult who has been charged with offences of advocating terrorist acts. That person is currently before the courts and is on remand. Under the provisions of the bill, if this person is convicted and was to become subject to a Commissioner of Police report, the person would then fall under the definition of a prisoner with links to terrorism. There are currently no prisoners or detainees sentenced for commonwealth offences related to terrorism in Western Australia and there are no prisoners or detainees on early release who fall under the definition of a prisoner with links to terrorism. There is also currently one adult person who is subject to a commonwealth control order.

Hon NICK GOIRAN: Is that the parliamentary secretary's way of saying that if this bill had been introduced two years ago—let us say at the later end of when all the other jurisdictions brought theirs in—at the end of 2019, there would be no prisoner who would have been released in the last two years as a result of this legislation not being in place because there is currently no-one in Western Australia charged with those particular offences or detained for a commonwealth offence? The parliamentary secretary mentioned that there is one control order individual. I am trying to ascertain that no-one has had an early release from prison in the last two years who otherwise would have been captured by this bill.

Hon MATTHEW SWINBOURN: The short answer is no; there was not anybody in that regard. There is a qualification and I take the member back to clause 4, which will be the amended definition section, and the definition states —

prisoner with links to terrorism means —

- (a) a category 1 prisoner; or
- (b) a category 2 prisoner who is subject to a Commissioner of Police report; or
- (c) a prisoner who —
 - (i) is subject to a Commissioner of Police report; and
 - (ii) the Board as constituted by the chairperson alone is satisfied, having regard to the report, has made statements or carried out activities that support, or advocate support for, terrorist acts;

That is a discretionary exercise of that particular power. We do not know of anyone who has fallen within that category, but we could not exclude the absolute possibility that there was someone. It is highly improbable and unlikely, but it is within the realms of possibility that someone may have fallen within that discretionary thing. However, we do not have any information from the police advisers to suggest that somebody would have fallen within that category.

Hon NICK GOIRAN: That is fair. In 2017, the government agreed to better integrate security-cleared state and territory corrections staff with joint counterterrorism teams as part of this agreement. Is the parliamentary secretary in a position to advise us what has been done on that?

Hon MATTHEW SWINBOURN: Part of the member's question relates to the corrective services side of things. Although I am here in the capacity of Parliamentary Secretary to the Attorney General, I am also the Parliamentary Secretary to the Minister for Corrective Services, but I have no advisers in relation to —

Hon Nick Goiran: So you are an expert in both fields!

Hon MATTHEW SWINBOURN: Hardly. I am subject to advice in both fields, but I do not have corrective services advisers with me to be able to answer some of the specifics that the member has asked about that relationship. However, the police adviser whom I have with me has indicated that they work regularly with corrective services on a number of very high level issues. What I can do is give Hon Nick Goiran some information about the joint counterterrorism team model and how it works in practice, if that will be of any assistance to him.

Hon Nick Goiran: Yes.

Hon MATTHEW SWINBOURN: Joint counterterrorism teams, or JCTTs, are established in each state and territory and comprise Australian Federal Police, state or territory law enforcement, the Australian Security Intelligence Organisation—otherwise known as ASIO to its friends—and other government agencies as per each jurisdiction's arrangements. The WA Police Force is the mainstay agency represented on the Western Australian JCTT. The JCTTs provide a coordinated and consistent approach to combating terrorism. Specifically, the JCTTs conduct threat-based preventive investigations with a view to utilising a variety of measures to minimise threat and risk and/or bring criminal prosecutions for breaches of terrorism legislation. Comprehensive governance arrangements

are in place in the form of a national memorandum of understanding for the operation of JCTTs to ensure that there is a coordinated response to terrorism within and across the jurisdictions in accordance with the national counterterrorism plan. This bill will support the effectiveness of the JCTTs by ensuring that the presumption against early release legislation does not create individual roles or impose obligations that may be counterproductive to those special arrangements. The bill introduces provisions to ensure that classified terrorist intelligence information that may relate to the investigation decisions and risk assessments of JCTTs is appropriately protected when determining whether an early release order should be granted.

Hon NICK GOIRAN: Will the sensitive information that we discussed earlier that ultimately makes its way to the chairperson through the Commissioner of Police come from the Western Australia Joint Counter Terrorism Team?

Hon MATTHEW SWINBOURN: That information could come from the JCTT, but I am advised that the WA Police Force generates its own intelligence through its own work. The information that is produced in the commissioner's report could have the JCTT information, but it also might have unique Western Australia Police Force intelligence information. The Western Australia Police Force work agency to agency, so it might come from the Australian Border Force or even Fisheries. I am surprised about that element. The police collect that information and our own people analyse it and make sure it is assessed appropriately. The short answer to the question is that the JCTT is an information source, but it is not the only one.

Hon NICK GOIRAN: The Western Australia Police Force, as the parliamentary secretary indicated—this might not be the phrase he used—is what I would describe as the key agency in the Western Australian arm of the Joint Counter Terrorism Team, which consists of the AFP, ASIO and WA police. Why would the Western Australia Police Force have any sensitive information about terrorism that it would keep to itself and not provide to the Joint Counter Terrorism Team?

Hon MATTHEW SWINBOURN: It does not happen that way. The information is shared. It is just about the source of that information. The point I was making is that the Western Australia Police Force might be the source of its own counterterrorism information but that information is absolutely being shared with those other agencies because of the risks of siloing information and then not being able to make an appropriate response. I can understand where we ended up, but it is not the case that we have our stuff and we are keeping it away from these other agencies.

Hon Nick Goiran: It just originated from WA?

Hon MATTHEW SWINBOURN: That is right; that is the source.

Hon NICK GOIRAN: That is fair enough. The parliamentary secretary mentioned three agencies in the Western Australian context—ASIO, WA police and the AFP. Is no role played by the Australian Defence Force in these counterterrorism organisations?

Hon MATTHEW SWINBOURN: I do not know whether the ADF is an intelligence-gathering organisation in the same way that the Australian Security Intelligence Organisation, Australian Border Force and Australian Federal Police are. The ADF tends to act on the information that is provided. It is not a police force, if I can put it that way. It may have intelligence-gathering things. This is not completely unrelated but my colleague the member for Darling Range, Hugh Jones, was in the Navy for 30 years. His first job was a Morse code eavesdropper, so, as he tells me, he used to sit off the coast of Indonesia listening to Morse code as they communicated between islands, so, yes, the ADF does collect intelligence. One of the other key agencies is the Australian Signals Directorate. A range of agencies fits in there. We covered ASIO, the Australian Federal Police, Australian Border Force and the Australian Signals Directorate. I do not know of any more, but I think that covers it.

Hon NICK GOIRAN: The communiqué also refers to a further three phases to deliver nationally consistent support and treatment referral frameworks. Has this been done, because it is one thing for us to create a presumption against early release? As important, as I identified in my second reading contribution, is the support and treatment frameworks. The communiqué does refer to three phases. Have one or more of these phases been implemented?

Hon MATTHEW SWINBOURN: I do not have information on what the three phases are because it cuts across agencies or involves agencies that are outside the remit of the advisers I have here. For example, I have been advised that another body of work on counterterrorism stuff is being run through the Department of the Premier and Cabinet. We are not privy to what it is doing with those particular things. It does not come strictly within the four walls of the bill that we are dealing with here. I am not trying to fob the member off or anything like that. It is just that this is a much larger issue than the bill before us now. As the member knows, we did the bail stuff a couple of years ago. We are trying to do the parole stuff today and other work is continuing within government to deal with other elements of counterterrorism.

Hon NICK GOIRAN: Perhaps in order to make progress, depending on how we go between now and the end of the evening, in the event that we do not fully complete the Committee of the Whole phase, might that be something that could be considered overnight? Then the parliamentary secretary could inform the chamber what the situation is with those three phases. If the parliamentary secretary could give that some consideration, I will leave it at that.

On the issue of consultation, who within government was consulted on the bill before us and which stakeholders outside government were expressly consulted on this matter? I imagine agencies like the Western Australia Police Force and indeed the Australian Federal Police and perhaps also the Australian Security Intelligence Organisation might have been consulted. If the parliamentary secretary can give us a list of the stakeholders consulted, he will appreciate the question that will flow from that about the issues that were drawn to the government's attention by those stakeholders.

Hon MATTHEW SWINBOURN: Consultation on the development of the bill was coordinated by the Department of Justice through a Western Australian interagency working group established to implement the Council of Australian Governments agreement. The working group comprises representatives from the Department of the Premier and Cabinet and advisers from the State Solicitor's Office, the Western Australia Police Force and the Department of Justice. The working group includes members with experience in legal policy and counterterrorism policy and operations. In October 2020, the Department of Justice consulted with the Chief Justice of the Supreme Court of Western Australia, Hon Peter Quinlan, and the Solicitor-General. They were given an opportunity to consider a consultation draft of the bill. The Solicitor-General advised that the proposed amendments did not raise any constitutional difficulties. The Legal Aid Commission of Western Australia was provided with an earlier cabinet comment and then later, in October 2020, advised that it would not be making any further comment on the bill.

The chairperson of the Prisoners Review Board and the Supervised Release Review Board queried whether it was appropriate that the Attorney General or Minister for Corrective Services intervene to ensure that the board's annual reports did not contain protected or sensitive information. The chairperson's concerns were considered by the working group, which was of the view that the bill's provisions in relation to annual reporting were appropriate due to the potential sensitivity of the contents. The chairperson has no further issues with the final bill.

The Director of Public Prosecutions provided feedback on the bill in relation to disclosure of Commissioner of Police reports that could contain terrorist intelligence information. The DPP was of the view that this was best addressed in the Criminal Procedure Act 2004 by providing that Commissioner of Police reports were not disclosable in the absence of a court order. The interagency working group did not support a blanket exemption from disclosure for such reports but was of the view that it was sufficient to provide specific protections for terrorist intelligence information that exists within such reports. In implementing the bill, the Western Australia Police Force will work with the DPP to help devise appropriate processes to alleviate any disclosure concerns.

In relation to consultation with the Chief Justice of the Supreme Court, as the member knows, it is not the practice to disclose the nature of those consultations, given that he is an independent judicial officer. We have had that debate a number of times. The member might also then need to ask why there was not wider consultation —

Hon Nick Goiran interjected.

Hon MATTHEW SWINBOURN: I know that. I am not trying to agitate the points, member.

Hon Nick Goiran: I still do not see why he cannot be asked if he is happy to have his feedback provided.

Hon MATTHEW SWINBOURN: Yes. As I said, I am not here to agitate the points that we have already debated exhaustively, but I can indicate that he was consulted or provided with that draft, as I said previously.

The question might be asked why there was not wider consultation with stakeholders such as the Law Society. The bill was subject to extensive consideration by the interagency working group. This working group was led by the Department of Justice. We are of the view that the working group had the required knowledge and expertise to properly inform the development of the bill. The working group made the decision to consult beyond its membership to test issues around the operationalisation—that is a terrible word—and implementation of the bill. The Department of Justice therefore consulted with Hon Peter Quinlan, Chief Justice of the Supreme Court; the Solicitor General; the chairperson of the Prisoners Review Board; and the Director of Public Prosecutions. There was also significant internal consultation within the department, in particular with the corrective services branch. The working group agreed that this was sufficient consultation, in that it was tasked with coming up with the best way to implement the principles agreed to at the national level, utilising the existing Western Australian parole structures and legislation as a base. For this reason, external consultation was not considered necessary. As far as I am aware, since the bill was introduced in Parliament on 18 August last year, legal stakeholders have not raised any concerns about the bill.

Hon NICK GOIRAN: I thank the parliamentary secretary for that comprehensive explanation of the consultation, but, to be clear, was there no consultation with the Australian Federal Police or with the Australian Security Intelligence Organisation, notwithstanding the fact that they are members of the task force that we discussed earlier?

Hon MATTHEW SWINBOURN: No, member, they were not consulted. That is on the bill itself, obviously.

Hon NICK GOIRAN: The other key members of the joint counterterrorism team were not consulted about the bill, for reasons unknown. Was the Commissioner for Children and Young People consulted about the bill?

Hon MATTHEW SWINBOURN: No, member.

Hon NICK GOIRAN: I might take up the issue of the presumption against children who were released early and the lack of consultation with the Commissioner for Children and Young People a little later, but in the interim, the parliamentary secretary mentioned that Legal Aid had a comment to make about the bill. What was the comment?

Hon MATTHEW SWINBOURN: The comments that Legal Aid made were made at the cabinet-in-confidence stage, so I cannot go into it in any detail because of that, but I can say that it was at the early stage of the development of the bill.

Hon NICK GOIRAN: Without disclosing what the comment was, is the parliamentary secretary in a position to indicate whether the issue that was raised remains in the bill or whether it has been addressed?

Hon MATTHEW SWINBOURN: I am advised that it was addressed to the satisfaction of everybody.

Hon NICK GOIRAN: The other issue is the parliamentary secretary indicated that the Director of Public Prosecutions provided some advice to the government on the consultation that was undertaken with her, and that advice included that disclosure provisions would be best dealt with by way of an amendment to the Criminal Procedure Act. When we turn to the bill before us, as is the way, the long title helpfully sets out the acts that will be amended, one of which is the Criminal Procedure Act 2004. That is dealt with in part 4 of the bill, specifically at clauses 41 to 43. To what extent do those clauses address the recommendation of the Director of Public Prosecutions?

Hon MATTHEW SWINBOURN: If I can put it this way, the DPP wanted a blanket exclusion against disclosure, whereas the working group's decision and the ultimate policy decision was that there should not be a blanket exclusion and that the DPP should make an application to the court for the exclusion. It is a matter of where the onus rests when that happens. Does the member understand what I am saying? The working group did not agree with the Director of Public Prosecutions, so we cannot ask where it is in the act, because we did not adopt the position taken by the DPP on this point of view. However, the position that was taken is dealt with in the clauses the member highlighted in part 4, which is that an application must be made by the DPP for non-disclosure to the judge and then the judge will say that, yes, they agree that there should be no non-disclosure of the Commissioner of Police's report or parts of the police commissioner's report, as opposed to the defence making the application to justify it. Does the member see where I am coming from?

Hon NICK GOIRAN: Yes. Are we talking about circumstances in which a subsequent charge is being prosecuted by the DPP and that pursuant to the disclosure requirements for the subsequent charge, there will be some contention about whether a historical Commissioner of Police report needs to be disclosed?

Hon MATTHEW SWINBOURN: Yes, member.

Hon NICK GOIRAN: It is just very interesting. Let us keep in mind that a policy decision was made earlier that the information in the Commissioner of Police report is so sensitive that only one person on the review board can see it—that is, the chairperson. No-one else will be allowed to see it, only the chairperson. Remember, we discussed how few police officers have access to this supersensitive information. I stressed previously—not making light of this very serious matter—that it seems odd that the Director of Public Prosecutions, the most senior prosecutor in Western Australia, must come to government to say that we should therefore have a blanket ban and the government saying, “No. You need to go and apply to the court.” Now I am making a little light of it, that is effectively saying to the DPP, “Good luck. Cross your fingers and hopefully you will succeed before the court.”

I have to say I have a fair degree of sympathy for the proposal that has been put forward by the DPP. If this information is so sensitive, what is the rationale for effectively rejecting her seemingly reasonable proposal to provide a blanket ban and instead creating a possible loophole, a possible gap, whereby some of this sensitive information will become available? The parliamentary secretary is probably already preparing his answer along the lines of, “We will leave that to a learned judge to make that decision.” Yes, I understand that, but we will now, once again, be allowing another cohort of individuals to have access to information. It will not be only the judge who will be able to see it; people within the court system will have access to this while the judge is considering the matter. At the very least there will be associates, orderlies and the like. We will now be expanding the group or cohort or class of persons who will be able to see the sensitive information. That seems counter to the policy that was made earlier and it is in circumstances in which the DPP has expressly suggested that there should be a blanket ban on disclosure.

I also accept that the parliamentary secretary indicated that the working group, comprising individuals from the Department of Justice, the Department of the Premier and Cabinet, the State Solicitor's Office and Western Australia Police Force, had, shall we say, subject matter experts driving all this. With all due respect to those individuals, a recommendation from the DPP does not necessarily have to be accepted in each instance, but to say that very few people should see information on something on which the government has already made a policy decision potentially looks like someone has missed something. Was the proposal that was put by the DPP for a blanket ban considered by any of the other stakeholders other than those on the working group?

Hon MATTHEW SWINBOURN: The member asked whether the issue raised by the Director of Public Prosecutions was considered by stakeholders other than the working group. I can confirm that only the working group considered the issue.

Hon NICK GOIRAN: I say with the greatest of respect to those involved that I think that that was a mistake. I think that the working group, on reflection, should have put the proposal by the DPP to the Solicitor-General and to the Chief Justice. As per the usual McGowan government's approach, we know that the feedback from the Chief Justice is always secret, almost as secret as some terrorism information. Nevertheless, if we are going to consult some eminent minds on the bill and if one of them provides what seems on the face of it to be a very reasonable recommendation, it would be odd not to go back to the others and ask whether they agreed with Amanda Forrester. If the majority of those external stakeholders had come to a different conclusion, I would understand why the working group had to weigh up those matters. But I find it odd just to dismiss it and not consult any of the others. With respect, I doubt—I know the parliamentary secretary is not going to be able to tell me—that this matter was actively considered by the cabinet. I cannot imagine that there was a specific deliberation on the cabinet table saying that Amanda Forrester says that there should be a blanket ban on this disclosure and that there was a forthright debate around the cabinet table, with the Attorney General specifically urging his colleagues to reject the DPP's recommendation. I doubt any of that happened. I suspect, even though the parliamentary secretary is not going to be able to tell me, that the only people who have thought about this are the hardworking working group who have done a great job on this bill and its preparation and ourselves now. I do not think that anyone else has thought about this issue.

I will move on to the next topic, but given that I suspect it will be tough for us to move from where we are at the moment on clause 1 through the remainder of the bill—specifically to part 4, which deals with the Criminal Procedure Act 2004, clauses 41 to 43—in the next 30 minutes, I implore the government to reconsider this recommendation by the Director of Public Prosecutions during any short adjournment that we might have. Ultimately, the government will do whatever it wants to do. It may want to stand by the working group's decision, which is set out in this bill. But if the government, on reflection, were to move some form of amendment to address this and implement what the Director of Public Prosecutions suggested, I foreshadow that it would receive our support. I encourage the government, with all goodwill, to reconsider that particular issue. As I say, without wanting to labour the point, it seems counter to the policy decision to make sure that the smallest number of individuals have access to this highly sensitive information to then, I would say, open a gap whereby other individuals will have access to it. I mentioned earlier the judge and those within the court process, but of course there will be the Director of Public Prosecutions and its staff, too. The number of people has doubled just by virtue of the fact that the DPP's recommendation has not been accepted.

Moving on, I want to deal with one of the last themes in clause 1, and that is the issue of the presumption against early release for children. The bill will create a presumption against early release for children. I acknowledge that when the parliamentary secretary gave us some information earlier about the number of prisoners or detainees in Western Australia who might be captured by this bill, the indication was, in accordance with my notes, that no Western Australian had been charged with a terrorism offence, but one adult had been charged with some form of offence of advocating for terrorism. I think, by the sound of things, that is presently before the courts. There are no, shall I say, commonwealth prisoners relevant at this time and one person, who, I have assumed until now, is not a child, is subject to a control order. In the absence of further information —

Hon Matthew Swinbourn interjected.

Hon NICK GOIRAN: Yes, an adult. Very few people will be captured by this bill and, in any event, they will all be adults. I can understand in those circumstances how it could easily be forgotten to consult with key stakeholders, not the least of whom is the Commissioner for Children and Young People, about a very important principle that will impact children. The parliamentary secretary has already confirmed that the commissioner was not consulted on this bill. Again, with respect to the working group, I think that was a mistake. That said, were any of the stakeholders who were consulted specifically asked to give consideration to applying the presumption against early release for children; and, if so, what did they say?

Hon MATTHEW SWINBOURN: No, there was no specific consultation around the particular issue that the member has raised; that is, they did not specifically point out that this would affect the presumption against early release for children. The consultation was on the bill in its entirety, once it was being drafted or in the lead up to the drafting instructions and things like that, but stakeholders' attention was not specifically brought to a particular point such as the one the member identified.

Hon NICK GOIRAN: Is it fair to say that notwithstanding the fact that New South Wales has had its legislation in place for more than four years now, there was no express consultation with New South Wales to identify how the legislation has been working and, in particular, how it has been working with children?

Hon MATTHEW SWINBOURN: No, member.

Hon NICK GOIRAN: To finish off on clause 1, I want to deal with the issue of rehabilitation programs. Once the bill passes, we will have this presumption against early release. That presumption has the support of the opposition, but we would like to have some assurance or confidence about what the government intends to do with these individuals while it does not allow them out on early release. While it continues to detain them, are there going to be special programs in place? I accept that I have already asked the parliamentary secretary to take on notice the question of what, if anything, is happening with the further three phases that were announced in the communiqué

about nationally consistent support and treatment referral frameworks, and I accept that that information may come forth over the next day or so, but I also want to note that given that we do not currently have any child detainees who would be captured by this legislation, which is a good thing, I think it is reasonable to assume—this is not a criticism of the government—that it does not have any current rehabilitation programs for children charged with terrorist-related offences. I doubt very much that the government has a ready-made program to address that situation, given the lack of numbers. If I am wrong about that, I would welcome information about any such program that is effectively ready to roll out when the first such detainee exists. I also accept that there are very few adult detainees. I think the parliamentary secretary indicated that one person is currently before the courts with what I am referring to as an advocating charge, and another is subject to a control order. Nevertheless, that appears to be two separate adults whom I assume would be captured by this legislation. What types of programs are in place at the moment to identify, manage and rehabilitate people charged with terrorist-related offences within our adult corrections facilities?

Hon MATTHEW SWINBOURN: As the member can appreciate, the willingness of anyone in prison to participate in these kinds of programs is entirely up to them. We cannot compel them to do the programs and whether or not they have completed them can obviously affect whether or not they are released. I have been advised that there are programs in place. There is a countering violent extremism program that Western Australia Police Force is involved in. It is not really aimed at those who have been charged with or convicted of terrorism offences, but those who are at risk. The police are reaching out to them, and some of them are children; there have already been two young people working with police to try to —

Hon Nick Goiran: Is this some kind of preventive program?

Hon MATTHEW SWINBOURN: Yes, it is a preventive program in the first place, which is obviously much better than a back-end program when the damage may already have been done. That is happening, and there are people who have experience in deradicalisation from the front end, but there are some more specific things here. It is important to note that prisoners and young offenders with these ideologies are not prevalent in the Western Australian custodial environment at this stage—I think the member has acknowledged that—but this could, unfortunately, change in the future. Corrective Services staff have been educated in terrorism and radicalisation through training targeted at ideological, political and religious reasoning. For example, there is an online radicalisation and extremist awareness training program available so that frontline officers can be prepared to identify offenders who may be radicalising to violent extremism. The radicalisation and extremist awareness program is the department's primary tool for raising awareness of radicalisation and violent extremism in corrections environments. The training supports staff to recognise, respond to and report concerns about offenders potentially radicalising to violent extremism, and helps staff recognise core indicators that suggest that a person is developing extremist views. There is no single path that an individual takes to violent extremism, but community corrections officers are uniquely placed to identify these indicators through their work with offenders. The purpose of the training is to help staff identify a person who may be radicalising to violent extremism and to support staff responding to and reporting those concerns.

An additional question might be: how do we prevent radicalisation and violent extremists from being organised by prisoners or young offenders with links to terrorism in the custodial environment? Terrorism and radicalisation in Western Australia at the present time is not common, as I have already said. However, if a prisoner were to be brought into custody for terrorism offences and consequently had the potential to radicalise others, there is an option to separate and place such a prisoner into the special handling custodial unit at Casuarina Prison to remove the prisoner from the general population and address the risk. The special handling custodial unit can accommodate prisoners who meet these types of thresholds, and provides the federal and state governments with options to separate and isolate prisoners suspected of, or charged or convicted with, acts of terrorism or radicalisation. Additionally, the department has pathways in which a prisoner or offender can be referred to the countering violent extremism program.

I have spoken about this but I will go into what is in front of me for the sake of completeness. The program provides individually tailored case management support. I talked about the preventive aspects, but I will talk more directly to the member's question about how we deal with the person who is in prison and already radicalised or on the path to radicalisation. This program provides individually tailored case management support such as mentoring, coaching, counselling, and education and employment support to individuals who are considered at risk of becoming or who are already considered to be violent extremists. The program works with the individuals to reduce the risk they pose to themselves and the community and builds resilience to negative influences. I can never get that word right—it is getting late and I have had a very long day. The WA Police Force receive referrals for this program and assess whether the individual or individuals are suitable. It is possible for the countering violent extremism program to be made available to individuals within the custodial environment in the future if it is required. The department is currently consulting with the WA Police Force regarding raising awareness and developing and improving processes in regard to this program. It is also worth noting that the federal government recently announced new funding for a national rehabilitation program to help rehabilitate and reintegrate extremists who are already in custody.

It is fair to say Western Australia does not have a significant cohort of these people, like Victoria or New South Wales, which have a number of people who are already convicted of these terrorism type offences who are in the prisons and will eventually come up for parole and which have these sorts of programs. In the event—again, touch

wood we do not—we have people who are charged or convicted of terrorism or become radicalised, we have these mechanisms in place but we also have access to our federal and state counterparts to move these things forward. We do not have a team of people sitting around waiting for these things to happen, because that is not how government works, but in the event it happens, we have mechanisms in place to help us address that.

Hon NICK GOIRAN: I notice that this bill has no specific review clause. The two primary acts that will be amended are the Sentence Administration Act 2003 and the Young Offenders Act 1994. Do both those acts already have an existing statutory review clause that will capture any review of the amendments before us?

Hon MATTHEW SWINBOURN: Section 122 of the Sentence Administration Act already requires the minister to review the operation and effectiveness of the act every five years. The provisions in the bill relating to persons with links to terrorism, if passed by Parliament, will be reviewed as part of the regular review process. In contrast, the Young Offenders Act 1994 does not currently provide for a statutory review to be done. Accordingly, the bill will require the minister to review the operation and effectiveness of those provisions relating to offenders with links to terrorism—in other words, division 2A—to be reviewed every five years. This is covered off in what will be section 150G, which is on page 40 of the bill. Does the member have that in front of him?

Hon Nick Goiran: The review of the division?

Hon MATTHEW SWINBOURN: Yes. Proposed section 150G states —

- (1) The Minister must review the operation and effectiveness of this Division, and prepare a report based on the review —
 - (a) as soon as practicable after the 5th anniversary of the day on which the *Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021* section 36 comes into operation; and
 - (b) after that, at intervals of no more than 5 years.

Hopefully, this addresses the member's regular concerns about the review provisions. Although there is no statutory requirement to do so, the minister, at his discretion, can review the operation of the Young Offenders Act 1994 at any time, which is obviously true of any act, I suppose.

Clause put and passed.

Clause 2: Commencement —

Hon NICK GOIRAN: Not for the first time in this forty-first Parliament, clause 2 provides that the rest of the act should come into force on a day fixed by proclamation. Why is that decision being made by government?

Hon MATTHEW SWINBOURN: Clause 2(a) provides that part 1 will come into operation on the day on which the act receives royal assent. Clause 2(b) provides that the rest of the act will commence operation on a day fixed by proclamation. The delay in commencement is to ensure that any required administrative arrangements, including updating Western Australia Police Force and corrective services computer systems to identify persons with links to terrorism and establishing the Prisoners Review Board procedures and training on the new processes, are all undertaken before the new regime commences. To ensure adequate time to prepare, it is expected that the legislation will commence within three months of royal assent.

Hon NICK GOIRAN: Notwithstanding the fact that there is one adult who is currently before the courts on an advocating charge and one adult on a control order, there will be a need to update computer systems and undertake training, which might take three months. It seems a little odd only insofar as it was readily ascertainable for the parliamentary secretary, through his hardworking advisers, that there are only two people who can possibly be captured by this at the present time, so it does not seem that there needs to be too much computer system updating. Nevertheless, the parliamentary secretary is indicating that it will become operational three months from when the bill receives royal assent.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 4 amended —

Hon NICK GOIRAN: Clause 4 amends section 4 of the Sentence Administration Act 2003 by inserting a number of new definitions into that act. We have previously touched on the new definitions of a category 1 prisoner and a category 2 prisoner. The parliamentary secretary mentioned earlier that one adult who is currently before the courts has been charged with an offence and that there is also a person who is the subject of a control order. Are both of those people therefore category 1 prisoners?

While the parliamentary secretary is taking further advice on that, I might rephrase the question to ask whether the person who is currently before the courts—he or she—is a category 2 prisoner. I think the parliamentary secretary indicated earlier that they are charged with advocating terrorism. Is the person who is subject to a control order a category 1 prisoner? All of which is to say that at the present time we have one category 1 prisoner and one category 2 prisoner.

Hon MATTHEW SWINBOURN: We just want to get some of this squared away because obviously the person who has been charged has not been convicted, so therefore to some degree we could be speculating which category they fall under.

Hon Nick Goiran: The category 2 prisoner, as defined on page 3, has been charged —

Hon MATTHEW SWINBOURN: If the member lets me continue, he has been charged but not convicted, so he is not a prisoner; he is on remand.

Hon Nick Goiran: I know, but that is the definition.

Hon MATTHEW SWINBOURN: Yes, okay. He has been charged.

Hon Nick Goiran: It is interesting language, I agree.

Hon MATTHEW SWINBOURN: Yes. He falls within category 2, if I can put it that way, because he has been charged with an offence against the commonwealth Criminal Code, section 80.2C(1), which is advocating terrorism. The point I am trying to make is that regardless of whether he is guilty or not guilty, he would be under that particular category theoretically and practically if he gets the conviction; I presume it is a he. In relation to the control order, I think we might leave it there noting the time.

Progress reported and leave granted to sit again, on motion by Hon Matthew Swinbourn (Parliamentary Secretary).

**COVID-19 RESPONSE LEGISLATION AMENDMENT
(EXTENSION OF EXPIRING PROVISIONS) BILL 2022**

Receipt and First Reading

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

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [9.48 pm]: I move —

That the bill be now read a second time.

Western Australia is experiencing its most significant COVID-19 outbreak with the current Omicron wave that reached the state earlier this year. Today, on 10 May, we have reached our highest daily number of new cases, with 12 390. The Western Australian government has responded to the global pandemic and the developing outbreak with several measures to keep Western Australia safe, keep people in jobs and minimise the disruption that COVID-19 brings to the wider community. Some of those measures have relied on the emergency powers introduced by the Emergency Management Amendment (COVID-19 Response) Act 2020 and higher penalties for serious assaults and threats against public officers committed in the context of COVID-19 introduced by the Criminal Code Amendment (COVID-19 Response) Act 2020. I will refer to these collectively as the COVID-19 response amendment acts.

Honourable members may recall that the COVID-19 response amendment acts included sunset clauses with the intent of limiting the operation of certain emergency powers and the penalty provisions to the duration of the COVID-19 pandemic. The sunset dates were initially set for 12 months after the day on which the COVID-19 response amendment acts received royal assent and have been extended three times by the Western Australian Parliament to 4 July 2021, 4 January 2022 and 4 July 2022. This bill will extend the operative provisions of the COVID-19 response amendment acts by a further six months to 4 January 2023.

Before I turn to the detail of the bill, I will outline the specific provisions that are subject to the sunset clauses and will explain why it is important that the operation of each is extended to ensure that the state can continue to respond appropriately to COVID-19. The Emergency Management Amendment (COVID-19 Response) Act 2020, amongst other things, introduced new section 72A into the Emergency Management Act 2005. This provides a catch-all power that enables a hazard management officer or authorised officer to effectively manage the response to an emergency. It includes the ability to direct a person or class of persons to take any action the officer considers reasonably necessary to prevent, control or abate risks associated with the emergency. Section 72A also contains important information-gathering powers. Pursuant to sections 2(c) and 10 of the Emergency Management Amendment (COVID-19 Response) Act 2020, section 72A will be deleted from the Emergency Management Act 2005 on 4 July 2022. On the sunset date, any existing directions that rely on section 72A will no longer be valid as there are no transitional provisions to continue the operation of those directions. Further, section 72A will not be available for making new directions.

It is important that the section 72A powers continue to be available to government for the immediate future. This is whilst Western Australia adjusts to living with COVID-19 and with the possibility that protective measures may need to be re-established to manage further outbreaks of new variants. Section 72A has supported measures such as the controlled border, which is not presently being applied. Initially, the purpose of the controlled border was to prevent the importation of COVID-19 into Western Australia and it was recently used to ensure that persons entering Western Australia adhered to vaccination and other requirements.

Section 72A is currently relied on for travel restrictions to help keep remote Aboriginal communities safe from COVID-19. Section 72A currently enables the application of measures and protocols to support the controlled return of cruise ships to Western Australia. Section 72A facilitates the testing, tracing, isolation and quarantine arrangements, such as the requirement for positive cases to isolate. Information-gathering powers under section 72A have supported the contact registers. Section 72A is also relied upon for implementation of the public health social measures, which have continually evolved to optimise the management of the pandemic and been used in a way that is proportionate to the risk. At various times, this has included restrictions on certain activities, density and capacity limits at specified venues and events so that these can proceed in a COVID-safe manner, and the mask-wearing requirement. These measures, combined with the backing of the community and a very high uptake of the vaccination program, have been effective in securing a soft landing through the Omicron wave and minimising impacts to our health system, economy and way of life.

As the outbreak progresses, the use of these measures and other arrangements will continually be considered against the latest health advice. The continuation of section 72A for a further six months beyond 4 July 2022 has no bearing on decisions regarding the state of emergency for the COVID-19 pandemic. Whether or not Western Australia will remain in a state of emergency will be based on expert advice—primarily, the advice of the Chief Health Officer and the State Emergency Coordinator—and whether I, as the Minister for Emergency Services, am satisfied that extraordinary measures are required at that time to prevent or minimise loss of life, prejudice to the safety of or harm to the health of persons or animals, or the destruction of or damage to property or the environment. The extension of the sunset date and continued operation of section 72A into the immediate future will ensure that our emergency management personnel have the powers available to continue to help us respond to COVID-19 and maintain a responsible and flexible framework that has served the state so well to this point.

I now turn to the Criminal Code amendments contained in this bill. The Criminal Code Amendment (COVID-19 Response) Act 2020 amended the Criminal Code to increase the maximum penalties for the offences of serious assault and threats committed in the context of COVID-19. The increased penalties sought to reflect the seriousness of assaults against public officers such as frontline workers, particularly in the context of the pandemic. The amendments to the offences under sections 318 and 338B of the code were made in response to several distressing reports of people across the country and internationally claiming they had COVID-19 and deliberately coughing or spitting on innocent people who were just trying to do their jobs. This was particularly occurring, or at risk of occurring, in the context of frontline essential staff who work tirelessly around the clock at great personal risk to themselves and others to keep our community safe and to stop the spread of this disease. The increased penalties reflect the seriousness of this conduct and send a clear message that deliberately exposing our public officers to COVID-19, or threatening to do so, is an unacceptable show of disrespect. The government, and indeed the Western Australian community at large, does not and will not accept it.

In November 2021, when the operation of these higher penalties was last extended, Western Australians were preparing for the virus to arrive for the first time in nearly two years. Since January this year, COVID-19 has been present in our community in large numbers. Now is the time when our officers will be most confronted by the reality of contracting COVID-19 in the course of their work. Now is the time to send a clear message of support for the important work that they are doing. Isolation requirements and close contact rules may have changed, but the contagiousness of the COVID-19 virus has not. Although public officers may be incidentally exposed as they go about their work, we must condemn those who deliberately set out, or threaten, to infect officers, exposing them to the risk of illness and leaving them unable to perform their duties when they contract COVID-19.

The Criminal Code Amendment (COVID-19 Response) Act 2020 has a sunset date of 4 July 2022, when the increased maximum penalties for the offences committed in the context of COVID-19 will be deleted. This bill extends the expiry date of the provisions for higher penalties for a further six months, until 4 January 2023.

The bill before us today will extend the operation of the respective sunset clauses under the COVID-19 response amendment acts for a further six months, with a new effective sunset date of 4 January 2023. It will ensure that the powers under section 72A of the Emergency Management Act 2005 will be available should the state of emergency for the COVID-19 pandemic continue and will ensure that higher penalties continue to apply to serious assaults and threats against public officers committed in the context of COVID-19.

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 an explanatory memorandum.

[See paper [1258](#).]

Debate adjourned, pursuant to standing orders.

House adjourned at 9.56 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

POLICE — STATE HAZARD PLAN

569. Hon Dr Brad Pettitt to the minister representing the Minister for Police:

I refer to the Minister's answer on 15 February 2022 to question on notice 458 regarding the Astute class nuclear submarine that visited HMAS Stirling Naval Base on Garden Island in October 2021. I ask the Minister:

- (a) which agencies were involved in the 'visiting nuclear warships' training exercise conducted on 21 February 2019;
- (b) in the event of a nuclear accident or a similar emergency affecting Western Australia:
 - (i) what health measures are currently in place;
 - (ii) how many iodine tablets are currently stored appropriately in Western Australia;
 - (iii) who is responsible for managing the inventory of iodine tablets;
 - (iv) who is responsible for administering iodine tablets to the public;
 - (v) how would the iodine tablets be administered;
 - (vi) which agencies are responsible for responding to and managing possible health outcomes;
 - (vii) have the staff of those agencies received training in responding to and managing possible health outcomes;
 - (viii) have the staff of those agencies received relevant scenario-based training in emergency evacuations;
 - (ix) what evacuation procedures are currently in place; and
 - (x) how would an evacuation be carried out;
- (c) in relation to the training conducted on 21 February 2019:
 - (i) how much did the training cost; and
 - (ii) who paid for the training;
- (d) what was the total cost of hosting the Astute class submarine at HMAS Stirling;
- (e) who paid for the Astute class submarine to be hosted at HMAS Stirling;
- (f) did the Government of the United Kingdom pay any fees or charges for visiting the HMAS Stirling base;
- (g) if yes to (f):
 - (i) what amounts were paid;
 - (ii) what where the amounts for; and
 - (iii) who were the amounts paid to;
- (h) in regard to 3.3.3 of State Hazard Plan HAZMAT, Annex A – Radiation Escape from a Nuclear Powered Warship (NPW) and the Minister's answer to question on notice 458 stating that nuclear submarine or warships would be towed and anchored three nautical miles away from the baseline:
 - (i) what is meant by the term 'baseline';
 - (ii) where is the 'baseline';
 - (iii) what agency would carry out the operation to tow the submarine or warship;
 - (iv) what would the estimated costs of such an operation be;
 - (v) who would pay for the costs of such an operation;
 - (vi) what would happen once the submarine or warship is towed and anchored;
 - (vii) could a nuclear submarine or warship that is emitting radiation and in meltdown or another unstable state be potentially left permanently anchored off the shore of Western Australia;
 - (viii) if yes to (vii):
 - (A) what is the rationale; and
 - (B) what would the potential long term impact and risk and cost be to the environment, public health and industry that operate in the coastal area of Western Australia;
 - (ix) what is the threshold or trigger point at which the Government would remove the nuclear fuel and radioactive fallout; and

- (x) would the Government commit to completely removing the nuclear fuel and radioactive fallout;
- (i) has there been any assessment or scenario planning in relation to the long term environmental, health and economic costs of a nuclear disaster by a visiting nuclear-powered warship or submarine;
- (j) if yes to (i), will the Minister table the assessment and scenario planning;
- (k) if no to (j), will the Minister describe what scenarios have been considered, if any, and what the remedies would be;
- (l) in relation to the radiation monitoring conducted during the Astute class submarine visit:
 - (i) who conducted the monitoring;
 - (ii) who paid for the monitoring;
 - (iii) what types of radiation were monitored;
 - (iv) was there a threshold for levels of radiation which if met or exceeded, would trigger an action or response; and
 - (v) if yes to (iv), what actions or responses would be triggered; and
- (m) in relation to the meeting of the Nuclear-Powered Warship Visiting Ships Coordinating Committee held before the Astute class submarine visit:
 - (i) what evidence were committee members asked to provide to demonstrate their preparedness ahead of the visit; and
 - (ii) who attended that meeting?

Hon Stephen Dawson replied:

The Western Australian Police advise:

- (a) Agencies involved were as follows. Please note some of these were consulted but not directly involved:
 - Visiting Ships Panel (Nuclear) (VSP(N))
 - Western Australian Police Force
 - Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)
 - Australian Nuclear Safety and Technology Organisation (ANSTO)
 - Defence – Royal Australian Navy (RAN)
 - Defence – Joint Operations Support Staff (JOSS)
 - Department of Fire and Emergency Services WA
 - Department of Health WA
 - Bureau of Meteorology
 - State Emergency Management Committee WA
 - State Solicitor’s Office WA
 - US Consulate Perth
- (b) (i) Emergency measures are in place and consist of one or more of the following responses:
 - Shelter in place
 - Evacuate
 - Administer stable iodine tablets.
- (ii)–(vii) The Western Australian Police Force is not responsible for these items, this question should be referred to the Minister for Health.
- (viii) The Western Australian Police Force is not responsible for this item, this question should be referred to the Federal Minister for Defence.
- (ix) Evacuations are managed by the WA Police Force in accordance with the State Hazard Plan. The evacuation plan set out in the State Nuclear Powered Warship (NPW) Visits Operational Plan will be implemented by the WA Police Force on the advice of the State Radiation Officer (SRO), Department of Health. Emergency procedures will be conducted in the event of one of the following circumstances arising:
 - the continuous radiation monitoring system indicates a radiation alarm; or
 - the NPW advises a radiation alarm.

A decision to evacuate the Urgent Protective Action Zone (UPZ) will be based on radiation data obtained from radiation monitoring units and assessed by the SRO and Leader Radiation Monitoring Group (LRMG). The SRO will advise the Police Commander of the protective measures that need to be implemented including evacuation. In the event of a radiation accident the first and most important response is for the vessel to depart as per the conditions of entry.

- (x) Evacuation would be carried out as described in the State Operation Plan for NPW visits, chapter 8.2.7. The method and scope of evacuation is based on advice from SRO and LRMG and depends on a variety of factors.
- (c) (i) There was no cost attached to the training. Costs incurred by agencies involved were borne by those agencies and not charged to other participants.
- (ii) As above.
- (d)–(g) The Western Australian Police Force is not responsible for these items, this question should be referred to the Federal Minister for Defence.
- (h) (i)–(ii) The term ‘baseline’ is fully explained under ‘*Maritime Boundary Definitions*’ on the Geoscience Australia website, which also provides maps and charts showing the baseline around the coast of Australia.
- (iii) Towing operations would be carried out by RAN, who operate a fleet of vessels at *HMAS Stirling*, including tugs.
- (iv)–(x) The Western Australian Police Force is not responsible for these items, this question should be referred to the Federal Minister for Defence.
- (i)–(k) The Western Australian Police Force is not responsible for these items, this question should be referred to the Federal Minister for Defence.
- (l) (i) Monitoring was coordinated and carried out jointly by representatives of ARPANSA and ANSTO with assistance from the Department of Health and RAN.
- (ii)–(v) The Western Australian Police Force is not responsible for these items, this question should be referred to the appropriate Federal Minister responsible for ARPANSA and ANSTO.
- (m) (i) Members were asked to confirm their plans are in place and current and that any training or equipment plans are in place.
- (ii) WA Police Force
DFES
Fremantle Port Harbourmaster
Defence (RAN and JOSS)
VSP(N)
ARPANSA
ANSTO
Department of Health

EMERGENCY SERVICES — STATE OF EMERGENCY DECLARATIONS

570. Hon Tjorn Sibma to the Minister for Emergency Services:

For the period 1 March 2020, until the present time, will the Minister please provide:

- (a) the number of occasions the Minister responsible for Emergency Services received written advice recommending the declaration of a ‘state of emergency’ enabled under Section 56 of the *Emergency Management Act 2005*; and
- (b) copies of that written advice?

Hon Stephen Dawson replied:

- (a) The Minister for Emergency Services is able to declare a ‘state of emergency’ under section 56 of the *Emergency Management Act 2005* on the advice of the State Emergency Coordinator (Commissioner of Police). The advice I have received from the State Emergency Coordinator is delivered verbally at a fortnightly briefing.
- (b) Not applicable.

EMERGENCY SERVICES — STATE OF EMERGENCY DECLARATIONS

571. Hon Tjorn Sibma to the Minister for Emergency Services:

Since the passage of the *Emergency Management Act 2005*, until 15 March 2020, can the Minister please advise in tabular form:

- (a) the number of occasions a State of Emergency has been declared in Western Australia:
 - (i) the reason for that declaration;
 - (ii) if that declaration applied across the entire State or was limited to a specific region or regions; and
 - (iii) the period of time that declaration was in effect?

Hon Stephen Dawson replied:

- (a) Nil.
 - (i)–(iii) Not applicable

CORONAVIRUS — RESTRICTIONS — EXEMPTIONS

573. Hon Dr Steve Thomas to the Leader of the House representing the Minister for Health:

I refer to medical exemptions for the COVID mandated requirement to wear masks in various settings inside businesses that are open to the public, and I ask:

- (a) are businesses required to accept medical exemption certificates for make wearing and allow in patrons that hold them without masks;
- (b) if a person with a medical exemption certificate is refused entry, what rights of appeal or support are available to them; and
- (c) how should a person with a medical exemption certificate address the situation and the manager of the business?

Hon Sue Ellery replied:

- (a)–(c) A person is exempt from the requirement to wear a mask if they produce a valid medical certificate. However, private businesses are able to deny entry to their premises at their own discretion.

ABORIGINAL CULTURAL MATERIAL COMMITTEE — PERDAMAN UREA PROJECT

574. Hon Dr Brad Pettitt to the minister representing the Minister for Aboriginal Affairs:

I refer to the section 18 application made by Perdaman Chemicals Pty Ltd to disturb sites in the development envelope of its proposed Urea plant, adjacent to the Murujuga National Heritage Listed Area and within the potential boundary of the UNESCO Tentative World Heritage List listed Murujuga Cultural Landscape site. According to advice received from the Director of Aboriginal Heritage Operations of the Department of Planning, Lands and Heritage, this section 18 application was considered by the Aboriginal Cultural Materials Committee (ACMC) in April 2021 and approved by the Minister on 27 January 2021, and is thus relevant to the passing of the *Aboriginal Cultural Heritage Act 2021* and the findings of the Federal Jukkan Gorge Inquiry. I ask the Minister:

- (a) can the Minister confirm that the ACMC assessed the Perdaman section 18 application in April 2021;
- (b) will the Minister state what the ACMC's recommendation to the Minister was in relation to the Perdaman application;
- (c) if no to (b), why not;
- (d) if yes to (b), will the Minister table that advice;
- (e) if no to (d), why not;
- (f) can the Minister confirm whether they provided ministerial approval for the Perdaman section 18 application on 27 January 2022;
- (g) will the Minister table a copy of the ministerial approval and conditions;
- (h) if no to (g), why not;
- (i) in making their decision, did the Minister consider the impact of increased industrial emissions on the surrounding rock art and take into account the precautionary principle;
- (j) if no to (i), why not;
- (k) if yes to (i), in what way was this impact considered;
- (l) is the Minister aware that more than 10 Aboriginal cultural heritage sites including a stone arrangement and petroglyph were identified subsequent to the ACMC decision on April 2021;
- (m) if no to (l), why not;

- (n) if yes to (l), on what date did the Minister become aware of these additional sites which were not identified in the Perdaman section 18 application;
- (o) in arriving at their decision on the Perdaman section 18 application, did the Minister consider any of the additional heritage sites identified after the ACMC considered the original Perdaman section 18 report;
- (p) if the ACMC and the Minister did not consider these additional heritage sites, is the ministerial approval still valid, and, if so, on what basis;
- (q) if no to (p), will the Minister ask the ACMC to review the advice provided further advice to the Minister;
- (r) if no to (q), why not;
- (s) is it the case that for section 18 approvals applied for prior to the passage of the *Aboriginal Cultural Heritage Act 2021*, new information cannot be used to review and set aside section 18 Ministerial consents;
- (t) in the interests of procedural fairness, will the Minister table a copy of the Perdaman section 18 application presented to the ACMC and/or provide a copy to Murujuga Aboriginal knowledge holders who have been publicly expressing concern that the Minister has approved this project in an area of enormous cultural significance to them; and
- (u) if no to (t), why not?

Hon Stephen Dawson replied:

Advice was sought from the Department of Planning, Lands and Heritage as detailed below.

- (a) Yes.
- (b)–(e) In making its recommendation to the Minister for Aboriginal Affairs, the ACMC had regard to the consultation undertaken by Perdaman with the Ngarluma, Yindjibarndi, Mardudhunera, Wong-Goo-Tt-Oo and Yaburara groups, the Circle of Elders and Murujuga Aboriginal Corporation (MAC). The ACMC also had regard to a letter from MAC recommending that the Minister grant consent subject to conditions including the development of an endorsed Cultural Heritage Management Plan. The ACMC’s recommendation was consistent with MAC’s recommendation which was also reflected in the conditions of consent granted by the Minister.
- (f) Yes.
- (g)–(h) A copy of the consent is provided to the applicant as well as the relevant Aboriginal parties, in this instance being MAC and Ngarluma Aboriginal Corporation. A copy of a section 18 consent is not provided to third parties as it is a matter between a proponent and the Aboriginal parties. As this matter is between a private developer and Aboriginal parties, the Member may seek a copy of the consent from either of these parties.
- (i)–(k) A section 18 Notice and consent relate to impacts to Aboriginal cultural heritage on the land that is the subject of the Notice. Matters relating to impacts from emissions are managed by the Environmental Protection Authority (EPA) pursuant to the *Environmental Protection Act 1986* (EP Act), specifically through consideration of social surroundings. The Government has developed the Murujuga Rock Art Strategy and Murujuga Rock Art Monitoring Program, a transparent framework for managing and monitoring the rock art to protect it from the impacts of anthropogenic emissions, consistent with the Government’s responsibilities under the EP Act. The Government is committed to the ongoing protection of Murujuga’s rock art in partnership with MAC.
- (l)–(r) In relation to the land that is the subject of the section 18 Notice, the Minister and ACMC are dependent on the proponents, in consultation with the Traditional Owners, identifying Aboriginal cultural heritage on that land. Perdaman undertook consultation with the Traditional Owners and MAC in preparing its Notice. The Department of Planning, Lands and Heritage encourages all parties to report Aboriginal cultural heritage to the Registrar of Aboriginal Sites. Pursuant to the *Aboriginal Heritage Act 1972*, the Minister’s consent, once granted, remains valid
- (s) The Aboriginal Cultural Heritage Act 2021 received Royal Assent on 22 December 2021. Notices lodged prior to Royal Assent are not subject to the provisions of the new Act.
- (t)–(u) A copy of the section 18 Notice is provided to the relevant Aboriginal parties as part of the ACMC’s procedural fairness process. A copy of the Notice was provided to MAC, representing the Traditional Owners of the five groups, and which has provided support for the project to proceed. MAC continues to be consulted by the proponent on mitigation strategies to ensure the protection of Aboriginal cultural heritage, including the development of the Cultural Heritage Management Plan as required by the condition of approval by the Minister and EPA. It is open to knowledge holders to approach MAC for a copy of the Notice.

NB: The preamble to this question refers to Ministerial approval being given on 27 January 2021. As reflected in question (f), approval was given on 27 January 2022.

PUBLIC SECTOR — 2017 SERVICE PRIORITY REVIEW

575. Hon Tjorn Sibma to the minister representing the Minister for Environment:

I refer to the answer provided by the Minister for Public Sector Management to my parliamentary question 111 of 23 February 2022, and I ask in relation to the Director General of the Department of Water and Environmental Regulation, for a copy of “the clear letter of expectation for performance” from the Minister “outlining key priorities and deliverables” which was sent to the Director General?

Hon Stephen Dawson replied:

The document referred to by the Member is a performance agreement of an individual employee. CEO performance agreements are required under the Public Sector Management Act 1994. The Public Sector Commissioner establishes the performance agreement framework and its implementation. The framework includes a letter of expectations and priorities set by the Minister(s). It has been long standing practice not to make public the performance agreement of an individual. Agency performance is reported in each agencies annual reports, tabled in Parliament each year.

PUBLIC SECTOR — 2017 SERVICE PRIORITY REVIEW

576. Hon Tjorn Sibma to the minister representing the Minister for Environment:

I refer to the answer provided by the Minister for Public Sector Management to my parliamentary question 111 of 23 February 2022, and I ask in relation to the Director General of the Department of Biodiversity, Conservation and Attractions, for a copy of “the clear letter of expectation for performance” from the Minister “outlining key priorities and deliverables” which was sent to the Director General?

Hon Stephen Dawson replied:

The document referred to by the Member is a performance agreement of an individual employee. CEO performance agreements are required under the Public Sector Management Act 1994. The Public Sector Commissioner establishes the performance agreement framework and its implementation. The framework includes a letter of expectations and priorities set by the Minister(s). It has been long standing practice not to make public the performance agreement of an individual. Agency performance is reported in each agencies annual reports, tabled in Parliament each year.

MINES AND PETROLEUM — LAKE WELLS POTASH PROJECT

578. Hon Dr Steve Thomas to the minister representing the Minister for Mines and Petroleum:

I refer to the running of Lake Wells Station north of Laverton and the exploration and mining of potash in the area, and I ask:

- (a) what mining or exploration approvals have been submitted for the lands covered by Lake Wells Station;
- (b) what mining or exploration has been approved for the lands covered by Lake Wells Station;
- (c) have any camp sites been approved for mining applicants on Lake Wells Station, and, if so, who received the approvals and for what sites;
- (d) are any roads on Lake Wells Station being used by mining companies;
- (e) if yes to (d), which roads are being used, and by what authority or approval has this access been granted;
- (f) has any mining company been granted a water license on Lake Wells Station;
- (g) if yes to (f), what water extraction licenses have been approved;
- (h) do any mining companies have contracts with the owners of Lake Wells Station to enable them to access the station;
- (i) are any access agreements or contracts formalising access required; and
- (j) if no to (i), why not?

Hon Alannah MacTiernan replied:

- (a) At least 65 exploration proposals and at least four mining proposals.
- (b) At least 41 exploration approvals, generally involve drilling, clearing of tracks, test pits, and pump testing of bores. Three mining proposals, all for Australian Potash Limited’s Lake Wells Potash Project, have been approved. The first was to develop a trial evaporation pond. The second was for early works at the Project, including a camp, access tracks, borefields and causeways. The third was for the substantial commencement of the Lake Wells Project.
- (c) Yes, for Australian Potash Limited’s Lake Wells Potash Project.
- (d) Yes.

- (e) Many unnamed roads and tracks are used by mining companies. Named roads that are used include the Lake Wells Road, Yilly Yilly Road and Warren Bore Road. Publicly gazetted roads can be used without approval under the *Mining Act 1978*. Generally, agreements are struck between mining companies and pastoral station owners regarding use of other tracks.
- (f) This would be a matter for the Minister for Water.
- (g) Not applicable.
- (h) Any private agreements between mining companies and pastoralists are a matter between those parties.
- (i) The *Mining Act 1978* provides protection for certain areas of crown land, including some pastoral infrastructure. Tenement holders cannot mine in these areas unless they have the agreement of the occupier of the land. The *Mining Act 1978* also provides provisions for compensation to pastoral lessees by tenement holders in certain circumstances.
- (j) Not applicable.

ROAD SAFETY — GREAT EASTERN HIGHWAY

579. Hon Wilson Tucker to the Leader of the House representing the Minister for Transport:

Will the Minister please identify what works are underway or planned to improve road safety along the Great Eastern Highway, including the:

- (a) repair of surface damage, potholes and shoulder degradation;
- (b) adjustment of speed limits and installation of boom gates for rail level crossings; and
- (c) installation of merging/exiting lanes for intersecting roads?

Hon Sue Ellery replied:

- (a) Lendlease and Downer EDI are currently contracted to conduct routine maintenance patrols to repair damage to the road surface, pavement and shoulders in the Wheatbelt and Goldfields Esperance Regions respectively. The McGowan Government recently announced outsourced road asset maintenance services will be brought back in-house at Main Roads progressively as existing contracts conclude. Work is also being undertaken to seal the shoulders on Great Eastern Highway to reduce the trauma of predominant single vehicle run-off-road crashes.
- (b) The speed limit over rail level crossings in WA is restricted to 80 km/h where possible. Boom gates are installed where additional advance warning is required to warn motorists of an approaching train.
- (c) Intersection improvements are upgraded on an as-needs basis. The treatment for each intersection may differ, depending upon the volume and type of traffic using it.

ROAD SAFETY — GREAT EASTERN HIGHWAY

580. Hon Wilson Tucker to the Leader of the House representing the Minister for Transport; Planning; Ports:

Will the Minister please identify what works are underway or planned to improve road safety along the Great Eastern Highway, including the:

- (a) repair of surface damage, potholes and shoulder degradation;
- (b) adjustment of speed limits and installation of boom gates for rail level crossings; and
- (c) installation of merging/exiting lanes for intersecting roads?

Hon Sue Ellery replied:

Please refer to Legislative Council Question on Notice 579.

ENVIRONMENT — LITTER — SOUTH WESTERN HIGHWAY

582. Hon Dr Steve Thomas to the Leader of the House representing the Minister for Transport:

I refer to question without notice 945 asked on 11 November 2021 on litter cleanup on the South Western Highway between Manjimup and Denmark, and I ask:

- (a) who is the private contractor paid by Main Roads WA to clean up litter on this stretch as per your answer to question without notice 945;
- (b) what exactly are the services the contractor is contracted to supply;
- (c) what is the definition of “manage litter and rubbish” as described in your answer;
- (d) how are the efforts of the contractor assessed; and
- (e) what is the value of the contract?

Hon Sue Ellery replied:

- (a)–(b) Fulton Hogan, who supply all road asset maintenance related services in the Great Southern and South West Regions. The McGowan Government recently announced outsourced road asset maintenance services will be brought back in-house at Main Roads progressively as existing contracts conclude.
- (c) To the extent that it is directed by Main Roads.
- (d) Following litter collection, Main Roads undertakes a review of the area specified for litter collection.
- (e) \$745,000 is allocated to litter collection and ablution facility maintenance in the South West each year.

EDUCATION AND TRAINING — WITHYOUWITHME PROGRAM

583. Hon Dr Steve Thomas to the Minister for Education and Training:

I refer to the With Me, With You veterans placement program, and I ask:

- (a) does the Western Australian Government provide training places with government departments under this program;
- (b) if yes to (a), does this include work from home options; and
- (c) is there any government action that precludes private businesses from using this placement program, including in a work from home option?

Hon Sue Ellery replied:

Answer

- (a) The Department of Training and Workforce Development does not fund any training places under this program.
- (b) Not applicable.
- (c) Not applicable.

TRANSPORT — GREAT EASTERN HIGHWAY BYPASS INTERCHANGES PROJECT

585. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Transport; Planning; Ports:

- (1) On 14 December 2021, Minister Saffioti wrote to Mayor Lucas, City of Swan, stating that “whilst the latest cost estimate for the bridge is significantly above budget [\$40 million], the State is committed to ensuring that this long awaited bridge is built as part of the Great Eastern Highway Bypass project and to ensure there is sufficient funding for it.” (ref: 72-36485). In the 22 December 2021 Echo newspaper article, *Future of Lloyd Street Bridge in Limbo*, Minister Saffioti is quoted: “If the council would like a complete redesign, I would be happy to hand back responsibility for this project to the City of Swan.....[allowing] the City to go back to scratch, secure additional funding and go through the approval process.” I ask:
 - (a) can the Minister please explain why there is sufficient State funding to build this bridge, even though it is already over budget, but only if the bridge is built to the current Main Roads concept design;
 - (b) can the Minister please explain why that same additional funding is not available to build an alternative bridge that is supported by the community, and why funding for a bridge could be rescinded because the community want an alternative design; and
 - (c) is the Minister aware this places pressure on the City of Swan to make decisions on the bridge based predominantly on financial constraints?
- (2) In September 2021, Main Roads released a public update that said, “The bridge represents a ‘missing link’ in the Lloyd Street connection, which has been constructed progressively over the past decade.” And “The new bridge will be an important strategic link in the future road network and is expected to take pressure off other existing north–south routes including Roe Highway, Military Road and Bushmead Road.” I ask:
 - (a) can the Minister please explain why a north–south, industrial, heavy-traffic freight highway through the town centre of Midland is necessary, when an existing bridge is already in place 900 metres upstream on Roe Highway; and
 - (b) can the Minister please demonstrate what alternative investments that were considered that would reduce congestion and divert cars from town centres?
- (3) In September 2021, Main Roads released a public update that said, “Traffic modelling undertaken in 2013 indicated significant growth in future years.” At the City of Swan Agenda Forum Meeting on 23 February 2022, the City confirmed it had asked the State for a traffic modelling report produced by Jacobs engineers twice since September 2021 but it still had not been provided to them. I ask:

- (a) is the Jacobs traffic modelling report available:
 - (i) if yes to (3)(a), could the Minister please table the report; and
 - (ii) if no to (3)(a), could the Minister please explain why the Jacobs traffic modelling report is not available and confirm when it will be made available; and
- (b) can the Minister please confirm if the Jacobs traffic report is the same as the 2013 modelling referenced by Main Roads, and if so, why it is sufficient to rely on traffic modelling that is almost 10 years out of date to justify building this bridge?
- (4) In September 2021, Main Roads released a public update that said, “Economic analysis indicated that the bridge over the Helena River is the best option to provide this additional north–south route.” Can the Minister please table the economic analysis referred to by Main Roads for review?
- (5) I refer to the proposed Lloyd Street Bridge and I ask, can the Minister please explain why it is necessary to infill one of the last freshwater wetlands in the Perth metro area, and a registered Aboriginal heritage site, to build this specific bridge design at a time when Western Australia is facing a drying climate, reduced rainfall, reduced soil moisture and increasing freshwater pressures?

Hon Sue Ellery replied:

- (1) The Lloyd Street Bridge has been a priority of the City of Swan for decades. The City has built the northern and southern approaches of the bridge and lobbied both State and Federal Governments for funding for the bridge itself.
The City approached the State to help fund the bridge, and to help construct the bridge on their behalf. The State, in good faith, provided some funding, together with the Commonwealth Government. The State also assisted by getting the necessary approvals in place.
The original bridge design was prepared by the City of Swan, and through engagement as part of the Aboriginal Heritage approvals processes, was rejected by Traditional Owners. As a direct response to Traditional Owners’ concerns, significant amendments were made to the design by Main Roads including the removal of piers.
The Traditional Owners subsequently granted consent on the basis of these amendments and the project is now in receipt of Aboriginal Heritage, Environment and Development approvals. These approvals would likely be invalidated by a redesign.
- (2) This has been a long term priority and project of the City of Swan that the State Government agreed to deliver on its behalf. The City built the northern and southern approaches to the bridge, thereby locking in the bridge’s alignment. Whether alternative alignments were considered is a question for the City of Swan.
- (3) The modelling undertaken in 2013 was prepared by the City of Swan.
- (4) As this is a City of Swan document, this question should be directed to the City of Swan.
- (5) This is a City of Swan priority and a project that the State Government agreed to help facilitate.
The project is in receipt of environmental approvals and with respect to alleged environmental impacts, one in one hundred year flood modelling shows the bridge would have a negligible impact on the flood plain. The project will rehabilitate 4ha of river land in addition to the revegetation of the bridge embankments. In doing so, the project will improve what was once an industrial area associated with the old Midland workshops.

MINES AND PETROLEUM — FLY IN, FLY OUT WORKERS

586. Hon Wilson Tucker to the minister representing the Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations:

- (1) How is the Government addressing the mental health impact of FIFO on workers and their families?
- (2) How is the Government ensuring that local host communities are not negatively impacted by FIFO work arrangements?

Hon Alannah MacTiernan replied:

- (1) FIFO employers have a clear duty of care under the WHS laws to protect their employees from psychological harm.
In December 2020, the McGowan Government’s *Work Health and Safety Act 2020* (WHS Act) passed the WA Parliament and received assent. Following publication in the Government Gazette of the accompanying regulations on 11 March 2022, the Work Health and Safety (WHS) laws commenced on 31 March 2022.
The main object of the WHS Act is to secure the health and safety of workers and workplaces. This includes by protecting workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work (s. 3(1)(a)).

Under the new WHS laws, the primary duty of care for a person conducting a business or undertaking (employer) is to ensure, so far as reasonably practicable, the health and safety of workers (s. 19(1) WHS Act). Health in the WHS Act means physical and psychological health (s. 4).

To put the Government's intention beyond doubt, the Note at the end of s. 19 again confirms that "Health means physical and psychological health".

The McGowan Government provides the Department of Mines, Industry Regulation and Safety (DMIRS) with resources to undertake a comprehensive suite of regulatory and enforcement activities to protect the psychological health of workers and others at the workplace. In addition Government has initiated the Mentally Healthy Workplaces Grant Program and Mental Awareness, Respect and Safety (MARS) program.

To support the commencement of the WHS laws, the Government has also provided additional funding to DMIRS. This funding is for additional inspectors, including those with psychosocial expertise.

- (2) Please refer your question to the Minister for Regional Development.

FORESTRY — FOREST MANAGEMENT PLAN

587. Hon Dr Brad Pettitt to the minister representing the Minister for Forestry:

I refer to the development of the Forest Management Plan 2024–2033, and I ask the Minister:

- (a) who are the members of the Native Forestry Transition Group (NFTG) representing:
- (i) Forest Industries Federation WA;
 - (ii) Regional Chambers of Commerce WA, as represented by Manjimup Chamber of Commerce and Industry;
 - (iii) Shire of Bridgetown Greenbushes;
 - (iv) Shire of Manjimup;
 - (v) Shire of Nannup;
 - (vi) Australian Workers Union;
 - (vii) Chamber of Minerals and Energy of Western Australia;
 - (viii) WA Local Government Association;
 - (ix) South West Aboriginal Land and Sea Council;
 - (x) Department of Jobs, Tourism, Science and Innovation;
 - (xi) Department of Training and Workforce Development;
 - (xii) Forest Products Commission;
 - (xiii) South Regional TAFE; and
 - (xiv) South West Development Commission;
- (b) who are the stakeholders that will be consulted with;
- (c) who decided on the stakeholders to be consulted with; and
- (d) what stakeholders are currently being or will be consulted with and are not employed by any members of the NFTG or the Department of Biodiversity, Conservation and Attractions, broken down by the following:
- (i) non-government organisations;
 - (ii) community members; and
 - (iii) scientists?

Hon Alannah MacTiernan replied:

The Native Forestry Transition Group is assisting Government develop the Native Forestry Transition Plan which will support workers, businesses, and communities transition following the decision to end native forest logging at the end of the current Forest Management Plan.

This is a separate process from the development of the next Forest Management Plan and any questions in relation to the Forest Management Plan should be directed to the Minister for Environment.

The Members of the Native Forestry Transition Group are:

Ian Telfer, President, Forest Industries Federation WA; Adele Farina, CEO, Forest Industries Federation WA;
Bevan Eatts, President, Manjimup Chamber of Commerce and Industry (representative of Regional Chambers of Commerce and Industry WA);

John Bookless, Shire President, Shire of Bridgetown Greenbushes;

Paul Omodei, Shire President, Shire of Manjimup;

Tony Dean, Shire President, Shire of Nannup;

Harry Burrows, Membership Engagement and New Opportunities and Projects Coordinator, Australian Workers Union; Craig Dunne, Industrial Officer, Australian Workers Union;

Susan Cull, State Manager Regional WA, Chamber of Minerals and Energy of Western Australia;

Rebecca Brown, Director General, Department of Jobs, Tourism, Science and Innovation (Chair);

Russell Brown, Executive Director Service Resource Management, Department of Training and Workforce Development;

Stuart West, CEO, Forest Products Commission;

Darshi Ganeson-Oats, Managing Director, South Regional TAFE;

Mellisa Teede, CEO, South West Development Commission.

HOSPITALS AND HEALTH CAMPUSES — POWER OUTAGES

588. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:

- (1) I refer to power outages impacting regional hospital services and I ask, for the period of 1 December 2021 to 1 March 2022 please identify any dates where:
 - (a) the Kalgoorlie Hospital was without power;
 - (b) back-up generators were utilised at the Kalgoorlie Hospital;
 - (c) the Dongara Public Hospital was without power; and
 - (d) back-up generators were utilised at the Dongara Public Hospital?
- (2) Did the Kalgoorlie Hospital lose power for any period on Sunday, 4 February 2022?
- (3) If yes to (2), which areas or hospital systems were without power, and for how long?
- (4) If yes to (2), why was the backup generator not utilised?
- (5) Will the Minister please detail any other power outages impacting WA Country Health Service operated hospitals from 1 December 2021 to 1 March 2022 including:
 - (a) the location of the hospital;
 - (b) the duration of the power outage; and
 - (c) whether backup generators were utilised?
- (6) Will the Minister please identify any WACHS operated hospitals which do not have access to backup generators?

Hon Sue Ellery replied:

- (1)
 - (a) On 4 February 2022 there was one significant power outage that occurred. The Kalgoorlie Hospital was not without essential power during this power outage. During a power failure from the grid, Kalgoorlie Hospital has back-up generators that automatically start and supply essential power to the hospital.
 - (b) Back-up generators were utilised on 4 February 2022.
 - (c) There were power outages in Dongara town site that impacted the Dongara Eneabba Mingenew Health Service on 23 January 2022 to 25 January 2022.
 - (d) Back-up generators were utilised on 23 January 2022 to 25 January 2022.
- (2) Yes, the Kalgoorlie Hospital lost power from the grid for approximately 7 hours.
- (3) No areas of the Kalgoorlie Hospital were without essential power for the duration of the power outage. All areas have generator power providing essential electrical supply.
- (4) Back-up generators were utilised.
- (5) The WA Country Health Service operates 6 large regional health campuses, 15 district health campuses and 46 small hospitals, as well as supporting a further 43 health centres and nursing posts, employs over 11,000 staff. An answer to the question as stated cannot be provided because substantial resources would be diverted from delivering core business of the Agency
- (6) All WACHS Hospitals have back-up generators.

AGRICULTURE AND FOOD — EXOTIC BIRD SPECIES — IMPORTATION

591. Hon Dr Steve Thomas to the Minister for Agriculture and Food:

I refer to the importation of exotic bird species into Western Australia from interstate and overseas, and I ask:

- (a) how many applications has the Department of Primary Industries and Regional Development (DPIRD) received to import exotic bird species currently prohibited in Western Australia in 2018, 2019, 2020, and 2021;
- (b) what is the current average length of time taken for processing such applications;
- (c) how many of the applications referenced in part (a) were successful and for what species;
- (d) how many of the applications are ongoing or outstanding, and in each case what period of time has elapsed since the application was received;
- (e) how many of the applications referenced in part (a) were unsuccessful and for what species; and
- (f) what reasons were given for the failure of applications identified in part (e)?

Hon Alannah MacTiernan replied:

- (a) 20 – noting applications may be for multiple species.
- (b) The average time from receipt of a completed application is 12 weeks.
- (c) 13. Please refer to tabled paper for more information.
- (d) 3:
 - (a) Case 1 – received April 2020
 - (b) Case 2 – received April 2021
 - (c) Case 3 – received June 2021.
- (e)–(f) [See tabled paper no [1254](#).]

TREASURER — PORTFOLIOS — GOVERNMENT BOARDS AND COMMITTEES

592. Hon Tjorn Sibma to the minister representing the Treasurer:

For each of the departments, agencies, and government trading enterprises within the Minister’s portfolios, please provide:

- (a) a list of the relevant government boards and committees as defined by the Premier’s Circular 2021/18;
- (b) the current membership of each board and committee;
- (c) the annual remuneration of each board/committee member; and
- (d) the length of membership of each board/committee member?

Hon Stephen Dawson replied:

Refer to Legislative Council Question on Notice 595.

MINISTER FOR STATE DEVELOPMENT, JOBS AND TRADE — PORTFOLIOS —
GOVERNMENT BOARDS AND COMMITTEES

593. Hon Tjorn Sibma to the minister representing the Minister for State Development, Jobs and Trade:

For each of the departments, agencies, and Government Trading Enterprises within the Minister’s portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier’s Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Alannah MacTiernan replied:

- (a)–(d) Refer to Legislative Council Question on Notice 595.

MINISTER FOR EDUCATION AND TRAINING — PORTFOLIOS —
GOVERNMENT BOARDS AND COMMITTEES

594. Hon Tjorn Sibma to the Minister for Education and Training:

For each of the departments, agencies, and Government Trading Enterprises within the Minister’s portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier’s Circular 2021/18;
- (b) The current membership of each board and committee;

- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Sue Ellery replied:

Please refer to Legislative Council Question on Notice 595.

PREMIER — PORTFOLIOS — GOVERNMENT BOARDS AND COMMITTEES

595. Hon Tjorn Sibma to the Leader of the House representing the Premier; Minister for Public Sector Management; Federal–State Relations:

For each of the departments, agencies, and Government Trading Enterprises within the Minister’s portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier’s Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Sue Ellery replied:

- (a) The Department of the Premier and Cabinet maintains the Boards and Committees Register on the OnBoardWA website, which was launched by the McGowan Labor Government. The register is updated daily and includes a list of WA Government boards and committees, the responsible Minister and portfolio, and the scope of the board.
- (b)–(d) The membership and remuneration of boards and committees is included in agency annual reports, tabled in Parliament.

MINISTER FOR TOURISM — PORTFOLIOS — GOVERNMENT BOARDS AND COMMITTEES

596. Hon Tjorn Sibma to the minister representing the Minister for Deputy Premier; Minister for Tourism; Commerce; Science:

For each of the departments, agencies, and Government Trading Enterprises within the Minister’s portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier’s Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Alannah MacTiernan replied:

- (a)–(d) Refer to Legislative Council Question on Notice 595.

MINISTER FOR EMERGENCY SERVICES — PORTFOLIOS —
GOVERNMENT BOARDS AND COMMITTEES**597. Hon Tjorn Sibma to the Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering:**

For each of the departments, agencies, and Government Trading Enterprises within the Minister’s portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier’s Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Stephen Dawson replied:

Please refer to Legislative Council Question on Notice 595.

MINISTER FOR REGIONAL DEVELOPMENT — PORTFOLIOS —
GOVERNMENT BOARDS AND COMMITTEES**598. Hon Tjorn Sibma to the Minister for Regional Development; Agriculture and Food; Hydrogen Industry:**

For each of the departments, agencies, and Government Trading Enterprises within the Minister’s portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier’s Circular 2021/18;

- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Alannah MacTiernan replied:

Refer to Legislative Council Question on Notice 595.

MINISTER FOR CULTURE AND THE ARTS — PORTFOLIOS —
GOVERNMENT BOARDS AND COMMITTEES

599. Hon Tjorn Sibma to the parliamentary secretary representing the Minister for Culture and the Arts; Sport and Recreation; International Education; Heritage:

For each of the departments, agencies, and Government Trading Enterprises within the Minister's portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier's Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Samantha Rowe replied:

- (a)–(d) Please refer to Legislative Council question on notice 595

MINISTER FOR POLICE — PORTFOLIOS — GOVERNMENT BOARDS AND COMMITTEES

601. Hon Tjorn Sibma to the minister representing the Minister for Police; Road Safety; Defence Industry; Veterans Issues:

For each of the departments, agencies, and Government Trading Enterprises within the Minister's portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier's Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Stephen Dawson replied:

Refer to Legislative Council Question on Notice 595

MINISTER FOR MINES AND PETROLEUM — PORTFOLIOS —
GOVERNMENT BOARDS AND COMMITTEES

602. Hon Tjorn Sibma to the parliamentary secretary representing the Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations:

For each of the departments, agencies, and Government Trading Enterprises within the Minister's portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier's Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Matthew Swinbourn replied:

Refer to Legislative Council Question on Notice 595.

MINISTER FOR TRANSPORT — PORTFOLIOS — GOVERNMENT BOARDS AND COMMITTEES

603. Hon Tjorn Sibma to the Leader of the House representing the Minister for Transport; Planning; Ports:

For each of the departments, agencies, and Government Trading Enterprises within the Minister's portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier's Circular 2021/18;
- (b) The current membership of each board and committee;

- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Sue Ellery replied:

Refer to Legislative Council Question on Notice 595.

MINISTER FOR FINANCE — PORTFOLIOS — GOVERNMENT BOARDS AND COMMITTEES

604. Hon Tjorn Sibma to the minister representing the Minister for Finance; Aboriginal Affairs; Racing and Gaming; Citizenship and Multicultural Interests:

For each of the departments, agencies, and Government Trading Enterprises within the Minister's portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier's Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Stephen Dawson replied:

Refer to Legislative Council Question on Notice 595.

MINISTER FOR CHILD PROTECTION — PORTFOLIOS —
GOVERNMENT BOARDS AND COMMITTEES**605. Hon Tjorn Sibma to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:**

For each of the departments, agencies, and Government Trading Enterprises within the Minister's portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier's Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Sue Ellery replied:

Refer to Legislative Council Question on Notice 595.

MINISTER FOR WATER — PORTFOLIOS — GOVERNMENT BOARDS AND COMMITTEES

606. Hon Tjorn Sibma to the minister representing the Minister for Water; Forestry; Youth:

For each of the departments, agencies, and Government Trading Enterprises within the Minister's portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier's Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Alannah MacTiernan replied:

Refer to Legislative Council Question on Notice 595.

MINISTER FOR HEALTH — PORTFOLIOS — GOVERNMENT BOARDS AND COMMITTEES

607. Hon Tjorn Sibma to the Leader of the House representing the Minister for Health; Mental Health:

For each of the departments, agencies, and Government Trading Enterprises within the Minister's portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier's Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Sue Ellery replied:

Please refer to Legislative Council Question on Notice 595.

MINISTER FOR DISABILITY SERVICES — PORTFOLIOS —
GOVERNMENT BOARDS AND COMMITTEES

609. Hon Tjorn Sibma to the parliamentary secretary representing the Minister for Disability Services; Small Business; Fisheries; Seniors and Ageing:

For each of the departments, agencies, and Government Trading Enterprises within the Minister's portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier's Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Kyle McGinn replied:

Refer to Legislative Council Question on Notice 595

MINISTER FOR ENVIRONMENT — PORTFOLIOS — GOVERNMENT BOARDS AND COMMITTEES

610. Hon Tjorn Sibma to the minister representing the Minister for Environment; Climate Action:

For each of the departments, agencies, and Government Trading Enterprises within the Minister's portfolios would you please provide:

- (a) A list of the relevant Government boards and committees as defined by the Premier's Circular 2021/18;
- (b) The current membership of each board and committee;
- (c) The annual remuneration of each board/committee member; and
- (d) The length of membership of each board/committee member?

Hon Stephen Dawson replied:

Please refer to Legislative Council Question on Notice 595.

CHILD PROTECTION — OUT-OF-HOME CARE

611. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection:

- (1) How many children are currently in, out of home care?
- (2) How many sibling groups are in, out of home care?
- (3) How many individual children from (2) are in a placement that does not include all of their siblings who are also in, out of home care?
- (4) How many children from (3) are Aboriginal?
- (5) How many children from (1) have been assessed at each Needs Assessment Tool (NAT) level?
- (6) How many children from (4) have been assessed at each NAT level?

Hon Sue Ellery replied:

As at 31 March 2022:

- (1) 5,144.
- (2) 1,356.
- (3) 1,286. Sibling groups are based on the children in care being recorded in the same family group – which could include half-siblings. This further impacts the reasons why all siblings are not together. Other considerations are:

One older sibling may be placed at the time in detention, boarding school, hospital or self-selecting where to live.

In some instances, a child will be with a parent for reunification whilst the other siblings are in a different placement.

Many are in specialised foster care or residential care placements due to their complex needs.

The age of the child may have an impact on placement options e.g. school age vs baby or toddler.

- (4) 772.

- (5)

NAT level 1	NAT level 2	NAT level 3	NAT level 4	NAT level 5	Children who have not had their first NAT approved
2,079	1,098	1,061	517	211	178

(6)

NAT level 1	NAT level 2	NAT level 3	NAT level 4	NAT level 5	Aboriginal children who have not had their first NAT approved
257	148	172	119	62	14

CHILD PROTECTION — CASEWORKERS

612. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection:

- (1) How many child protection workers, by FTE, are currently employed by the Department?
- (2) How many departmental workers currently have caseloads over the recommended limit of 15 for any day?
- (3) How many caseworkers currently have caseloads over the exceptional maximum limit of 18?
- (4) How many of those departmental workers have ceased working for the Department since the introduction of the vaccination mandates?
- (5) How many of the caseworkers who had caseloads above 15 have lodged a worker's compensation claim since 30 June 2021?

Hon Sue Ellery replied:

- (1) As at 2 March 2022 – 1064.4 FTE.
- (2)–(3) As at 4 March 2022, there were 74 workers with a caseload over the recommended limit of 15. Of those, 9 workers had over the exceptional limit of 18.
- (4) Of the workers referenced in (2) and (3) – none.
- (5) Of the 74 workers with a caseload over 15, Four have lodged a workers compensation claim since 30 June 2021.

CHILD PROTECTION — FOSTER CARERS — COMPLAINTS

613. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection:

I refer to media reports on foster carers being bullied, and I ask how many complaints from foster carer's did the Department receive in:

- (a) 2018;
- (b) 2019;
- (c) 2020; and
- (d) 2021?

Hon Sue Ellery replied:

- (a) 46
- (b) 67
- (c) 36
- (d) 34

CHILD PROTECTION — NEWBORNS

615. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection:

I refer to the article in *The West Australian* on 9 February 2022 entitled "DCP crisis: Leaked emails show homeless pregnant woman was living in property being visited by sex predator", which details a case in late 2021 of a child protection worker contacting an Aboriginal advocacy group for help with finding housing for a heavily pregnant Aboriginal woman who was in overcrowded housing with exposure to her sex abuse perpetrator, and I ask:

- (a) how many newborns were taken into care in 2021; and
- (b) how many of those newborns were taken into care with housing being a contributing factor?

Hon Sue Ellery replied:

- (a) In 2021, a total of 74 children were taken into care within one week of birth.
- (b) 30 children had homelessness recorded as a contributing factor to this decision. Homelessness alone is not a sufficient reason for a child to be taken into care.

CORONAVIRUS — SAFE TRANSITION INDUSTRY SUPPORT PACKAGE

617. Hon Dr Steve Thomas to the Leader of the House representing the Premier:

I refer to the Premier's announcement of 10 February 2022 of a \$77 million Safe Transition Industry Support Package, and I ask:

- (a) from what date were the applications for access to the above support package accepted by Government;

- (b) until what date will applications for access to the above package be accepted by Government;
- (c) what department will oversee the application process of the Safe Transition Industry Support Package; and
- (d) what is the anticipated processing time from grant application to tangible financial delivery to applying businesses?

Hon Sue Ellery replied:

- (a)–(c) The McGowan Government’s \$77 million Safe Transition Support Package consists of multiple support programs, administered by the Department of Jobs, Tourism, Science and Innovation and the Department of Local Government, Sport and Cultural Industries’.

Each program has its own application timeframes. As of 1 April 2022, applications for all programs had opened. Applications for all programs are expected to be closed by 30 June 2022.

Note: Applications for the *University Services for Students Support Program* opened on 30 April 2022. Applications for this program could not open until the conclusion of the *Student Quarantine Support Program*.

- (d) Agencies always aim to deliver payments to businesses as quickly as possible. Timeframes for each program and individual applications vary on a case by case basis.

CORONAVIRUS — SAFE TRANSITION INDUSTRY SUPPORT PACKAGE

618. Hon Dr Steve Thomas to the Leader of the House representing the Premier:

I refer to the Premier’s announcement of 10 February 2022 of a \$77 million Safe Transition Industry Support Package, and I ask how much of the \$77 million has been paid out to Western Australian businesses to date?

Hon Sue Ellery replied:

The McGowan Government’s \$77 million Safe Transition Support Package consists of multiple support programs, administered by the Department of Jobs, Tourism, Science and Innovation and the Department of Local Government, Sport and Cultural Industries’.

As of 29 April 2022, \$23,402,654 has been approved and/or provided to businesses. I note that the \$77 million package also includes initiatives other than business grants.

CORONAVIRUS — BUSINESS ASSISTANCE PACKAGE

619. Hon Dr Steve Thomas to the Leader of the House representing the Premier:

I refer to the Premier’s media statement of 2 March 2022 entitled “Level 2 COVID-19 Business Assistance Package”, referencing a purported \$1.7 billion COVID-19 business support commitment by the McGowan Government, and I ask what is the number of businesses that have received funding from each package?

Hon Sue Ellery replied:

The McGowan Government’s proactive management of the COVID-19 pandemic, including the implementation of the Safe Transition Plan, has set Western Australia’s course for a much softer landing than experienced elsewhere in the country.

Considering the significant amount of COVID-19 business support provided by the McGowan Government in the past two and a half years, it would require significant Government resources to identify the number of individual businesses who have received funding from each package.

As such, it is not considered a reasonable or responsible use government resources to complete such a task.

MEDICAL RESOURCES — SHARK BAY

620. Hon Neil Thomson to the Leader of the House representing the Minister for Health:

I refer to the comments of the Shire of Shark Bay President, Cheryl Cowell made on the ABC on 1 March 2022 regarding the scarcity of medical resources in the region and noting the answer to question 903 asked on 10 September 2020, and I ask:

- (a) when was the review into all 12 remote area nursing posts referred to in the answer completed;
- (b) is the review publicly available and will the Minister table it; and
- (c) have there been any significant changes to the medical resources available in the Shark Bay region since September 2020?

Hon Sue Ellery replied:

- (a)–(b) The review referenced is an internal service planning document that relates to nursing services, and it is not publicly available.
- (c) Medical resources have reduced by one medical registrar for one day per week.

INNOVATION AND ICT — DIGITAL INCLUSION PROGRAMS

621. Hon Wilson Tucker to the Minister for Innovation and ICT:

- (1) Can the Minister identify government programs intended to improve digital inclusion in the State?
- (2) What agency or Minister is responsible for the delivery of these programs?
- (3) What funding has been allocated to these programs?

Hon Stephen Dawson replied:

- (1)–(2) The Western Australian (WA) Government undertakes a number of initiatives to support better digital inclusion outcomes. The attached list includes details of the initiatives and the agency responsible for the delivery of the program. [See tabled paper no 1251].

The WA Government is also committed to delivering the Digital Inclusion in WA Blueprint (the Blueprint) to ensure that Western Australians can easily access and use digital technologies. The Blueprint seeks to address four key barriers to digital inclusion in the State – connectivity, affordability, skills, and design. The WA Government is currently consulting with industry, community service organisations and community representatives on the strategic implementation of the Blueprint through a partnership framework and initiatives program. The Blueprint is planned to be delivered by the end of 2022.

- (3) Funding information should be sought from the Minister responsible for each initiative.

EMERGENCY SERVICES — CORONAVIRUS RESTRICTIONS

622. Hon Martin Aldridge to the Minister for Emergency Services:

- (1) I refer to question without notice 141 asked on 15 March 2022 in relation to approval to visit Department of Fire and Emergency Services (DFES) facilities, and I ask on what dates was DFES circular 13/2022 issued?
- (2) On what date was DFES circular 13/2022 rescinded?
- (3) Will the Minister please table a copy of circular 13/2022?
- (4) Did the Department of Fire and Emergency Services or the FES Commissioner advise the Minister to refuse the request of the Shadow Minister for Emergency Services to visit a Volunteer Marine Rescue Service unit on 2 March 2022 and, if so, on what grounds was that recommendation made?
- (5) Will the Minister please table any document or communication between the Minister, his office and the DFES in relation to the request to visit a DFES facility.?

Hon Stephen Dawson replied:

- (1)–(2) 24 February 2022.
- (3) [See table paper no [1252](#).]
- (4)–(5) Discussions around visits, resources and the rapidly evolving COVID situation at the time occurred consistently between my office and the Department of Fire and Emergency Services. My office had previously approved a briefing for the Member on 7 February 2022 by the FES Deputy Commissioner. My office also supported the Member, as the opposition spokesperson, and the Leader of the Opposition to visit an incident control centre on 10 February 2022 and be briefed by the superintendent. The Shadow Minister was invited and attend the Firefighters Memorial Day Event on Sunday 1 May 2022 in Kings Park. The Leader of the Opposition requested a briefing from the Wheatbelt District Recovery Co-ordinator, which occurred on 3 May 2022. These requests require effort and resources, and are considered on a case-by-case basis. As the Minister for Emergency Services, my movements as the Minister responsible for the portfolio are on the advice from the FES Commissioner and in consideration of operational and other strategic priorities.

MINISTER FOR EMERGENCY SERVICES — ESPERANCE VISIT

623. Hon Martin Aldridge to the Minister for Emergency Services:

- (1) I refer to the Minister's visit to Esperance on 11 March 2022, and I ask will the Minister please table the Minister's diary schedule for the day including any briefing materials, notes or correspondence received relating to the travel.?
- (2) On what date was the Minister's travel to Esperance confirmed?
- (3) How did the Minister travel to Esperance?
- (4) Who accompanied the Minister in his travel to Esperance?
- (5) With respect to the event where the Minister and other Labor backbenchers participated in a handover of emergency service vehicles:
 - (a) when was this event first communicated to invitees;
 - (b) who arranged the event;

- (c) who was invited to the event;
- (d) who was the decision maker in relation to the events planning and invitation list; and
- (e) on what date and time were the following local Members of Parliament invited to the event as is the custom and practice for such events:
 - (i) Hon Shelley Payne MLC;
 - (ii) Hon Sandra Carr MLC;
 - (iii) Hon Darren West MLC;
 - (iv) Hon Martin Aldridge MLC;
 - (v) Hon Colin de Grussa MLC;
 - (vi) Hon Steve Martin MLC; and
 - (vii) Peter Rundle MLA?
- (6) Did the Minister notify local Members of Parliament of his travel to the Agricultural Region as is the custom and practice for such official visits?
- (7) If yes to (6), will the Minister please provide the date and time of each notification?

Hon Stephen Dawson replied:

- (1) [See tabled paper no [1253](#).]
 - (2) 4th March 2022
 - (3) Government plane
 - (4) FES Commissioner
Policy Adviser
Senior Media Adviser
 - (5) (a) On 9 March 2022 by the Shire of Esperance.
 - (b) Shire of Esperance in consultation with DFES.
 - (c) Traditional Custodians – Tjaltjraak – Gale Reynolds-Adamson
Hon Shelley Payne MLC, Member for Agricultural Region
Mr Shayne Flannagan, representing National Members Hon Colin De Grussa MLC and Mr Peter Rundle MLA
Mr Rick Wilson MP
Shire of Esperance President, Cr Ian Mickel
Shire of Esperance Deputy President, Cr Ron Chambers
Shire of Esperance Chief Executive Officer, Mr Shane Burge
Volunteers from Bushfire Brigades, Volunteer Fire and Rescue Service, State Emergency Service and Marine Rescue
 - (d) Shire of Esperance in consultation with DFES.
 - (e) (i) Afternoon of 9 March 2022 (phone call by Shire of Esperance)
 - (ii)–(iv) Not applicable
 - (v) Afternoon of 9 March 2022 (phone call by Shire of Esperance)
 - (vi) Not applicable
 - (vii) Afternoon of 9 March 2022 (phone call by Shire of Esperance)
- (6)–(7) The Shire of Esperance led communication with invited guests.

FIRE AND EMERGENCY SERVICES — SHIRE OF ESPERANCE

624. Hon Martin Aldridge to the Minister for Emergency Services:

- (1) I refer to the Minister’s media statement of 11 March 2022 entitled “World-class firefighting vehicles give Esperance brigades a new edge”, and I ask will the Minister please provide the following with respect to each of the seven vehicles:
 - (a) the type of each vehicle;
 - (b) the cost of each vehicle;

- (c) the recipient brigade, group or unit of each vehicle;
- (d) on what date was each vehicle first located in the Esperance region;
- (e) on what date was the Minister's hand over event; and
- (f) on what date was each vehicle available to the relevant brigade, group or unit for use or deployment?
- (2) With respect to the State Government's response to the coronial inquest into the 2015 Esperance bushfires which is mentioned in the statement, will the Minister please provide an update on the status of the Government's response to each of the inquest findings?

Hon Stephen Dawson replied:

- (1) (a)–(f) Please refer to below table:

(A) Vehicle type	(B) Cost per vehicle	(C) BGU	(D) Date vehicle first located in Esperance region	(E) Minister's hand over event date	(F) on what date was each vehicle available for use or deployment
4 x Light Tankers	\$270,000	The 4 Light Tankers have not been allocated to specific brigades. They are a Shire-wide appliance that can be used by any BGU based on risk and operational incident requirements. Initial disbursement is Quarry Road, Scadden, Condingup and Coomalibidgup VBFBS.	21 Feb 22	11 Mar 22	21 February 2022
1 x 4.4 Broadacre Tanker – Dual Cab Tatra	\$620,000	Mt. Beaumont VBFB	21 Feb 22	11 Mar 22	01 March 2022 Driver Operator Firefighting Appliance Assessments.
1 x 4.4 Broadacre Tanker – Single Cab Tatra	\$620,000	Pink Lake VBFB	21 Feb 22	11 Mar 22	02 March 2022 Driver Operator Firefighting Appliance Assessments.
1 x General Rescue Utility – Rural/Remote	\$132,000	Esperance SES	6 Dec 21	11 Mar 22	06 December 2021.

- (2) Please refer to table below

Recommendation	Govt. Response	Current status
1	Supported in principle	DFES has developed and implemented the following actions: <ul style="list-style-type: none"> · Natural Hazards District Officer and Community Emergency Services Manager to work from the Esperance District Office. · DFES is currently reviewing its operational service delivery model which will determine resourcing and staffing to high-risk locations across the State.
2	Not supported	Not applicable
3	Supported	DFES has developed and implemented the following actions: <ul style="list-style-type: none"> · Change of controlling agency form developed in 2020. · Section 13 forms updated in 2020/21. · Operational Circular 107/2020 – inform all staff of changes.
4	Supported	The current Government has given a higher drafting priority to the Exposure Draft Bill for the Consolidated Emergency Services Act.

5	Supported in principle	DFES in consultation with the Esperance Shire and its Chief Bush Fire Control Officer (CBFCO) has delivered an additional four (4) x Light Tankers to the district.
6	Not supported	Not applicable
7	Supported	The work outlined in recommendation 7 is considered business-as-usual for the DFES Bushfire Risk Management Branch (BRMB).
8	Supported	Please refer to the recommendation owners, Department of Planning Lands and Heritage (DPLH) and Department of Biodiversity Conservation and Attractions (DBCA).
9	Supported in principle	Please refer to the recommendation owners, Department of Biodiversity Conservation and Attractions (DBCA).
10	Supported in principle	The 2021/22 WA Grain Harvest Strategy was developed and DBCA and DFES will continue to undertake a risk to capability assessment that will assist in identifying the appropriate level of aerial suppression resource allocation to for annual harvest periods.
11	Supported	The Shire of Esperance better understands and exercises its powers to extend the Restricted and Prohibited burning periods according to risk throughout each southern bushfire season. DFES continues to provide forecast risk assessments and data that informs the Shire's decisions each season.
12	Supported	The following actions have been developed and implemented: <ul style="list-style-type: none"> · A DFES funded repeater tower for Peak Charles in 2020. · A site search identified preferred sites for repeater in Frank Hahn National Park based on best operational outcome · Additional sites to be sought.

GOVERNMENT FLEET — ELECTRIC VEHICLES

626. Hon Dr Brad Pettitt to the minister representing the Minister for Finance:

I refer to a question without notice regarding electric vehicles asked on 16 March 2022, and I ask:

- (a) how many and what percentage of eligible vehicles are electric vehicles to date;
- (b) how many and what percentage of total fleet vehicles are electric vehicles to date;
- (c) how many electric vehicles are ordered and expected for delivery currently and when is delivery expected; and
- (d) how many hybrid vehicles are in the government fleet?

Hon Stephen Dawson replied:

The Department of Finance advises, as of 28 March 2022:

- (a) There are 13 electric vehicles in eligible categories, comprising 0.7 per cent of eligible vehicles.
- (b) Of the total fleet vehicles, 21.5 per cent are eligible vehicles. There are 32 electric vehicles in the total Government fleet which is 0.4 per cent of eligible and ineligible active vehicles.
- (c) There are currently 38 electric vehicles on order with expected delivery dates ranging from April to December 2022, with further orders for electric vehicles expected to be placed.
- (d) There are 459 hybrid vehicles in the Government fleet.

HOSPITALS — PRESENTATIONS — HEART DISEASE

627. Hon Nick Goiran to the Leader of the House representing the Minister for Health:

- (1) How many hospital presentations were attributable to ischemic stroke in Western Australia in the following calendar years:
 - (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?

- (2) How many hospital presentations were attributable to blood clots in Western Australia in the following calendar years:
 - (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?
- (3) How many hospital presentations were attributable to myocardial infarction in Western Australia in the following calendar years:
 - (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?
- (4) How many deaths associated with ischemic stroke occurred in Western Australia in the following calendar years:
 - (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?
- (5) How many deaths associated with blood clots occurred in Western Australia in the following calendar years:
 - (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?
- (6) How many deaths associated with myocardial infarction occurred in Western Australia in the following calendar years:
 - (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?

Hon Sue Ellery replied:

- (1) How many hospital presentations were attributable to ischemic stroke in Western Australia in the following calendar years:
 - (a) 2018: 3,367
 - (b) 2019: 3,513
 - (c) 2020: 3,750
 - (d) 2021: 3,919
- (2) How many hospital presentations were attributable to blood clots in Western Australia in the following calendar years:
 - (a) 2018: 4,351
 - (b) 2019: 4,620
 - (c) 2020: 4,710
 - (d) 2021: 4,996
- (3) How many hospital presentations were attributable to myocardial infarction in Western Australia in the following calendar years:
 - (a) 2018: 5,642
 - (b) 2019: 5,646

- (c) 2020: 5,536
- (e) 2021: 5,513
- (4) How many deaths associated with ischemic stroke occurred in Western Australia in the following calendar years:
 - (a) 2018: 174
 - (b) 2019: 178
 - (c) 2020: 191
 - (d) 2021: 203
- (5) How many deaths associated with blood clots occurred in Western Australia in the following calendar years:
 - (a) 2018: 78
 - (b) 2019: 74
 - (c) 2020: 65
 - (d) 2021: 92
- (6) How many deaths associated with myocardial infarction occurred in Western Australia in the following calendar years:
 - (a) 2018: 188
 - (b) 2019: 181
 - (c) 2020: 167
 - (d) 2021: 174

MINISTER FOR MEDICAL RESEARCH — FUTURE HEALTH RESEARCH AND INNOVATION FUND

628. Hon Martin Aldridge to the Minister for Medical Research:

I refer to the Western Australian Future Health Research and Innovation Fund, and I ask:

- (a) from what date did the Minister for Medical Research take responsibility for the Western Australian *Future Health Research and Innovation Fund Act 2012*;
- (b) by what instrument did responsibility transfer from the Minister for Health to the Minister for Medical Research; and
- (c) given the Government's commitment and legislative amendment to prioritise COVID-19 research and innovation from the FHRI Account, will the Minister please detail the following since the establishment of the account:
 - (i) how much funding has been allocated to date to the account;
 - (ii) how much funding has been expended to date from the account;
 - (iii) please detail the projects and funding recipients approved to date; and
 - (iv) of those identified in (iii), how many relate to coronavirus research and innovation?

Hon Stephen Dawson replied:

- (a) 8 February 2022.
- (b) The *Western Australian Future Health Research and Innovation Fund Act 2012* was committed by the Governor to the Minister for Medical Research (except Part 3, which was committed to the Treasurer) under the *Interpretation Act 1984* section 12(a) (Executive Council Minute 0044).
- (c)
 - (i) \$33,900,000 allocated to the FHRI Account in 2020–21 and \$32,400,000 allocated to the account in 2021–22. Total of \$66,300,000 allocated to the account to date.
 - (ii) \$22,311,089 expended from the FHRI Account to date. In addition, Programs and Initiatives with a combined total value of approximately \$21 million are either at application review or procurement approval stages or are currently open to applications.
 - (iii) Projects and funding recipients approved to date detailed in [see tabled paper no 1283]. Funding approved to date is \$40,778,231.
 - (iv) Of the projects and funding recipients approved to date, 18 projects relate to coronavirus research and innovation with an approved award value of \$5,988,011.

EDUCATION — KINDERGARTEN AND PRE-PRIMARY PROGRAMS — ENROLMENTS

629. Hon Donna Faragher to the Minister for Education and Training:

- (1) I refer to Kindergarten and Pre-primary programs offered in Western Australia, and I ask what was the total number of enrolments in Kindergarten programs for both government and non-government schools in the following years:
- (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?
- (2) What was the total number of enrolments in Pre-Primary programs for both government and non-government schools in the following years:
- (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?

Hon Sue Ellery replied:

- (1)–(2) Kindergarten and Pre-primary enrolments by sector from 2018 to 2021 as at semester 1 each year.

	(a)		(b)		(c)		(d)	
	K	P	K	P	K	P	K	P
Public	24,644	25,953	24,397	25,839	25,060	25,785	24,263	26,535
Non-government	8,486	8,674	8,210	8,796	8,387	8,627	8,518	9,062

Public sector includes community kindergartens.

PUBLIC SCHOOLS — ATTENDANCE

630. Hon Donna Faragher to the Minister for Education and Training:

- (1) I refer to student attendance rates in Western Australian government schools. In 2020 and 2021, what was the total number of students across all government schools, by headcount and percentage, enrolled in a Kindergarten program that had an attendance rate in the following categories:
- (a) between 80–89 percent;
 - (b) between 60–80 percent; and
 - (c) at or below 59 percent?
- (2) In 2020 and 2021, what was the total number of students across all government schools, by headcount and percentage, enrolled in a Pre-Primary program that had an attendance rate in the following categories:
- (a) between 80–89 percent;
 - (b) between 60–80 percent; and
 - (c) at or below 59 percent?

Hon Sue Ellery replied:

Attendance data for 2020 Semester 1 excludes Weeks 7 – 10 as the data were severely affected by the initial COVID-19 disruptions at schools.

- (1) Kindergarten

	2020 (Semester 1)		2021 (Semester 1)	
Attendance Rate	Student	Percentage	Student	Percentage
(a)*	4,533	18.1%	5,395	21.7%
(b)	1,911	7.6%	2,197	8.8%
(c)	829	3.3%	846	3.4%

(2) Pre-primary

Attendance Rate	2020 (Semester 1)		2021 (Semester 1)	
	Student	Percentage	Student	Percentage
(a)*	4,589	17.5%	5,829	21.6%
(b)	1,843	7.0%	2,132	7.9%
(c)	746	2.8%	776	2.9%

*includes students with 80% attendance

SCHOOLS OF THE AIR — FUNDING

631. Hon Donna Faragher to the Minister for Education and Training:

I refer to Schools of the Air, and I ask for each School of the Air, what was the total amount of funding allocated by the Department of Education in the following years:

- (a) 2017;
- (b) 2018;
- (c) 2019;
- (d) 2020; and
- (e) 2021?

Hon Sue Ellery replied:

The total amount of funding allocated for each School of the Air (SOTA) is as follows:

School	(a)	(b)	(c)	(d)	(e)
Carnarvon School of the Air	\$1,196,872.80	\$1,157,496.43	\$975,796.58	\$912,252.11	\$815,991.81
Kalgoorlie School of the Air	\$1,958,584.92	\$1,149,456.52	\$1,422,456.08	\$1,281,950.09	\$1,485,633.60
Kimberley School of the Air	\$923,669.47	\$728,780.82	\$814,141.31	\$856,553.77	\$756,090.24
Meekatharra School of the Air	\$937,808.68	\$848,942.86	\$974,031.32	\$1,159,235.91	\$1,112,349.04
Port Hedland School of the Air	\$806,471.48	\$806,236.59	\$747,132.52	\$829,469.09	\$776,388.76

SCHOOLS OF THE AIR — ENROLMENTS

632. Hon Donna Faragher to the Minister for Education and Training:

I refer to Schools of the Air, and I ask for each School of the Air, can the Minister advise the total number of students enrolled during the following years:

- (a) 2017;
- (b) 2018;
- (c) 2019;
- (d) 2020; and
- (e) 2021?

Hon Sue Ellery replied:

Schools of the Air enrolments as at the semester 1 student census 2017 to 2021.

School Name	2017	2018	2019	2020	2021
Carnarvon School of the Air	43	42	39	37	29
Kalgoorlie School of the Air	69	42	52	50	59
Kimberley School of the Air	34	23	31	31	21
Meekatharra School of the Air	29	29	33	42	42
Port Hedland School of the Air	24	25	18	24	18

CORONAVIRUS — SCHOOLS — VENTILATION

633. Hon Donna Faragher to the Minister for Education and Training:

I refer to the Minister's press statement titled, "Western Australian schools to safely open for learning in Term 1" (25 January 2022) which states "all 900 public education facilities in WA have been inspected to check the ventilation of every classroom" and the reference to the Department of Education's ventilation strategy, and I ask will the Minister table a copy of the ventilation inspection audit that was conducted by the Department in all public education facilities across the State?

Hon Sue Ellery replied:

As part of the Department of Education's ventilation strategy, over 47,000 occupiable spaces in public education facilities were individually reviewed against detailed technical specifications developed in line with national and international ventilation guidelines.

The results of the ventilation assessments are recorded in a technical database, not in a report format. School-level protocols were informed by database analytics relevant to each school.

COMMUNITIES — KIDS HELPLINE — FUNDING

634. Hon Donna Faragher to the Leader of the House representing the Minister for Community Services:

I refer to the Kids Helpline counselling service for young people aged 5 to 25 and the Department of Communities, and I ask what was the total amount of funding provided by the Department to deliver this service in:

- (a) 2020; and
- (b) 2021?

Hon Sue Ellery replied:

- (a) \$70,387.16 (Ex. GST)
- (b) \$74,949.41 (Ex. GST)

COMMUNITIES — KIDS HELPLINE — CONTACT

635. Hon Donna Faragher to the Leader of the House representing the Minister for Community Services:

(1) I refer to the Kids Helpline counselling service for young people aged 5 to 25 and the Department of Communities, and I ask in 2020 and 2021, what was the total number of contacts made to the Kids Helpline service from children and young people in Western Australia via the following methods:

- (a) telephone;
- (b) email; and
- (c) web chat?

(2) For each of the methods referenced in (1), how many contacts were not answered?

Hon Sue Ellery replied:

(1) 2020

Type of Contact	Number of Contacts
Telephone	15,740
Email	2,004
Web Chat	15,132
Total	32,876

2021

Type of Contact	Number of Contacts
Telephone	18,137
Email	2,076
Web Chat	13,840
Total	34,053

(2) 2020

Type of Contact	Number of Contacts	Number of Unanswered Contacts
Telephone	15,740	8,094
Email	2,004	0
Web Chat	15,132	11,070
Total	32,876	19,164

2021

Type of Contact	Number of Contacts	Number of Unanswered Contacts
Telephone	18,137	10,789
Email	2,076	0
Web Chat	13,840	9,554
Total	34,053	20,343

When calling the service, callers will hear a 20-second introduction message before their call is progressed to a counsellor. Approximately 20 per cent of unanswered calls are callers hanging up before the completion of the 20-second message. These calls do not enter the phone queuing system, but they recorded as unanswered.

CORONAVIRUS — BUSINESS ASSISTANCE PACKAGE

636. Hon Dr Steve Thomas to the Leader of the House representing the Premier:

I refer to the Premier's announcement of 24 February 2022 for the provision of a \$67 million Level 1 COVID-19 Business Assistance Package, and I ask:

- (a) from what date were applications for access to the above support package accepted by Government;
- (b) until what date will applications for access to the above package be accepted by Government;
- (c) what department will oversee the application process of the Safe Transition Support Package; and
- (d) what is the anticipated processing time from grant application to tangible financial delivery to applying businesses?

Hon Sue Ellery replied:

- (a)–(c) The McGowan Government's \$67 million Level 1 COVID-19 Business Assistance Package consists of multiple support programs, administered by the Small Business Development Corporation and the Department of Local Government, Sport and Cultural Industries'.

Each program has its own application timeframes. As of 1 April 2022, applications for all programs had opened. Applications for all programs are expected to be closed by 30 June 2022.

- (d) Agencies always aim to deliver payments to businesses as quickly as possible. Timeframes for each program and individual applications vary on a case by case basis.

HEALTH — HAND SANITISER UNITS TRIAL

646. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:

- (1) I refer to a media statement by the former Minister for Health on 7 September 2021 announcing a \$1.5 million investment in ten touchless hand sanitiser units, and I ask for the Minister to please table the following documents relating to the market led proposal:
 - (a) concept submission;
 - (b) business case;
 - (c) business case evaluation; and
 - (d) contract executed?
- (2) Now that the six month trial has concluded, what is the result of the trial?
- (3) Please table any review of the trial that has been provided to the Minister?
- (4) At what locations and for what periods of time was each of the ten sanitiser units located?
- (5) Of those identified in (4), what quantity of hand sanitiser was consumed by each unit during the trial period?
- (6) Has the State Government agreed to extend the trial or the funding beyond the initial six months?
- (7) If yes to (6), please provide details of any extension?
- (8) What brand of hand sanitiser was utilised during the trial and how was it ensured that the product used was safe and effective?

Hon Sue Ellery replied:

Questions relating to Market Led Proposals should be directed to Minister Saffioti.

CORONAVIRUS — MASKS — PROCUREMENT

647. Hon Martin Aldridge to the Leader of the House representing the Premier:

- (1) I refer to the fabric ‘Roll Up For WA’ masks often worn by the Premier and other public officials, and I ask:
 - (a) which agency procured these masks?
- (2) How many masks were procured?
- (3) What was the total cost of the procurement?
- (4) Who was the supplier of the masks and what was the country of their manufacture?
- (5) What procurement process was utilised to supply the masks?
- (6) How have the masks been distributed and to whom have they been distributed?
- (7) Noting the deficiencies of fabric masks outlined on the ‘Healthy WA’ website, why has the State Government procured such masks.?

Hon Sue Ellery replied:

- (1) Department of the Premier and Cabinet.
- (2) 27,000
- (3) \$56,454.55 (excluding GST).
- (4) Regal Sportswear Pty Ltd trading as BPromo. The masks were manufactured in China.
- (5) Request for Exemption Procurement Process.
- (6) The masks have been distributed free of charge to members of the public through a variety of measures, including at events and pop-ups across metropolitan and regional Western Australia, such as the free RAT pop-ups as part of the WA Free RAT Program.
- (7) Consultation was undertaken with WA Health at the time of procurement to ensure the masks met relevant health advice and requirements. The Infection Control Expert Advisory Group, which advises the Australian Health Protection Principal Committee and its other standing committees on infection prevention and control issues, advises that cloth face coverings are effective in reducing source virus transmission.

CHILDREN WITH HARMFUL SEXUAL BEHAVIOURS — RESIDENTIAL CARE — REVIEW

649. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection:

I refer to the disturbing case of Macie and Lee, in which the Department of Communities placed a vulnerable young girl, Macie, with a known sexual abuser, Lee, in a residential care home, leading to Macie being abused by Lee, and the subsequent report from the Commissioner for Children and Young People’s *Independent Review Into The Department Of Communities’ Policies And Practices Into The Placement Of Children With Harmful Sexual Behaviours In Residential Care Settings*, tabled on 15 September 2021, and I ask:

- (a) is the Minister aware that the review report states “the decision not to move Macie or Lee from their shared placement was likely indicative of a broader and ongoing departmental issue regarding a lack of suitable temporary and long term care placements for vulnerable children and young people and/or children who pose a risk to others, and for children and young people in general. Information provided to the Review showed that family, foster care and residential care placements are all limited and insufficient”;
- (b) have any additional family, foster and/or residential care placements been secured since this report was released;
- (c) if yes to (b), how many and in which category; and
- (d) if no to (b), why not?

Hon Sue Ellery replied:

- (a) Yes.
- (b)–(d) Between 15 September 2021 and 31 March 2022:
 - 37 departmental general foster carer households were approved; and
 - 300 additional family carer households were approved across the state.

The Department of Communities has committed to increase the number of Residential Group Homes in regional WA over the next four years.

CHILDREN WITH HARMFUL SEXUAL BEHAVIOURS — RESIDENTIAL CARE — REVIEW

650. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection:

I refer to the Commissioner for Children and Young People's *Independent Review Into The Department Of Communities' Policies And Practices Into The Placement Of Children With Harmful Sexual Behaviours In Residential Care Settings*, tabled on 15 September 2021, noting on page 30–32 it sets out that for residential care placements, the Department has a placement capacity of 117, with 91 residents, whereas funded Community Service Organisations are overflowing, having a placement capacity of 225 with 284 residents, and I ask:

- (a) why is this the case;
- (b) has the number of funded places for community sector organisations been increased to meet demand; and
- (c) if no to (b), why not?

Hon Sue Ellery replied:

- (a) Communities endeavours to make decisions that are trauma-informed, culturally safe, and in the best interests of children and focussed on meeting their safety and wellbeing needs. While a residential care facility may be able to accommodate up to four children in the metropolitan area and six to eight in regional WA, the children referred to these homes have often faced significant trauma and/or neglect. As a result, they may exhibit complex behaviours and may be a risk to other children or residents and may be housed alone or with limited other residents. Unoccupied beds would not be considered vacancies in these situations.
- (b)–(c) There has been no increase in the 225 contracted group home placements provided by funded Community Service Organisations. Under certain circumstances, additional placements are funded on an ad hoc basis.

CHILDREN WITH HARMFUL SEXUAL BEHAVIOURS — RESIDENTIAL CARE — REVIEW

651. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection:

I refer to the Commissioner for Children and Young People's *Independent Review Into The Department Of Communities' Policies And Practices Into The Placement Of Children With Harmful Sexual Behaviours In Residential Care Settings*, tabled on 15 September 2021, and note the reference on page 19 to improvements to the Residential Care Practice Manual, I ask:

- (a) will the Minister table a copy of the Residential Care Practice Manual; and
- (b) if no to (a), why not?

Hon Sue Ellery replied:

- (a) Yes. [See tabled paper no 1250.]
- (b) Not applicable.

HEALTH — ALBANY RADIATION ONCOLOGY UNIT

652. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:

I refer to the media statement of 21 April 2021 entitled “Successful tender announced for lifesaving Albany radiation oncology service”, and I ask:

- (a) will the Minister please provide detail of the current timeline of this redevelopment;
- (b) is the project on track to be completed in the second half of 2022;
- (c) can the Minister confirm what funds have been spent on the project to date; and
- (d) is the project total cost expected to exceed the \$13.1 million originally budgeted?

Hon Sue Ellery replied:

- (a) The works are currently in construction. Expected Practical Completion of building is early September 2022.
- (b) Yes.
- (c) As at 31 March 2022 is \$6,978,126 (excluding GST).
- (d) No.

EMERGENCY SERVICES — REPEATER SITES

653. Hon Martin Aldridge to the Minister for Emergency Services:

- (1) I refer to the Western Australian Emergency Response Network (WAERN) repeater sites and evidence provided to the Standing Committee on Estimates and Financial Operations 2021–22 Budget Estimates inquiry and I ask, in the past two years, has any WAERN repeater site failed?

- (2) If yes to (1), will the Minister please provide the following in respect to each failure:
- (a) the date;
 - (b) the time;
 - (c) the length of failure; and
 - (d) the location of repeater site?
- (3) How does the Department of Fire and Emergency Services (DFES) determine the failure of a repeater site?
- (4) Will the Minister please table the policy and procedures that apply in the event that a site loses power and switches to battery redundancy?
- (5) How frequently is each radio repeater site inspected and maintained?
- (6) How many radio technicians by FTE are ordinarily employed by DFES?
- (7) How many radio technicians by FTE are currently employed by DFES?
- (8) Noting the case study found at Appendix G of the *Independent Review of Christmas 2021 Power Outages*, I ask:
- (a) given the power disruption occurred at 1920 hours on 25 December 2021, why was it the case the repeater site mentioned was low on power by the following morning, given the Minister has stated each site has a 48-hour battery redundancy;
 - (b) did the site mentioned in the case study lose power and fail;
 - (c) at what date and time was back up generation mobilised to the site; and
 - (d) at what date and time was back up generation operational at the site?
- (9) Noting the comment on page 37 of the above mentioned review, which states, “The Western Power DFES TFB exemption does allow DFES to request re-instatement of power in an emergency however this appears to be rarely used and there are no documented procedures on how to apply that request”, and I ask:
- (a) will the Minister please table the Western Power TFB exemption;
 - (b) on how many occasions has DFES ‘requested’ that power be restored pursuant to the exemption;
 - (c) of those identified in (b), on what dates were such requests made and in relation to which locations; and
 - (d) given the impact of extended outages on the WAERN repeater network as well as other telecommunication facilities which enable emergency response and emergency management, why does DFES not have a documented procedure in this respect?

Hon Stephen Dawson replied:

- (1) Yes
- (2) Currently DFES Radio Communications Service (RCS) repeater infrastructure does not have the required technology to provide ability to remotely monitor the health and performance of repeaters.
- (3) The failure of a repeater site is determined through the fault reporting system by the end user reporting the inability to communicate or a degradation of service.
- (4) The process for failover to battery is automated through the configuration of the sites power system design.
- (5) Annually.
- (6) 10
- (7) 6. Recruitment for the vacant positions is currently underway.
- (8)
 - (a) DFES was not aware of it being low on power the morning of 26 December 2021.
 - (b) No
 - (c) On the morning of 26 December 2021.
 - (d) 0930hrs 26th December 2021.
- (9)
 - (a) [See tabled paper no 1284].
 - (b) Nil
 - (c) Nil
 - (d) Where the WAERN repeater network is impacted by the electricity network during an emergency DFES has procedures in place to address the outages, these procedures do not include requesting the re-instatement of power. DFES does not rely on the re-instatement of power to ensure WAERN network coverage

WA COUNTRY HEALTH SERVICE — CHILD DEVELOPMENT SERVICES — WAIT TIMES

654. Hon Donna Faragher to the Leader of the House representing the Minister for Health:

I refer to child development services provided by the WA Country Health Service and ask what is the current median wait time for children, in the primary years of schooling, to access the following services:

- (a) paediatricians; and
- (b) clinical psychologists?

Hon Sue Ellery replied:

- (a) Data is not available as Paediatric clinics are managed differently in each WACHS region.
- (b) 111 days.

ABORTION — TRISOMY 21

657. Hon Nick Goiran to the Leader of the House representing the Minister for Health:

How many abortions were performed at 20 weeks gestation, or later, with the justification for the abortion given as “Trisomy 21” between 20 May 1998 and 31 December 2021?

Hon Sue Ellery replied:

Before 22 October 2001, the abortion notification form used did not require the reason for the abortion.

For the period 22 October 2001 to 31 December 2017 there were 43 abortions as previously reported.

For the period 1 January 2018 to 31 December 2021 there were less than 5 abortions performed at 20 weeks gestation, or later, where the reason included Trisomy 21 with other significant conditions.

EMERGENCY SERVICES — LEGISLATION

659. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to the Department of Fire and Emergency Services website, which states that in October 2019 “Cabinet has approved the consolidation of the three emergency service Acts into a single piece of legislation”, and I ask:

- (a) does that remain the current status of this project;
- (b) has drafting commenced on the exposure draft Bill;
- (c) if yes to (b), on what date did drafting commence and when is it expected to be concluded;
- (d) when is it expected that the exposure draft Bill will be made public for consideration and consultation; and
- (e) when is it expected that the Government will prioritise the passage of new legislation?

Hon Stephen Dawson replied:

- (a)–(e) The drafting of Bills remains cabinet in confidence until they are publically released.

EMERGENCY SERVICES — BRIGADES, GROUPS AND UNITS — MOBILISATION

660. Hon Martin Aldridge to the Minister for Emergency Services:

- (1) I refer to the mobilisation of brigades, groups and units (BGUs), and I ask, during 2020–21 and 2021–22 to date, on how many occasions has a BGU not mobilised in response to an incident?
- (2) For each instance identified in (1), please provide:
 - (a) the name of the BGU;
 - (b) the location of the incident; and
 - (c) the reason for the non-response?
- (3) Of the instances identified in (1), in how many occasions was a BGU not mobilised due to the failure of telecommunication services?
- (4) What redundancy does the Department of Fire and Emergency Services have in place for BGU mobilisation in the event of planned or unplanned telecommunication outages?

Hon Stephen Dawson replied:

- (1) The Department of Fire and Emergency Services (DFES) does not collect data on when Brigades, Groups or Units are not mobilised to incidents.
- (2)–(3) Not applicable
- (4) Mobile and landline telephone
Short Message Service (SMS)
SMSer (backup SMS)

Regional Duty Coordinator contact via phone, email, SMS or radio

Regional Duty Coordinator or Volunteer Management Support Officer can contact the brigade/unit via phone, email, social media, SMS or radio

Local Police or Water Police direct contact

PUBLIC SECTOR MANAGEMENT ACT — SPECIAL INQUIRIES

661. Hon Martin Aldridge to the Leader of the House representing the Minister for Public Sector Management:

I refer to special inquiries established pursuant to the *Public Sector Management Act 1994*, and I ask, what was the cost of the following inquiries:

- (a) Waroona Bushfire Special Inquiry;
- (b) Margaret River Bushfire Inquiry; and
- (c) Perth Hills Bushfire Inquiry?

Hon Sue Ellery replied:

The following costs are the costs attributed with the Inquiries incurred by the Department of the Premier and Cabinet. The costs are mostly attributed with salaries, as well as some additional consumables.

- (a) \$354,051.85
- (b) \$215,145.41
- (c) \$363,441.21

AGRICULTURE AND FOOD — SWEETER BANANA CO-OPERATIVE — GRANTS

662. Hon Dr Steve Thomas to the Minister for Agriculture and Food:

I refer to the Sweeter Bananas Cooperative of Carnarvon, and I ask:

- (a) how many grants has the Sweeter Banana Cooperative received since inception from the Mid West Development Commission;
- (b) what was the date and value of each of those grants;
- (c) what was the outcome of each of those grants and how were the results assessed; and
- (d) does the Sweeter Bananas Cooperative lease land and grow bananas themselves?

Hon Alannah MacTiernan replied:

Please refer to the answer provided to LC QON 663.

AGRICULTURE AND FOOD — SWEETER BANANA CO-OPERATIVE — GRANTS

663. Hon Dr Steve Thomas to the Minister for Agriculture and Food:

I refer to the Sweeter Bananas Cooperative of Carnarvon, and I ask:

- (a) how many grants has the Sweeter Bananas Cooperative received since inception from the Gascoyne Development Commission and the Department of Agriculture and Food;
- (b) what was the date and value of each of those grants;
- (c) what was the outcome of each of those grants and how were the results assessed; and
- (d) does the Sweeter Bananas Cooperative lease land and grow bananas themselves?

Hon Alannah MacTiernan replied:

- (a) 9.
- (b)–(c) [See tabled paper no 1255.]
- (d) Yes.

HEALTH — FOOD AND DRINK ADVERTISING

665. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Health:

I refer to the commitment made by the then Health Minister at a Public Health Advocacy Institute of Western Australia forum on 4 March 2021 that, should the McGowan Government be re-elected, the Government would immediately convene an inter-agency taskforce for the removal of unhealthy food and drink promotions from State assets as per recommendation 2a of the *Sustainable Health Review Final Report*, and I ask:

- (a) has the taskforce been convened as promised;

- (b) if yes to (a):
- (i) who are the members of the taskforce;
 - (ii) who has the taskforce sought advice from, or consulted with, to date;
 - (iii) has the taskforce made any recommendations regarding the establishment of a policy to ban or otherwise limit the advertising of unhealthy food and drinks on State assets; and
 - (iv) if yes to (iii), will the Minister table those recommendations;
- (c) has a draft policy to ban unhealthy food and drink advertising from State assets been prepared;
- (d) will public consultation be undertaken on a draft policy to ban unhealthy food and drink advertising from State assets;
- (e) when does the Minister anticipate that a policy to ban unhealthy food and drink advertisements from State assets to be implemented; and
- (f) since the Minister's appointment as the Minister for Health, has the Minister:
- (i) been contacted by the Outdoor Media Association;
 - (ii) met with the Outdoor Media Association; and
 - (iii) scheduled any future meetings with the Outdoor Media Association?

Hon Sue Ellery replied:

- (a)–(f) A Healthy Food and Drink Advertising Working Group (the Working Group) was established in August 2021. The Working Group currently comprises of members from the Departments of Health and Finance, the Public Transport Authority and Healthway. The Working Group has consulted with ACT Health and Queensland Health as those jurisdictions currently have or are considering a policy to ban unhealthy food and drink advertising on public assets.

A draft policy and recommendations have been presented to the Minister. As these materials are yet to be considered by Cabinet, the Government is not in a position to make the draft policy and recommendations public.

The Minister has been contacted by the Outdoor Media Association, but a meeting has not been scheduled to date.

CHILD AND ADOLESCENT HEALTH SERVICE — COMMUNITY CHILD HEALTH PROGRAM

666. Hon Donna Faragher to the Leader of the House representing the Minister for Health:

I refer to the Department of Health's Community Child Health Program, and I ask, in the 2019–20 and 2020–21 financial years, how many eligible children in the Perth metropolitan area received a child health check, by number and in percentage terms, across the following categories:

- (a) 0 – 14 days;
- (b) 8 weeks;
- (c) 4 months;
- (d) 12 months; and
- (e) 2 years?

Hon Sue Ellery replied:

Child health checks while encouraged are not mandatory. Families can choose to opt in to access child health services.

Universal Check	2019–20FY		2020–21FY	
	Children completing Universal check (Number)	Percentage of eligible children seen (%)	Children completing Universal check (Number)	Percentage of eligible children seen (%)
(a) 0 – 14 days	25,435	98.0%	25,807	98.1%
(b) 8 weeks	22,822	87.0%	22,841	87.0%
(c) 4 months	21,622	81.9%	21,106	82.8%
(d) 12 months	11,629	44.1%	11,554	44.6%
(e) 2 years	7,649	30.2%	8,565	32.8%

CHILD AND ADOLESCENT HEALTH SERVICE — COMMUNITY CHILD HEALTH PROGRAM

667. Hon Donna Faragher to the Leader of the House representing the Minister for Health:

I refer to the Department of Health's Community Child Health Program, and I ask, in the 2019–20 and 2020–21 financial years, how many eligible children in regional Western Australia via the WA Country Health Service received a child health check, by number and in percentage terms, across the following categories:

- (a) 0–14 days;
- (b) 8 weeks;
- (c) 4 months;
- (d) 12 months; and
- (e) 2 years?

Hon Sue Ellery replied:

Child health checks while encouraged are not mandatory. Families can choose to opt in to access child health services.

Universal Check	2019–20FY		2020–21FY	
	Children completing Universal check (Number)	Percentage of eligible children seen (%)	Children completing Universal check (Number)	Percentage of eligible children seen (%)
(a) 0 – 14 days	5,778	93%	6,048	97%
(b) 8 weeks	4,967	79%	7,959	80%
(c) 4 months	4,932	78%	4,737	78%
(d) 12 months	4,121	64%	3,925	64%
(e) 2 years	2,920	44%	2,830	44%

CHILD AND ADOLESCENT HEALTH SERVICE — COMMUNITY CHILD HEALTH PROGRAM

668. Hon Donna Faragher to the Leader of the House representing the Minister for Health:

I refer to the Department of Health's Community Child Health Program, and I ask, in the 2019–20 and 2020–21 financial years, what was the overall 'Did Not Attend' rate of parents who did not keep appointments for a scheduled child health check?

Hon Sue Ellery replied:

Child health checks while encouraged are not mandatory. Families can choose to opt in to access child health services.

	2019–20FY	2020–21FY
'Did Not Attend' Rate (%)	8.4%	8.8%

CHILD AND ADOLESCENT HEALTH SERVICE — SCHOOL ENTRY HEALTH ASSESSMENTS

669. Hon Donna Faragher to the Leader of the House representing the Minister for Health:

- (1) I refer to the Child and Adolescent Health Service's School Entry Health Assessment, which is offered to all children in the year they start school, and I ask, how many School Entry Health Assessments were conducted in 2021?
- (2) Of those assessments referred to in (1), how many resulted in a referral to the following services provided by the metropolitan Child Development Service:
 - (a) physiotherapy;
 - (b) occupational therapy;
 - (c) speech pathology;
 - (d) audiology;
 - (e) paediatrician; and
 - (f) clinical psychology?
- (3) Of those assessments referred to in (1), how many resulted in a referral to the following services provided by the WA Country Health Service:
 - (a) physiotherapy;
 - (b) occupational therapy;
 - (c) speech pathology;

- (d) audiology;
- (e) paediatrician; and
- (f) clinical psychology?

Hon Sue Ellery replied:

- (1) In 2021, 24,155 School Entry Health Assessments (SEHA's) were completed during the school year (01/02/2021–31/01/2022) for kindy aged students (born 01/07/2016 – 30/06/2017).
- (2)
- | | | |
|-----|----------------------|-----|
| (a) | physiotherapy | 39 |
| (b) | occupational therapy | 70 |
| (c) | speech pathology | 313 |
| (d) | audiology | 376 |
| (e) | paediatrician | 7 |
| (f) | clinical psychology | 18 |
- (3) Not applicable. The Child and Adolescent Health Service (CAHS) would not refer to the WA Country Health Service (WACHS) Child Development Service (CDS) from a SEHA, as the child would be living in the metropolitan area and therefore would be referred to CAHS CDS services.

EDUCATION — TEACHER FLYING SQUAD**670. Hon Donna Faragher to the Minister for Education and Training:**

I refer to the Department of Education's teacher flying squad that is utilised by Government schools to fill urgent teaching vacancies, and I ask, will the Minister provide a breakdown, by headcount and FTE, the total number of teaching staff included within this flying squad in the following years:

- (a) 2019;
- (b) 2020;
- (c) 2021; and
- (d) 2022 (to date)?

Hon Sue Ellery replied:

	Category 1*		Category 2**	
	FTE	Headcount	FTE	Headcount
2019	2	2	281	281
2020	4	4	319	319
2021	8	8	137	137
2022	9	9	61	61

*Category 1 – teachers employed on 2-year contracts, which lead to permanency. They can be directed to appointments.

**Category 2 – Teachers who have expressed an interest in short-term, regional contracts. They have no ongoing contract and can decline offers.

Positions in both categories are currently being advertised and recruitment is ongoing.

CORONAVIRUS — SCHOOLS — AIR PURIFIERS**671. Hon Donna Faragher to the Minister for Education and Training:**

- (1) I refer to the answer given to question without notice 178, asked on 17 March 2022, in relation to air purifiers fitted with high efficiency particulate air (HEPA) filters that have been provided by the Department of Education to schools, and I ask, since the commencement of Term 1, have any requests by schools for additional air purifiers been rejected:
- (a) if yes to (1), how many?
- (2) With respect to the 223 additional air purifiers provided by the Department on request, will the Minister table a list of the recipient schools?

Hon Sue Ellery replied:

- (1) All classrooms that have been assessed as requiring an air purifier have received one.
- (a) Not applicable.

(2) Recipient schools are listed below.

Applecross Senior High School
Atwell College
Bayswater Primary School
Belmont City College
Brentwood Primary School
Burringurrah Remote Community School
Busselton Senior High School
Butler College
Canning Vale Education Support Centre
Capel Primary School
Cloverdale Education Support Centre
Cooinda Primary School
Coolgardie Primary School
Cyril Jackson Senior Campus
Denmark Senior High School
Dunsborough Primary School
East Kalgoorlie Primary School
Geographe Education Support Centre
Geographe Primary School
Hampton Senior High School
Kalamunda Primary Education Support Centre
Kalamunda Secondary Education Support Centre
Kalamunda Senior High School
Koorana Education Support Centre
Lake Grace District High School
Lakelands Primary School
Leda Education Support Centre
Leeming Senior High School Education Support Centre
Lynwood Senior High School
Maddington Education Support Centre
Malibu School
Manjimup Primary School
Manjimup Senior High School
Meadow Springs Education Support Centre
Meekatharra School of the Air
Melville Senior High School
Mount Manypeaks Primary School
O'Connor Education Support Centre
Perth Modern School
Port Hedland School of the Air
Riverside Education Support Centre
Rockingham Beach Education Support Centre
Rockingham Senior High School
Roseworth Education Support Centre
Sir David Brand School
School of Special Education Needs: Sensory (located at Statewide Services Centre)
Tuart Hill Community Kindergarten

Walkaway Primary School
 Warnbro Community High School
 Warwick Senior High School
 West Busselton Primary School
 Wilson Primary School
 Wirrabirra Education Support Centre

PUBLIC SCHOOLS — STAFF — ASSAULTS AGAINST

672. Hon Donna Faragher to the Minister for Education and Training:

- (1) I refer to Western Australian Government primary and secondary schools and the Department of Education, and I ask, how many incidents of assault or physical threatening behaviour against public school staff, including teachers, were reported to the Department in the following years:
- (a) 2017;
 - (b) 2018;
 - (c) 2019;
 - (d) 2020; and
 - (e) 2021?
- (2) Of those figures referred to in (1)(a)–(e), please advise:
- (a) how many incidents were reported to occur against a school principal and/or deputy principal;
 - (b) how many incidents involved a weapon or physical object;
 - (c) how many incidents required medical assistance; and
 - (d) how many incidents were reported to the police?

Hon Sue Ellery replied:

- (1)–(2) Since the 2019 launch of the *No Voice to Violence* campaign schools have been actively encouraged to report violent incidents, so an increase in reporting was expected.

Year	1(a)–(e)	2(a)	2(b)	2(c)	2(d)
2017	2,002	812	661	441	241
2018	2,055	876	657	431	241
2019	2,638	1091	942	532	251
2020	2,163	1022	807	486	197
2021	2,577	1400	1,060	523	249

Notes:

- (1) An assault includes any form of contact.
- (2) Physical threatening behaviour is where another person fears injury or harm without actual contact.
- (3) A single incident can involve more than one staff member such as a school principal and deputy principal.
- (4) Police notification does not necessarily mean the WA Police attended the school.
- (5) Incidents that required medical assistance may include assistance provided to staff and/or students.
- (6) Over the last 18 months quality assurance processes have been put in place to review existing data. As a result, data previously provided may differ slightly.

COMMUNITIES — EDUCATION AND CARE REGULATORY UNIT

673. Hon Donna Faragher to the Leader of the House representing the Minister for Community Services:

- (1) I refer to the Department of Communities Education and Care Regulatory Unit, and I ask, how many requests has the Department received from childcare providers for registration in the following years:
- (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?

- (2) Of the requests referred to in (1)(a)–(d), how many were approved?
- (3) How many childcare providers had their registration suspended by the Department in the following years:
- (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?

Hon Sue Ellery replied:

- (1) (a) 106
(b) 93
(c) 57
(d) 107
- (2) (a) 61
(b) 41
(c) 28
(d) 45
- (3) (a) 0
(b) 2
(c) 0
(d) 2

PUBLIC SCHOOLS — EXCLUSIONS

674. Hon Donna Faragher to the Minister for Education and Training:

- (1) I refer to the Department of Education and violence in school policies, and I ask, in 2021, how many recommendations were received by the Department from Government school principals for a student to be excluded?
- (2) In 2021, how many exclusions were approved by the Department?
- (3) Of the exclusions referred to in (2), please advise:
- (a) the total number of students who were permanently excluded from a particular school; and
 - (b) the total number of students who were permanently excluded from all schools?
- (4) In 2021, what was the average period of time students were excluded for?

Hon Sue Ellery replied:

- (1) 96
- (2) 76
- (3) (a) 43
(b) None. Exclusion from a public school does not revoke the responsibility of the Department of Education to educate a student. Section 94 of the *School Education Act 1999* outlines the orders that the Director General may make to exclude a student from a specific public school. Students excluded from a public school may:

be directed to a different public school, School of Alternative Learning Settings or School of Special Educational Needs: Behaviour and Engagement

engage in education programs or learning environments offered by the non-government education sectors, or

depending on their age and eligibility:

engage in a gazetted course or vocational education and training course through a TAFE or private training provider

undertake an apprenticeship or traineeship, or

gain employment.

Students may be engaged in a combination of the above, depending on their age and eligibility.

- (4) 73 days. This reflects the 33 students temporarily excluded from a public school in 2021, and is based on those days that were available for attendance.

PUBLIC SCHOOLS — TEACHER LIBRARIANS

675. Hon Donna Faragher to the Minister for Education and Training:

- (1) How many qualified teacher librarians are currently employed in public primary and secondary schools in Western Australia?
- (2) For those teacher librarians referred to in (1), will the Minister provide a breakdown by qualification?

Hon Sue Ellery replied:

- (1) At 14 April 2022, there were 42 teachers employed under the position of Teacher Library Services. Of these, 9 have listed a specialist library qualification in the Human Resource Management Information System (HRMIS). The remaining 33 were confirmed as holding a recognised teaching qualification, but had not identified whether they had a library major.
- (2) Detailed qualification information, in addition to that required for validation when teachers are employed, is entered on a voluntary basis through employee self-service. There may be more of the Library Services teachers identified who have a specialist library qualification that is not listed in HRMIS.

Qualification information for the teachers who listed a specific library teaching qualification in HRMIS is as follows:

Qualification		Major	No of Staff
Graduate Diploma	Teacher Librarian		3
Graduate Diploma	Information Services		2
Bachelor	Library Studies		2
Bachelor	Arts (Education)	Library	1
Diploma	Teaching	Library	1

SCHOOL OF ISOLATED AND DISTANCE EDUCATION — STAFF

676. Hon Donna Faragher to the Minister for Education and Training:

I refer to the School of Isolated and Distance Education (SIDE), and I ask, will the Minister provide a breakdown, by headcount and FTE, of each category of staff employed at SIDE in the following years:

- (a) 2019;
- (b) 2020;
- (c) 2021; and
- (d) 2022 (to date)?

Hon Sue Ellery replied:

- (a)–(d) All public schools in Western Australia, including SIDE, operate with a one-line budget that supports greater local control and decision-making by Principals and their school communities in determining how funds are spent. This provides schools with greater flexibility to develop educational programs and staffing profiles that best suit the needs of the school communities within budget parameters.

Category of staff	2019		2020		2021		2022	
	Headcount	FTE	Headcount	FTE	Headcount	FTE	Headcount	FTE
Teaching Award	125.0	114.8	146.0	124.1	158.0	134.7	167.0	137.7
Public Service	25.0	24.9	33.0	27.8	27.0	25.7	33.0	29.0
Education Assistant	5.0	2.4	6.0	2.8	6.0	4.7	7.0	3.8
School Officers	1.0	1.0	1.0	1.3	4.0	3.4	3.0	2.4
Cleaners and Gardeners	1.0	0.4	1.0	0.4	1.0	0.5	1.0	0.5

In line with the HR MOIR census methodology, headcount figures are calculated for permanent and fixed-term employees (excluding casual employees) and can fluctuate by pay period. The above headcount is at the pay periods 18 April 2019, 16 April 2020, 15 April 2021 and 14 April 2022 respectively.

FTE is calculated on the average number of full-time equivalent employees (including permanent, fixed-term and casual employees) that were paid in the calendar year. The figures for 2019, 2020 and 2021 are based on a full calendar year. The 2022 figure is calculated from the first pay period in the calendar year up to the current pay period (14 April 2022).

SCHOOL OF ISOLATED AND DISTANCE EDUCATION — ENROLMENTS

677. Hon Donna Faragher to the Minister for Education and Training:

I refer to the School of Isolated and Distance Education (SIDE), and I ask, can the Minister advise the total number of students enrolled at SIDE during the following years:

- (a) 2017;
- (b) 2018;
- (c) 2019;
- (d) 2020; and
- (e) 2021?

Hon Sue Ellery replied:

The table below reports the total enrolments at the School of Isolated and Distance Education (SIDE) from 2017 to 2021 as at August each year.

	(a)	(b)	(c)	(d)	(e)
Full-time students enrolled at SIDE	395	428	409	404	380
Students enrolled at another school accessing education programs from SIDE	2,006	1,586	1,438	1,851	2,072
Total	2401	2014	1847	2255	2452

SCHOOL OF ISOLATED AND DISTANCE EDUCATION — FUNDING

678. Hon Donna Faragher to the Minister for Education and Training:

I refer to the School of Isolated and Distance Education (SIDE), and I ask, what was the total amount of funding allocated by the Department of Education to SIDE in the following years:

- (a) 2017;
- (b) 2018;
- (c) 2019;
- (d) 2020; and
- (e) 2021?

Hon Sue Ellery replied:

All public schools in Western Australia operate with a one-line budget. SIDE is a school providing specialist services and so is funded based on these services rather than the student enrolments through the Student-centred funding model. Further allocations and adjustments to SIDE's budget may occur during the school year.

The total amount of funding allocated to the School of Isolated and Distance Education (SIDE) is as follows:

- (a) \$16,350,353.43 (as at 28 March 2017);
- (b) \$16,393,012.10 (as at 26 March 2018);
- (c) \$16,047,438.25 (as at 25 March 2019);
- (d) \$16,707,444.58 (as at 24 March 2020); and
- (e) \$17,011,837.40 (as at 23 March 2021).

COMMUNITIES — POLICE RAID

680. Hon Peter Collier to the Leader of the House representing the Minister for Community Services:

I refer the Minister to the answer to question without notice 165, asked 16 March 2022, and I ask:

- (a) how many documents were alleged to have been accessed by the 13 public officers in the internal investigation; and
- (b) apart from allegedly accessing documents, what other forms of 'serious misconduct' were allegedly committed by the 13 public officers in the internal investigation?

Hon Sue Ellery replied:

- (a)–(b) The internal investigation is ongoing and in the interests of fairness to all parties and the integrity of the process it is not appropriate to disclose further details.

YOUTH — CADETS WA

689. Hon Donna Faragher to the minister representing the Minister for Youth:

I refer to the Cadets WA program, administered by the Department of Communities, and I ask, in the 2019–20 and 2020–2021 financial years, what was the total number of participants who took part in the program?

Hon Alannah MacTiernan replied:

The total number of participants in the cadet program in 2019–20 was 9469, and in 2020–21 was 9359.

HARDSHIP UTILITY GRANT SCHEME — FUNDING

690. Hon Donna Faragher to the Leader of the House representing the Minister for Community Services:

I refer to the Hardship Utility Grant Scheme (HUGS), and I ask, what was the total amount of funding allocated to the scheme in the following financial years:

- (a) 2019–20;
- (b) 2020–21; and
- (c) 2021–22?

Hon Sue Ellery replied:

- (a) \$10 million
- (b) \$10 million
- (c) \$10 million

The above data is sourced directly from the Department of Communities' Annual Budget Papers.

HARDSHIP UTILITY GRANT SCHEME — FUNDING

691. Hon Donna Faragher to the Leader of the House representing the Minister for Community Services:

- (1) I refer to the Hardship Utility Grant Scheme (HUGS), and I ask, in the 2019–20 and 2020–21 financial years, how many applicants received funding as part of this scheme via:

- (a) Water Corporation;
- (b) Synergy;
- (c) Horizon Power; and
- (d) Alinta Energy?

- (2) For each of the agencies referred to in (1)(a)–(d), what was the total expenditure allocated to each in the 2019–20 and 2020–21 financial years?

Hon Sue Ellery replied:

- (1)

Utility Agency	2019–20	2020–21
(a) Water Corporation	646	503
(b) Synergy	6,827	3,416
(c) Horizon Power	462	270
(d) Alinta Energy	661	893

- (2)

Utility Agency	2019–20	2020–21
(a) Water Corporation	\$326,501	\$261,676
(b) Synergy	\$3,815,494	\$2,001,980
(c) Horizon Power	\$348,249	\$223,329
(d) Alinta Energy	\$319,767	\$458,799

HARDSHIP UTILITY GRANT SCHEME — APPLICATIONS

692. Hon Donna Faragher to the Leader of the House representing the Minister for Community Services:

I refer to the Hardship Utility Grant Scheme (HUGS), and I ask, in the 2019–20 and 2020–21 financial years, can the Minister advise:

- (a) the total number of applications received for a HUGS grant; and
- (b) the total number of applications granted for a HUGS grant?

Hon Sue Ellery replied:

(a)

Financial year	Applications received for HUGS
2019–20	10,358
2020–21	5,950

(b)

Financial year	Applications granted for HUGS
2019–20	8,947
2020–21	5,207

ABORTION — INDUCED

694. Hon Nick Goiran to the Leader of the House representing the Minister for Health:

I refer to the answer to question on notice 491, which informed the House that as at 31 December 2021 there have now been 31 cases of babies who showed signs of life after an abortion procedure, and I ask:

- (a) has the Department reported each of the last five deaths to the Coroner;
- (b) if yes to (a), when; and
- (c) if no to (a), why not?

Hon Sue Ellery replied:

- (a) WA Health has reported 4 of the last 5 deaths to the Coroner.
- (b) 2019 and 2021.
- (c) One death was not reported because a review of clinical records showed that the case did not meet the definition of a reportable death pursuant to the *Coroners Act 1996*, despite the coding assigned.

BROCK BURSTON — POLICE PROSECUTION

695. Hon Nick Goiran to the minister representing the Minister for Police:

I refer to the ABC article of 10 December 2021 entitled *East Kimberley education worker cleared of criminal charges after leaking dire school attendance figures* which reported that “After a two-day trial in Kununurra Magistrates Court, Brock Burston was found not guilty of improperly releasing confidential information”, and I ask:

- (a) how many hours were recorded by those prosecuting the case; and
- (b) was there any other associated expenditure and, if so, how much?

Hon Stephen Dawson replied:

The Western Australian Police advise:

- (a) 20 hours and 30 minutes were recorded by the Prosecutor.
- (b) Yes. The associated expenditure for the trial totalled \$28 196.04.

TRANSPORT — LLOYD STREET BRIDGE, MIDLAND

696. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Planning:

I refer to the City of Swan’s resolution at the Ordinary Council Meeting on 2 March 2022 to “write to the Minister of Transport to confirm the State Government’s intention to commence the necessary process to make Lloyd Street a State Road”, and I ask:

- (a) does the State Government now have ownership of Lloyd Street and the Lloyd Street Bridge project;
- (b) if no to (a), is this process underway and when will the State Government take ownership of Lloyd Street;
- (c) will the State Government agree to pause all works, including clearing and infilling of the floodplain, on the Lloyd Street Bridge project until the Federal Government independent assessment of the project under section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* is complete;
- (d) if no to (c), when will clearing and infilling begin on the site; and
- (e) the 2017 Jacobs traffic modelling report shows that the Lloyd Street bridge will not ease congestion, instead it will funnel more traffic into an already overloaded intersection with Clayton Road, what future plans does the State Government have to improve traffic flow in Midland given the bridge will not ease congestion?

Hon Sue Ellery replied:

- (a)–(b) The normal road classification assessment process is underway.
- (c)–(d) The State Government is liaising with the Federal Government in relation to relevant assessments.
- (e) The Lloyd Street Bridge is a City of Swan project that the State Government agreed to deliver on its behalf.

ABORIGINAL AFFAIRS — PINJARRA HEAVY HAULAGE DEVIATION PROJECT

698. Hon Dr Brad Pettitt to the minister representing the Minister for Aboriginal Affairs:

I refer to the Pinjarra Heavy Haulage Deviation Project, and I ask:

- (a) on what date did the Minister provide section 18 approval for this project;
- (b) how can the Minister guarantee that the Pinjarra Heavy Haulage Deviation project won't disturb the Pinjarra Massacre sites;
- (c) what confidence can Traditional Owners have in the consultation process that was followed by Main Roads Western Australia, given the vast majority of Traditional Owners oppose development in the area, yet the Government seems to believe that there is community support for this project;
- (d) will the Government commit to a review of the Section 18 approvals in light of extensive community opposition and work with Traditional Owners to obtain their free, prior and informed consent under the new *Aboriginal Cultural Heritage Act 2021*; and
- (e) what is the timeline for implementing the new Aboriginal Cultural Heritage Management Code and Aboriginal Cultural Heritage Management Plan?

Hon Stephen Dawson replied:

Advice was sought from the Department of Planning, Lands and Heritage as detailed below.

- (a)–(c) The Department of Planning, Lands and Heritage has not received a section 18 application for the Pinjarra Heavy Haulage Deviation Project.
- (d) Under the *Aboriginal Heritage Act 1972*, the Minister for Aboriginal Affairs does not have the ability to review consents granted pursuant to section 18 of the Act.
- (e) Templates for the new Aboriginal Cultural Heritage Management Code and Aboriginal Cultural Heritage Management Plan are the subject of a co-design process currently being undertaken to support implementation of the new *Aboriginal Cultural Heritage Act 2021*. The process is being overseen by the Aboriginal Cultural Heritage Reference Group with a view to the new system coming into effect in mid-2023.

METROPOLITAN HEALTH SERVICE PROVIDERS — LITIGATION

699. Hon Wilson Tucker to the Leader of the House representing the Minister for Health:

I refer to the media reports of the East Metropolitan Health Service's litigation against Dr Marian Sturm, and the impact this litigation has had on patients accessing some forms of stem cell therapy, and I ask:

- (a) are metropolitan health service providers subject to a model litigant policy;
- (b) if yes to (a), does this policy include consideration of the impact of litigation on individual patients and public health outcomes; and
- (c) do metropolitan health service providers have an overriding duty of care to patients and the public?

Hon Sue Ellery replied:

- (a) No. However in common with Western Australia and its practitioners, health service providers have a duty to act fairly in the conduct of litigation.
- (b) Not applicable.
- (c) Health service providers owe a duty of care to their patients in relation to providing health care to their patients. They do not owe a duty of care to the public at large but do act in the public interest.

COMMUNITIES — POLICE RAID

700. Hon Peter Collier to the Leader of the House representing the Minister for Community Services:

I refer to question without notice 143, asked on 15 March 2022, and questions without notice 165, asked on 16 March 2022, and I ask:

- (a) what 'possible criminal conduct' was allegedly committed by the Aboriginal woman whose home was raised by the Western Australia Police Force;

- (b) was there any possible criminal conduct committed by the eight public officers referred to the Western Australia Police Force by the Communities, Investigations and Professional Standards directorate on 21 January 2022; and
- (c) if yes to (b), by how many of the eight public officers and what was the possible criminal conduct?

Hon Sue Ellery replied:

- (a)–(c) The answers to the questions the member has referred to identify the reasons given as to why a complaint was referred and details regarding the timing and other incidental matters. It is not appropriate to respond to the questions as to whether any specific criminal conduct was allegedly committed by persons referred to in the members questions.
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