



# Parliamentary Debates

(HANSARD)

FORTIETH PARLIAMENT  
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LEGISLATIVE COUNCIL

Wednesday, 10 June 2020

# Legislative Council

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

## STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES — ATTORNEY GENERAL'S COMMENTS

### *Statement by President*

THE PRESIDENT (Hon Kate Doust) [1.02 pm]: As President and Chair of the Standing Committee on Procedure and Privileges, I am responding to false and misleading information provided to the Parliament by the Attorney General on 28 May 2020 and reported in *The West Australian* and in several online media sources. The Attorney General made certain false and misleading claims in the Legislative Assembly relating to a laptop and other matters, and in the course of doing so, revealed a covert Western Australia Police Force investigation. The laptop referred to by the Attorney General contains emails and diary entries from Mr Edman's parliamentary email account and other information subject to parliamentary privilege. The Corruption and Crime Commission obtained the laptop from Mr Edman by search warrant on 14 August 2019. Mr Edman made a claim of privilege to the CCC over that laptop and its contents. On 5 September 2019, this house ordered the CCC to produce the laptop to the Clerk.

In revealing a covert criminal investigation by the Western Australia Police Force, the Attorney General claimed that the laptop has not yet been examined in detail. The facts are that WA police have extensively examined the laptop as part of its investigation. This occurred with the full cooperation and assistance of the procedure and privileges committee and following the negotiation of memoranda of understanding between the WA police and the PPC. WA police commenced its review of the laptop and one backup hard drive on 12 October 2019 and has had access to other relevant devices on the parliamentary precinct since 21 November 2019 with the full cooperation of the PPC. These facts were the subject of a media release from me in my capacity as chair of the PPC on 22 December 2019, distributed to all members of the Legislative Council on that day and reported in *The West Australian* on 2 January 2020. Great care was taken to ensure that the nature of the police investigation remained confidential.

For the information of members, I table, firstly, a copy of my media release dated 22 December 2019 and related newspapers reports and, secondly, a copy of the newspaper report of the Attorney General's claims in *The West Australian* dated 29 May 2020. For an accurate account of the facts relating to the PPC's attempts to negotiate a procedure with the CCC for access to the data of three former members and their staff, I refer the Attorney General to the fifty-fifth report of the PPC, "A Refusal to Comply with a Summons to Produce Documents", tabled on 14 August 2019, tabled paper 2929. The PPC will report on these and related matters in due course.

[See paper [3932](#).]

## SPOILBANK MARINA — PORT HEDLAND

### *Statement by Minister for Regional Development*

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [1.05 pm]: Detailed design has now been completed on the Port Hedland Spoilbank marina, with early works on the transformative, job-creating election commitment set to begin within months. This project has been an aspiration of the Port Hedland community for decades, and now it is being delivered. Following extensive consultation with the local community and Kariyarra traditional owners, the final design has been expanded to include construction of a public fishing jetty, water feature and shaded swimming beach node. Features of the development, which will transform Hedland's waterfront, include a four-lane boat ramp; a 21-boat pen marina with capacity to expand to 80 pens in the future; a separate entrance channel to the main shipping channel; trailer parking for up to 200 vehicles; a maintenance hardstand; publicly accessible breakwaters with a pedestrian path; a public recreation and event space and public amenities; a public fishing jetty; a water feature; shade structures at the swimming beach; a waterfront promenade to reflect the Marapikurrinya Yintha Kariyarra creation serpent story; and a public art and cultural gathering space.

A request for proposals to complete marina works will be advertised in late July with final tenders expected to be awarded in October this year. Site mobilisation and early works will begin in October, with an estimated 221 direct jobs to be created during the two-year marina build. The total construction budget is \$121.5 million, and the state government has set aside an additional \$15 million towards operating the marina. The Town of Port Hedland will contribute \$37.5 million towards the project.

This Friday, along with the member for Pilbara, Kevin Michel, MLA, who chaired the Spoilbank Community Reference Group, we will host a community open day at the Port Hedland Yacht Club. Community members are invited to visit the yacht club between 11.30 am and 1.00 pm to meet the project team and learn more about the

Spoilbank marina development. We will also host a local contractors forum in Port Hedland on Friday to discuss potential work opportunities on the job-creating project with potential local contractors and subcontractors. This project will drive transformational change in Port Hedland as part of our commitment to revitalise Port Hedland's west end into a commercial, cultural and recreational hub.

### **CORONAVIRUS — GOVERNMENT RESTRICTIONS — EASING**

#### *Motion*

**HON PETER COLLIER (North Metropolitan — Leader of the Opposition)** [1.09 pm]: I move —

That this house —

- (1) recognises the significant impact that COVID-19 has had on the Western Australian community and economy; and
- (2) requests that the Leader of the House representing the Premier and the Parliamentary Secretary to the Minister for Health table all health and other advice provided to government to assist it in making decisions to lift or relax restrictions it has imposed as a result of COVID-19.

Two months ago, we debated a non-government business motion moved by Hon Alison Xamon about the impacts of COVID-19 on the community. That was at a time when we were just moving into this pandemic. I would like to think that we are now moving out of it, and I think it is only appropriate that we ascertain what the community and the Parliament has done to get to this point, the exit phase. As we all know, the COVID-19 pandemic is a once-in-a-century event that has had an enormously detrimental impact on pretty much everyone in the community. For a number of people, it has had a very detrimental impact—they have lost their jobs or their businesses. Of course, the ultimate impact has been the hundreds of thousands of lives lost across the globe. This pandemic has completely reshaped the way in which we live our lives. Many people have found that, for the very first time in their lives, they are no longer in control of their sheltered little environment or world, and that something completely external to them is determining their future. That is why I feel it is important to ascertain exactly where we are at and make sure we are better prepared in case anything like this occurs in the future.

The pandemic has been very confronting. I will reinforce some of the comments I made in my contribution to Hon Alison Xamon's non-government business motion. One of the most confronting things for people was that they did not know what was happening, so panic set in in the community—literally. Members can laugh about it now, but at the time there was the almost bizarre situation of there being a run on toilet paper. Apparently, there was never an issue with the supply of toilet paper, but there was a run on toilet paper, just as there was on pasta, rice and soap. There was a run on items for which there were plentiful supplies, but because people did not know what was going on with the pandemic, fear set in in the community. Of course, that impact was minuscule in comparison with the impact on people's employment, health and family lives. The problem was that people did not know. Of course, knowledge is power. The more one knows, the easier it is to cope. Both levels of government have been very good and effective in informing the public about the situation over the last two months. It has been a very difficult situation. This is not something that governments can write a manual for—it came out of the blue. I commend both levels of government, for the most part, for the manner in which they handled the pandemic. Having said that, we still have to learn from it.

I would like to go through, first of all, the impact of the pandemic on the community as a whole. As I have said, it has been extraordinary. As I mentioned in my contribution to the debate on Hon Alison Xamon's motion, the pandemic has not had much of an impact on me personally, and I am sure that would be the case for most people in this chamber. However, it has had a phenomenally detrimental impact on a lot of people in our electorates. To reinforce that, I will go through a few statistics to show just how devastating this pandemic has been not only for the community in Western Australia, but also nationally and globally. In Western Australia, the shutdown in response to the virus destroyed 62 000 jobs in a single month, causing the largest month-on-month reduction in Western Australian employment since records began. This followed the loss of 8 400 jobs in March. When the two months are added together, almost every job that was created by the current government since March 2017 was lost as a result of the pandemic. On top of this, 67 600 Western Australians are on the federal JobKeeper scheme. The unemployment rate increased from 5.4 per cent in March to six per cent in April. Although this does not seem too bad, the devil is always hidden in the detail. Closer inspection of the figures shows that 57 600 people were deemed to have left the workforce and were therefore technically not unemployed. The labour force participation rate fell from 68 per cent in March to 65.2 per cent in April, which was also the largest fall on record. Finally, 200 000 people are now underemployed in Western Australia, which is an increase of 61 900 people who are unable to work the number of hours they would like to. If every person who lost employment in March and April was counted as having stayed in the labour force and was therefore unemployed, the real unemployment rate would be around 9.3 per cent in Western Australia, and if every one of the 67 800 people on JobKeeper had become unemployed, the unemployment rate in WA would be 10.8 per cent. Under either scenario, that would be the highest unemployment rate for almost 30 years—since the 1990s recession. In anyone's language, that level of unemployment is extraordinary. One of the most compelling images of the pandemic that I witnessed was the line of

unemployed Australians waiting to apply for JobKeeper or welfare payments. As I have said before, it must have been debilitating for those people to have television cameras thrown in their faces, knowing full well that they would be shown on the six o'clock news that night as being unemployed. Imagine the decline in the self-esteem of people who had to rely on welfare for the very first time in their lives.

We can look at the retail figures. Retail turnover in WA grew by about 10 per cent in March in seasonally adjusted terms. This was the largest monthly increase in 40 years. However, it should be highlighted that the increase in retail turnover was mostly driven by panic buying, particularly in the larger retail sector. Liquor store turnover was up by 26 per cent per month, month-on-month, and there was significant growth in spending on groceries, pharmaceutical and cosmetic products, and other household goods. That, in itself, highlights a hidden issue with the pandemic—that is, an increase in alcohol consumption and, without a doubt, the peripheral impact of that on domestic violence, which, without a shadow of a doubt, has increased significantly over the period of the pandemic.

Other industries saw immediate falls. In shuttering all but essential retail businesses, turnover fell by more than 10 per cent for department stores and takeaway food outlets, more than 20 per cent for cafes and restaurants, and approximately 37 per cent for clothing retailers. The impacts of COVID-19 on the business community are multifaceted and widespread. Around 85 per cent of Western Australian businesses have experienced reduced consumer spending, and 41 per cent have had their supply chains disrupted. The Australian Hotels Association indicated that between 1 500 and 2 000 businesses were forced to close and approximately 40 000 Western Australians lost their jobs within the hospitality sector. The tourism industry lost \$3.1 billion and more than 30 000 jobs as three months' worth of bookings were cancelled and refunds paid to customers following the introduction of regional WA travel restrictions. It goes on and on. In the mining sector, 47 per cent of exploration companies ceased all exploration, 27 per cent ceased most exploration and 74 per cent did not believe that their cash reserves would last the year. Nearly half of the mining companies had planned redundancies. Of those, 97 per cent had actual or planned redundancies of between one and 10 employees, 75 per cent had already reduced wages or adjusted salaries down for employees, and 69 per cent did not believe it would be possible to raise capital in the next six months.

I have pages of those statistics. Everyone in this room has stories to tell. People who have been directly impacted by the pandemic have come into our electorate offices. My office at Warwick has been inundated by not just storekeepers from Warwick Grove Shopping Centre, who are really struggling in this environment, but also everyday people who are worried about what to do. How can they access JobKeeper? How can they access welfare? How can they access basic, fundamental services?

Of course, the federal government has done a very good job with JobKeeper and JobSeeker, which I think have been really good at ensuring that people could be retained on a salary until we come out of this terrible pandemic. Having said that, the mind is a battlefield. If people do not control their mind, it will control them. For many people who are living with uncertainty, life must be a daily struggle. They simply need to know where we are going. As I said, both the state and federal governments have been very good at providing as much information as possible. There has been a degree of mixed messaging, but given the severity of the pandemic, I acknowledge that that was absolutely inevitable. Having said that, there are areas that we need to learn from.

Quite frankly, I think the Prime Minister's move to create a national cabinet was a positive step forward. We saw the collective cooperation between the state and territory jurisdictions and the federal government. That worked relatively well until we started to get back to that base level of politics, which is happening at the moment with the borders and a number of other issues. We are starting to play off one jurisdiction against another based on political colours, and also the federal government and the state government. The *Al Kuwait* incident is one example in which perhaps the Premier needed to get some knowledge before he opened his mouth and blamed the federal government. That was completely unfortunate, and perhaps if the Premier had been more informed at that stage and had been aware that the federal government had in fact provided information to the state government, he would not have gone out and tried to blame the federal government. Again, it is a time when people simply need certainty. They do not like the bickering that occurs at the state or federal level of government. They want certainty. There is so much uncertainty at the moment that when they see politicians bickering amongst themselves, it does not remotely provide them with a sense of security. As I said, we on the opposition benches have been as cooperative with the government as we possibly can to ensure that all COVID-19 legislation has passed in a seamless fashion; and also, we have not gone out and lambasted the government on a particular area that we disagree with. There may be areas of disagreement—for example, we disagree on the border issue—but having said that, fundamentally, I would like to think that the cooperation that has existed at the state level of government over the last two months has provided a degree of comfort for the Western Australian public.

We need to look at the border issue. There is a contradiction in the information that is being provided by the federal government, and Australia's Deputy Chief Medical Officer, and the state government. I acknowledge that there is enormous support for the state government's strong stance on borders, but it is literally having a devastating impact on the tourism industry and the retail sector, which rely very heavily on interstate visitors. The Australian Deputy Chief Medical Officer said that he could not see any medical reason why states should remain shut off. Western Australia, Queensland, South Australia and the Northern Territory are all maintaining hardline approaches

on border closures amid of fears of a second wave of infections. Deputy Chief Medical Officer Paul Kelly said that it was up to each state to decide when they would open their borders, but added, “From a medical point of view I can’t see why the borders are closed.” Mr McGowan hit out at Professor Kelly and said, “I don’t know who Paul Kelly is, clearly not the singer”, which was unnecessary and, quite frankly, demeaning. He did not need to say that. My point is that the Deputy Chief Medical Officer of Australia is providing different information from the Western Australian medical advice. I acknowledge that it is up to the state to make that decision, but I would like to know whether it was medical evidence that provided the state government the stimulus to retain the closure of the borders, and that is why I have asked for the information to be provided. Is it a health issue or a political issue? If it is a health issue, we have an issue because there is a contradiction in the advice of two very senior members of the health sector, and that contradiction needs to be clarified.

I asked a question about this yesterday. Thousands of people have been coming into Western Australia over the last few months. I asked how many people have come in from other states, and the answer was that 15 772 people have been to Western Australia via domestic airline travel. I was also advised that 4 367 people have been to Western Australia via international airline travel. Evidently, tens of thousands of people are coming into Western Australia. Where is the logic behind the medical evidence or the decision about retaining the closure of borders? I do not have a problem if the government has made that decision on a pure political basis, but it should try to justify it from that perspective so that it can give some solace to particularly the tourism and retail sectors and the people in Broome. I heard an interview today with Ron Beacham from Broome Caravan Park, who could not work out why the borders are still closed. Those businesses rely very heavily on interstate tourists for their livelihood. Yes, we are coming out of the pandemic. The number of COVID-19 cases has pretty much flatlined for the last four weeks. I would like some information from the government to determine whether the decision to retain the border closures is based on medical evidence or is a political decision.

The other issue that is causing consternation at the moment is the demonstrations, which are fascinating. It seems that we have a pandemic for six days of the week, but next Saturday does not count. The pandemic will not exist in Western Australia next Saturday, because a demonstration is being held that could potentially attract up to 10 000 people. The demonstration has been moved from Hyde Park to Langley Park because the organisers do not know how many people will turn up; maybe it will be 5 000 people. We saw tens of thousands of people demonstrating in Sydney, Brisbane and Melbourne last weekend—places where the COVID-19 rate has not flatlined. They still have outbreaks of this virus on a daily basis, so how on earth can the government justify allowing a demonstration? Quite frankly, the Aboriginal deaths in custody issue is valid, but a demonstration in the middle of a pandemic? Why do tourism operators not demonstrate in Langley Park? I would like to see whether the police would allow that. What about small business owners or the unemployed? Is it a selective issue? Is it based on a political decision or medical evidence, because all we hear about is the medical evidence, such as the two-metre rule? I have no problems with that and the Western Australian public has no problem with that, but we have a problem with the mixed messaging. The Premier was strident on Saturday—no, he was not going to intervene. He was literally going to allow that protest to go ahead unabated. He has changed his mind over the last 24 hours. I think he put his finger up and saw that the mood has shifted a little bit. Perhaps the people of Western Australia saw it for what it was. I want to know. As I said, I do not diminish the issue, but do we really need a demonstration in Langley Park, which could potentially attract 10 000 people, during the middle of a pandemic? Do we really need that? That is what I would like to know. The issue commenced with the death of George Floyd in the United States and it has transcended the entire globe. Hundreds of thousands of people are demonstrating right across the world in countries in which thousands of people are dying every day. Surely, we have to have some consistency in our messaging. Surely, we have to have some consistency with where we are going. If we have one standard on Friday, why is it different on Saturday? If we have one standard for a group of people in our community, why is it different for another group in the community? If we are all in this together, which is what we keep on hearing, surely we should be singing from the same song sheet. I want to know whether that is based on medical evidence or a political decision.

Having said that, the second part of my motion requests that the government table the information upon which it has based its decisions. I did that in an act of good faith. I worded it that way so that the motion did not “compel” the government to table the evidence. It is really important that the Western Australian public understands why the government has made this decision. Fundamentally, the Western Australian public supports the government’s decisions, but as we are now getting to a point at which we are seeing a bit of contradiction in the messaging, particularly with the demonstrations, the public really wants to know. I request that the government table this information.

I will finish this business with the demonstration. One of the groups that has been highlighted as having been most affected by COVID-19 is the Aboriginal community. The Aboriginal communities in the Kimberley are still closed. It is the last area of the community to remain closed. Evidently, a large number of Aboriginal people are going to demonstrate in Langley Park next Saturday. Why is that different? That is what we need to know. Certainty is absolutely imperative. Yes, we are all in it together. The Liberal Party has worked in a cooperative fashion with the government to try to overcome this terrible pandemic and provide certainty for the Western Australian public, but we need that knowledge because knowledge is power and with that power comes consistency and certainty in the minds of the Western Australian public.

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [1.29 pm]: I want to thank Hon Peter Collier for moving the motion. The way in which the motion is expressed is not lost on the government. I appreciate the language that Hon Peter Collier used in his motion. I am responding on behalf of the government.

The government will table the advice requested in the motion. However, as members would appreciate, the restrictions apply across a range of functions and a range of agencies. We are still collating the information that has been requested and that is relevant to what is in the motion. That will take us a bit of time. Therefore, I give the house an undertaking that I will table those documents on Tuesday, 16 June.

It is certainly the case that we are in extraordinary circumstances. On 15 March 2020, the Minister for Emergency Services declared a state of emergency for Western Australia pursuant to the Emergency Management Act 2005, and appointed the Commissioner of Police, Chris Dawson, as the State Emergency Coordinator. The Minister for Health declared a public health emergency pursuant to the Public Health Act 2016, providing Western Australia's Chief Health Officer, Andy Robertson, additional powers to manage the public health emergency, including quarantining people, and directing other public authorities to assist in managing the emergency. The public health response included the implementation of strict social distancing requirements, along with restrictions on public and private gatherings. Although these restrictions are gradually being eased, should community transmission occur, the restrictions will be revisited.

I want to touch on one bit of language used by Hon Peter Collier that I think is important to get on the public record and to describe accurately. Hon Peter Collier referred to a "contradiction" in the health message and the health advice. I was confronted with this same argument in the quite robust debate that occurred at various points about whether schools should remain open or be closed. The proposition that was put constantly, for about a two-week period, was, "Why is it the case that we are required to keep 1.5 metres apart in Coles, but in schools no such requirement exists? Does that not send a mixed message? Is that not a contradictory message?" I think that demonstrates a lack of understanding of what public health policy is based on. Public health policy takes the clinical—or in this case the epidemiological—with the social and with the economic, and requires that in each particular context, we attune each of those three things. None of those three things has an overriding emphasis as a matter of course. Public health policy is about attuning each of those three things. Therefore, we will have different public health advice in different contexts. It is important that people understand that.

Once those declarations had been made to respond to the pandemic, we allocated resources to the health system to ensure capacity. This resulted in a decrease in elective surgery, attendance at emergency departments, screening and dental procedures. Balancing the flexibility to respond to any future outbreaks with the need to return to business as usual is a key challenge for the health system and goes to what I have just described about how we attune the elements of public health policy.

The supply chains were disrupted for medical items, including personal protective equipment, pharmaceuticals and sanitiser. Building diversified supply chains, including increasing state-based production, is an opportunity for innovation, but it was important that we put in place restrictions to enable us to address those supply chain matters.

Since the outbreak of the pandemic and those declarations, WA Health has been at the forefront of the WA government's emergency response. This has had a significant impact on the operations of Health. WA Health continues to respond rapidly, in a changing environment, to support immediate and ongoing health system capacity and preparedness to address COVID-19 and as the state moves into the response and recovery phase.

The impacts on the Western Australian community and the economy cannot be underestimated. A coordinated approach across the entire health system has been implemented, using the Public Health Emergency Operations Centre, PHEOC and the State Health Incident Control Centre, SHICC, operating under the Emergency Management Act and the Public Health Act. This has highlighted the strength of a centralised coordinated health system, resulting in a cohesive approach.

The broader impact on the community and the economy is not to be underestimated. This coronavirus is likely to be the most significant economic challenge for Western Australia since the Great Depression. It was the good work of the government in getting our finances in order that put us in a position to be able to respond quickly to the requirement to spend money on areas that obviously had not been planned. The impact of measures to contain the virus has indeed been felt worldwide. For example, in the International Monetary Fund's world economic outlook for April 2020, the IMF downgraded its global growth forecast to minus three per cent in 2020, the worst recession since the Great Depression. As the federal Treasurer, Josh Frydenberg, observed earlier this week, the national economy is now in recession, given that contraction in the national economy in the March quarter, and the contraction in the June quarter will be significantly larger. This is Australia's first recession since the 1990s. The commonwealth has also forecast that in the June quarter, the unemployment rate will double from around five per cent to 10 per cent, but, without JobKeeper, it would likely have peaked at about 15 per cent.

The impacts of the pandemic and the social restrictions to contain its spread have been devastating for Western Australian businesses and jobs. WA Treasury preliminary modelling indicates that Western Australia's gross state product will contract by 5.1 per cent in the June quarter 2020. This will reduce forecast growth to 0.7 per cent

in 2019–20, with a 3.1 per cent contraction expected in 2020–21, before returning to growth. However, even those forecasts should be treated with caution, given the high level of uncertainty about the impact of COVID-19. The number of jobs lost in Western Australia has been devastating, with a 5.9 per cent fall in the seven weeks since mid-March, compared with a 7.3 per cent fall nationally. For the Western Australian economy, measures of business conditions and confidence, as well as consumer confidence, fell sharply, to record lows. Some sectors clearly have been harder hit by restrictions to contain the virus than others. Although some rebound is starting to show in measures of consumer and business confidence as the number of cases has fallen and restrictions have been eased, we cannot take that for granted.

Some of the forecasting institutions, including the Commonwealth Bank and the ANZ Bank, have forecast that the economic impact on Western Australia is expected to be one of the lowest of the states. That is due to the work undertaken between the government and the mining and resource sector to ensure that that sector can continue to operate, thereby cushioning some of that economic impact. CBA forecasts that WA's economy will contract by two per cent in 2020–21, compared with 2.8 per cent nationally. ANZ forecasts that WA's gross state product will fall by 1.5 per cent in both 2019–20 and 2020–21. That is the smallest decline of all the states. However, we acknowledge, smallest decline of all the states or not, that behind these statistics are real Western Australian businesses and real Western Australian families. We fully acknowledge the impacts that the restrictions have had, and are having, on households and businesses.

I have both the privilege and sometimes the burden of being a member of the state emergency subcommittee of cabinet. That subcommittee meets immediately after each national cabinet meeting, and in the first few days and weeks of the crisis, we were meeting much more regularly than that. Some of the decisions that we have had to make, knowing the impact they would have on Western Australian businesses, have been some of the toughest decisions I have been involved in in my entire life, personal and professional. I do not ever want to be in that position again, because having debates about some of the things we have had to debate, and making sure that we canvassed all the options, has been really difficult. Nevertheless, we have been well led, not the least by Dr Andy Robertson and Chris Dawson, to whom I continue to take my hat off. They are two outstanding individuals.

So far we have announced \$2.3 billion of measures to support households and businesses and to ensure that our frontline services were well-placed to respond. The focus of these measures now is shifting from relief to stimulus in order to boost businesses and employment and to get our economy back on track as quickly as possible.

Members would have heard some announcements this week, and we will continue to do that as restrictions are progressively eased in accordance with the public health advice in order to allow businesses to reopen and people to get back to work safely. The state government will make targeted investments and pull the levers available to it whether that is in our infrastructure spend or in my portfolio, for example, of training and workforce development. The government will continue to assist where it can.

Nobody in government wants these restrictions to be in place any longer than necessary, but it would be inappropriate and irresponsible to get ahead of the public health advice and potentially put the wellbeing of many Western Australians in harm's way. From an economic perspective, easing restrictions in line with medical advice is critical to avoid a potential outbreak of the virus that would result in the restrictions being reimposed. We only have to look at the very sharp economic contraction forecast in the June quarter to know what this cost looks like.

Madam President, I am sure that other members want to make a contribution to this debate. I have a list of measures that the government has put in place. Suffice to say, it includes housing stimulus, payroll tax assistance, household fee relief, electricity bill credits for small businesses, tax and utility bill payment arrangements, government rent relief, land tax grants, apprentice and trainee grants, loan facilities for universities and local governments, support for the tourism sector, procurement reform, doubling the energy assistance payment for households, Keystart loan relief, Lotterywest funding, support for health and frontline services and, indeed, in my own portfolio, ensuring that kids returned to school as quickly as possible. It is with no small sense of pride that I say that we did not close schools. In the harshest times, when the rate of positive cases was increasing, the worst it got for us was the four days immediately prior to the school holidays at the end of term 1, when schools were open for supervision. The rest of the time, students who needed to or whose parents wanted them to attend school face to face have been able to do that in public schools across the state. That is in stark contrast with other states around Australia. I do fear for some children's educational outcomes in other states.

With those comments, I reiterate the commitment I made that we will table the documents. I will do that next Tuesday.

**HON DR STEVE THOMAS (South West)** [1.43 pm]: Thank you, Madam President, for the opportunity to speak on this excellent motion by Hon Peter Collier. There are a couple of things I want to focus on. Hon Peter Collier obviously looked at the health aspects. The motion says —

That this house —

- (1) recognises the significant impact that COVID-19 has had on the Western Australian community and economy; and
- (2) requests that the Leader of the House representing the Premier and the Parliamentary Secretary to the Minister for Health table all health and other advice provided to government to assist it in making decisions to lift or relax restrictions it has imposed as a result of COVID-19.

I will concentrate on the economic aspects. It would be great to see the government commit to tabling the economic advice it has received from Treasury on the COVID-19 response. The Leader of the House's response was quite detailed about what the government is doing, but not so much about the economic response. Luckily, in the other chamber, "the chamber that shall not be named", on 28 May, the Treasurer released an economic and fiscal update on the COVID crisis and the March *Quarterly Financial Results Report*. For those of us who are economic tragiacs, these reports are very exciting reading. The reports cast some light on the debate before the house about the economic impacts of the COVID-19 pandemic. The Leader of the House pointed out a couple of key things that were in both the Treasurer's statement to the Legislative Assembly and the economic and fiscal update. The economic and fiscal update states —

... Western Australia's economy, as measured by Gross State Product, was projected to grow by 3.0% in 2019–20.

There has been a recalibration and that projected growth has now dropped. The Western Australian economy is now expected to grow by only 0.7 per cent this financial year and is expected to contract by 3.1 per cent in 2020–21. Both the Treasurer's statement and the economic and fiscal update state that royalty collections have remained resilient. I find that quite amusing, and we should have a look at the detail, because I would like to know exactly what the financial situation is in this state and how the government proposes to manage it. I will jump to the *Quarterly Financial Results Report* tabled on 28 May and the revenue section on page 3, because that outlines the amount of money the government has to spend on issues, including COVID-19. It begins —

Revenue for the nine months to 31 March 2020 totalled \$24,234 million, \$3,106 million ... higher than the same period last year ...

Despite what the government has been saying for 12 months, it has made an absolute motza in revenues. The report continues —

The higher revenue outcome for the nine months to 31 March 2020 primarily reflects the net impact of:

- higher royalty income (up \$1,791 million), largely due to the combined impact of:
  - a higher benchmark iron ore price, which averaged \$US92.9 per tonne in the nine months to 31 March 2020 ...

Members might remember the Treasurer's "there will be no carbon tax under a government I lead" moment in February 2019, when he said that nobody was looking at the price of iron ore being \$US90 a tonne for a significant time because that expectation—as asked about by me—was highly unrealistic. Not only did iron ore have a significantly higher price for the majority of 2019, but also the nine-month average for this financial year so far is \$US92.90 a tonne. Today, I believe the spot market price is about \$US103 or \$US104 a tonne, and with the issues in Brazil, that is not likely to come down very soon. Although the government is very good at crying poor, its income has been significantly good. In fact, page 5 of the *Quarterly Financial Results Report* refers to additional incomes. It says that the additional revenue is also due to higher tax collections, up \$451 million. That is nearly \$500 million. It includes higher payroll tax, higher transfer duty, higher betting tax, higher insurance duty, higher landholder duty and higher motor vehicle taxes. The only source of additional revenue that has dropped is land tax, by \$28 million. Basically, all the government's tax revenues have risen significantly.

What is the net result of these impacts on the government of Western Australia's revenue—that is, the fiscal economy? That information is found on page 17. I will refer to the cash flow statement, Madam President, because I do not want to confuse the house with accrual versus cash accounting. Let us go with the simple version of cash accounting so that people understand that it is simply dollars in and dollars out, and we are not taking into account anything in relation to depreciation or other more technical accounting aspects. Let us have a look at this. In 2018–19, pre-COVID, the income—the cash received—for the nine months to 31 March was \$23.3 billion. In 2018–19, it was \$27.1 billion. That is well over \$3 billion of additional revenue over this year and higher than expected. In fact, we can even look at the figures for the three months to 31 March. That includes a little bit of March, when there was a bit of COVID-19 floating around. In the March quarterly period of 2018, revenue to the state was \$7.8 billion. For that three-month period in 2019–20, revenue was \$8.5 billion. Again, that is a significant amount of additional revenue to the state of Western Australia. The government is quite right. The Treasurer pointed out that the gross state product will decline—that is, the amount of money circulating in the state. We know that most of the resources sector is doing fairly well. Obviously, our big earner is the iron ore industry. That industry is doing extremely well; currently the price is about \$US104 a tonne. The state government, as well as the federal government, to some degree, is making significant money from that. The state government's bottom line has so far not been dramatically impacted, except in an upward trajectory. There will, potentially, be some corrections to that in the June quarter as the economy tends to correct, but we have to remember that we are coming off an extremely high base.

I noted that the Leader of the House suggested that the cost of the government's COVID-19 response was \$2.3 billion. As I have said in this place before, we need to be a bit cautious about these numbers because \$400 million of that was, in fact, a previous election commitment to freeze household fees and charges. I am sure that a freeze on household fees and charges is a welcome contribution to the household budgets of the people of Western Australia,

but that was not a COVID-19 response. It was an election action that was given to *The Sunday Times* as a pre-release in December last year, before COVID-19 reached Australia. It was called a pre-election sweetener. Obviously, the surreptitious briefing and leaking of those documents and this policy by the government was firmly focused on March 2021, because it was described as a pre-election sweetener. Let us knock a little of that figure off to find the government's genuine COVID-19 response. It is a bit less than \$2.3 billion because some of that spending was simply rebadged. I get that the government is keen to badge everything that it does now as a COVID-19 response. If it helps a set of ducklings across the road, that is a COVID-19 response these days! That is just the clever way to do it. Every dollar it spends is somehow a COVID-19 response, because it becomes somewhat newsworthy. Let us look at what this really means. In terms of an increase on the last financial year, even in the nine months to date, revenue has gone from \$23.3 billion to \$27.1 billion, which is a bit under \$4 billion. When the government trumpets to the people of Western Australia that it is spending \$2.3 billion on its COVID-19 response, let us take that with a grain of salt. The government is not bankrupting itself in the process, is it? It has received an additional minimum of \$3 billion over expectations in this financial year based purely on iron ore royalties, without going through all the detail required with all the other taxes. Some of those tax revenues will decline quite significantly. Because people are nervous, we can expect stamp duty revenues to decline quite significantly. But to date, the expectation of a \$2.3 billion spend —

**Hon Stephen Dawson:** At that point in time—what date was it? March?

**Hon Dr STEVE THOMAS:** That is the end of March.

**Hon Stephen Dawson:** That's the end of March. Then there's April and May. Let's not make it look too rosy.

**Hon Dr STEVE THOMAS:** There is an expectation of a decline. The government is predicting a reasonable decline in the economic situation in this current quarter. The government predicted three per cent growth for the financial year, but the WA economy is still expected to grow by 0.7 per cent in this financial year. That is based on the Treasurer's statement of a week or two ago in the other place that the government is expecting 0.7 per cent growth. If we include the damage done this quarter, a 0.7 per cent growth in gross state product is a pretty good outcome. It is absolutely lumpy, because some industries are suffering quite significantly. Other industries, such as the iron ore export industry, are doing quite well. Do members know who else is doing quite well on the back of the iron ore industry and the maintained GST payments? I will come back to the GST in a bit. I have asked the Treasurer for some modelling on that and he basically said no. I was interested in the debate in the other chamber a couple of weeks ago when the Treasurer attempted to lambaste the opposition and say that it never asked him any questions. I have to say that I ask him questions all the time. I am still waiting for the answers. I know that the representing minister does his absolute best to provide answers, but he can only work with the information that he is given. The Treasurer has become very good in this election year at making sure that the opposition does not get simple answers to simple questions. That is one of the reasons that I am hoping —

**Hon Stephen Dawson:** I agree with you. Although the Treasurer might have been talking about the opposition in the other place not asking questions, you're very diligent up here and you do ask questions.

**Hon Dr STEVE THOMAS:** Thank you, minister. The minister is very diligent in trying to get answers as well. He is by far the best minister in the house. He works very hard.

**Hon Simon O'Brien:** I don't know. He delivers some pretty poor answers on behalf of some of his colleagues.

**Hon Dr STEVE THOMAS:** He has no choice. He has to —

**The PRESIDENT:** Order! Things were going so well until then. There was so much love in the room!

**Hon Dr STEVE THOMAS:** The minister works very hard to attempt to get answers. I do not blame him in any way, shape or form for the inability of the government to provide them. I would like to see some of the economic modelling of the next six months—the next three months in particular. I think the Leader of the House agreed to provide some health advice. I would ask the government to provide some economic advice. I think that the motion is broad enough to include that. I would like to see the Treasury modelling of the impacts, on revenue in particular. I think we can get a measure of expenditure, but the impact on revenue would be very interesting and an important part of the debate. If the government is going to cry poor in the lead-up to the election, we need to know what has happened to its revenue. As we have seen, in the financial year to date, the government is doing remarkably well. In cash terms, year to date, it is \$3.5 billion above the year before. It is well above expectation. If the government spends only \$2.3 billion on its COVID-19 response, that basically means it is shoving \$1 billion into its election program and campaign. Although we understand that that has to happen, it is impossible for the government to claim enormous credit. It is difficult to compare, but the federal government's COVID-19 response is in the order of \$320 billion, and has gone up a bit with a couple of recent announcements. That includes some actions by the Reserve Bank. In cash terms, let us knock off the Reserve Bank bit and the \$60 billion that was not required for the JobKeeper program. It is still spending over \$200 billion on its COVID-19 response. To date, this state is claiming to be spending \$2.3 billion. In reality, it is under \$2 billion, because we are taking off the election largesse and the election lollies, so that is less than one per cent of what the commonwealth is spending. The commonwealth has more capacity, so I am not suggesting that we should spend 10 per cent, but to appear to be overly generous —

**Hon Stephen Dawson:** For the commonwealth—is this before the \$60 billion mistake?

**Hon Dr STEVE THOMAS:** I just said that I am taking off the \$60 billion.

**Hon Stephen Dawson:** Okay. I am sorry. I missed that.

**Hon Dr STEVE THOMAS:** I have taken off the \$60 billion. I have taken off that underspend and also the Reserve Bank component, which probably should have happened anyway. That takes it to well over \$300 billion. The government was claiming that it was \$320 billion. It is a bit higher with a few commitments that we have previously seen. If we take off \$120 billion or so from those two efforts, we are back to \$200 billion in expenditure from the commonwealth government. It is a significant amount. Why is that important? I do not have enough time. I could talk about economics all day, but we are going to run out of time. Why is this important? I will give the house a very important example of why this is critical. A couple of weeks ago, the Premier and the Minister for Tourism announced funding for tourism operators who were struggling because of the inability of people to get out and about. I have enormous confidence that our domestic tourism industry will rebound, because I expect an explosion in the domestic tourism market of Perth tourists travelling out into the regions of Western Australia; I am immensely confident about that. In fact, do not worry about “Wander out yonder” in WA, which is the new tourism slogan; we need to get a bit more direct and get them out there. The Premier came out with the statement, which I think is correct, that international and domestic tourism brought \$2.3 billion into this state in the last financial year that was measured, which I think was 2018–19, but that Western Australians spent \$7.3 billion travelling interstate and overseas, so the difference of interstate and international tourism is a net loss of \$5 billion a year to this state. Not all of that will convert to domestic tourism, but only a portion of that market will be needed for our tourism operators to be bursting at the seams. We need tourists out there and we need them using tourism ventures, and a greater focus by this government on that would help.

Here is why a true financial analysis of the state of Western Australia is important. A couple of weeks ago, the Premier announced that \$14.5 million in grants was available for tourism operators to apply for if they were suffering significant financial hardship. That was not necessarily a bad idea, but it came with a proviso. The proviso was that these operators had to be members of their regional tourism associations, and in the south west that is Australia’s South West. Those regional tourism associations are the large groups, but a very large proportion of tourism ventures are not members of those greater regional bodies. They are much more likely to be members of their local tourism association. In the south west they are associations such as Amazing South Coast, the Margaret River Busselton Tourism Association and the Geographe Bay Tourism Association. Operators are unlikely to also join a second tier, because there is no single point of membership. An organisation has to be a member of each of them. They have to be members of the large, much less representative body to get in. Thousands and thousands of businesses around Western Australia are excluded from this program to provide grants to tourism businesses in Western Australia. Why is that? On ABC radio the Premier outed himself. It is the obvious answer. If there is a program of only \$14.5 million for tens of thousands of businesses, it will be oversubscribed overnight. On radio, the Premier acknowledged that the government had to keep down the amount of money it spent. That is why an operator has to be a member of the regional tourism association to access any of these grants. The problem is that this is a massively underfunded program. The government is deliberately restricting the number of people who can apply with some very interesting fine print based on the fact that it cannot afford to make the program wider. The government needs to increase that fund significantly. If the government’s total COVID-19 response is not \$2.3 billion—even if we just take off the \$400 million election lolly to make it \$1.9 billion—and the government has an increase in revenue of well over \$3 billion, I think it is being stingy. The government needs to be held to account for this because it is not providing the kind of response that the people of Western Australia think it is. People should not be hoodwinked by the amazing media coverage this government gets. They should look behind that to the raw data, which I hope the government will present, particularly the economic modelling that should be coming forward.

**HON MARTIN ALDRIDGE (Agricultural) [2.03 pm]:** It is a pleasure to rise on behalf of the Nationals WA to support the motion moved by the Leader of the Opposition, Hon Peter Collier. It is a very timely motion that we consider at this time, particularly as we have only two sitting weeks remaining after this week before we start the usual winter recess.

I want to start my contribution today on the first limb of this motion and add my remarks to those made by members who have spoken before me. They have made some observations about the significant challenge that our state, other states and territories, and, indeed, other countries have faced arising from the COVID-19 pandemic. Often people have said that we live in extraordinary and unprecedented times. Members who have spoken prior to me have laid out quite well the significant health and economic impacts of the pandemic. I suspect that the economic impact of the pandemic is likely to linger longer than the direct health impacts that our country has experienced and continues to experience, obviously on a much smaller scale than previously. Members have already spoken about the impact on the state’s finances, and I guess we all wait with some anticipation for the 8 October state budget to get some clarity around the impact on both revenue and expenditure on the state budget and the forward estimates, and also the significant impact on household finances. Probably the biggest impact, which will last longer than those two things, is the confidence of Western Australians to invest and spend money, and for those looking for work and who have been impacted by the pandemic, most likely more in economic terms than health terms.

At this point, I want to congratulate governments on the role they have played across Australia at a state and territory level and at the Australian government level. Extraordinary leadership has been shown, and in every jurisdiction significant bipartisanship has been shown in supporting governments in power to make decisions. Criticism has been measured, and we have seen Parliaments respond in extraordinary ways to deal with the pandemic and make sure that government is supported in doing so. I admit that in some regards it means that we have not done our job as fully as we might ordinarily do, but I think that has been out of an understanding of and appreciation for these uncharted waters that Western Australia and, indeed, the rest of the world face in these times.

In my mind, those decisions come with some strings attached. One of those strings is that I expect decisions made by governments to be free of politics and based on sound advice. This is something I want to talk about as I turn my contribution to the second limb of the motion. In the last few weeks and months, I have had difficulty developing a greater understanding from the state government about the basis on which it is making some of its decisions. Madam President would be aware that I made a member's statement on a previous and recent occasion about answers provided to this house by the minister representing the Minister for Police. I do not want to go to the specifics of my member's statement at that time, because they stand in the *Hansard* record of this place, but in quite an extraordinary circumstance I was invited by the minister's office to seek clarity during question time on behalf of my constituents about how to interpret the directions of the State Emergency Coordinator that come with a penalty of imprisonment and a \$50 000 fine, and I got a non-answer on more than one occasion. It is interesting that in these times of extraordinary bipartisanship for the way the government is governing that we would get such politically charged responses to legitimate and not politically charged questions asked in this place. I turn to a question I asked of the Premier on 19 May 2020, so not even one month ago. On 19 May, I asked question without notice 460 to the Leader of the House representing the Premier, which was a four-part question. I asked —

I refer to the "Prohibition on Regional Travel Directions" established by the State Emergency Coordinator on 31 March 2020 and replaced on 17 May 2020.

- (1) Did the Premier, the State Emergency Coordinator or the State Disaster Council receive advice from the Chief Medical Officer of Western Australia, the Australian Health Protection Principal Committee or the Department of Health recommending the implementation of intrastate travel restrictions?
- (2) If yes to (1), on what day was advice received, and please table that advice?
- (3) Did the advice received identify that on public health grounds, travel should be restricted in the form and manner that was established by the State Emergency Coordinator?
- (4) Is the Premier aware that despite assurances by the Minister for Transport in answer to Legislative Council question without notice 334 asked by Hon Colin de Grussa, MLC, travel by regular passenger transport to regions with restricted access is occurring without impediment by the airlines or the Western Australia Police Force?

That four-part question was legitimate. In the fourth part, it raised a legitimate concern that travel was occurring contrary to the regional travel restrictions instituted by the State Emergency Coordinator, whereas regional checkpoints had been established, so that was brought to the government's attention. The first three parts of the question sought information around the advice government was receiving in informing these decisions.

Hon Sue Ellery replied —

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

(1)–(4) —

As I have previously remarked, we know it will not end well when the answer addresses all four parts of the question in one go —

The Premier meets several times a week with the COVID-19 emergency team, which includes representatives from the Department of Health. All advice is considered when making decisions on travel restrictions.

That was a pretty cute answer that did not address any of the legitimate questions I had raised, including the lack of attention being paid to our regional airports. People were able to travel unencumbered by air to regional locations, yet if they travelled by road, they were likely to be intercepted at a roadside police checkpoint. On 19 May, we got no answer to that question, despite my best attempts. Interestingly, the next day, Hon Robin Scott rose during questions without notice and asked this very simple question —

I refer to the current intrastate border travel bans in place for WA.

Will the minister release the health advice that guided the minister's decision to open up Perth to the south west of the state but not to the north or the east; and, if not, why not?

Hon Alanna Clohesy replied —

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

I table the attached statement from the Chief Health Officer of Western Australia.

The parliamentary secretary tabled a media statement from the Chief Health Officer on 20 May, the day after I had asked my question on 19 May, and that was the advice that guided the minister's decision. This all seems a little bit after the fact. On 21 May, the day after Hon Robin Scott's question, I asked question without notice 520 to the parliamentary secretary representing the Minister for Health. In the interests of time, I will not read out the entire question, but the third and fourth limb of the question asked —

- (3) Has the CMO or the Department of Health provided advice directly to the Premier, the State Disaster Council or the State Emergency Coordinator related to or recommending intrastate and/or interstate travel restrictions?
- (4) On what date was the advice identified in (3) requested and/or received and can the minister please table the advice?

Hon Alanna Clohesy replied —

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

I am rather confused. I am not sure that the State Disaster Council is a subcommittee of cabinet but perhaps it is and perhaps the government will clarify that point for me. Nevertheless, I am not quite sure how advice by the Chief Health Officer of Western Australia would reveal the deliberations of cabinet and therefore be cabinet-in-confidence in any event. Hon Alanna Clohesy's reply on 21 May on behalf of Hon Roger Cook, the Minister for Health and Deputy Premier, is interesting when we contrast what the chamber was told in May with the response of the Leader of the House just now; that is, she will table that advice next Tuesday. What has changed between 21 May and today's date, whereby cabinet-in-confidence no longer applies to these documents? Maybe the government has decided that it is in the public interest to table these cabinet documents. It will be interesting on Tuesday to read what is contained in the documents that the Leader of the House has committed to table and to see whether the statement made by Hon Alanna Clohesy on 21 May rings true. I will be paying close attention to that on Tuesday and reconciling it with the answer given to this place by the parliamentary secretary on 21 May, when information was withheld from this Parliament. Indeed, I am not aware whether a section 82 notice has been provided to the Auditor General about the noncompliance to provide information requested by the Parliament.

In the time I have left, I want to turn to something that we in the National Party believe the government needs to turn its mind to. An event such as we have experienced in the last few months through this state of emergency that has been declared arising from the pandemic ought to undergo a special inquiry commissioned by the state of Western Australia. I draw members' attention to section 24H of the Public Sector Management Act 1994, which enables the Public Sector Commissioner to arrange for the holding of a special inquiry into a matter related to the public sector. A direct quote from the Public Sector Commission website, which I have extracted for the purpose of this debate, states —

Under the PSM Act, a special inquiry has powers similar to those of a Royal Commission. The Commissioner may exercise these powers either on their own initiative or may be directed by the Minister.

Members may be interested that since the establishment of the Public Sector Commission in 2008, a number of special inquiries have been conducted under these provisions, producing reports such as the "Special Inquiry into Government Programs and Projects: Final Report", which was an inquiry commissioned by this state government following the last election, and "Peel Health Campus: Contract Management and Clinical Outcomes", "St Andrew's Hostel Katanning: How the System and Society Failed our Children", "Appreciating the Risk: Report of the Special Inquiry into the November 2011 Margaret River Bushfire" and "A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review". There was also the Waroona bushfire special inquiry. Those last three special inquiries that I have just mentioned relate to emergency events or natural disasters that occurred in Western Australia.

We think that this pandemic, the state of emergency and its response by the government and its agencies ought to be subject to a special inquiry. That is not to apportion any blame or guilt to any person, but the government has repeatedly said that it faces uncharted waters and it is making decisions that have not been made before. It is therefore important, particularly as we speculate whether we will see a future event—a second wave or a third wave or another strain of a virus affecting our country—that we are better prepared than we were this time. A special inquiry could consider a number of areas. The most critical part that could be considered by a special inquiry is our preparedness to respond. Given the success of the containment and control of the virus, the response of our health system in particular has not been tested to the level that it has been in other countries. If we had had a different response in Western Australia from government, its citizens and other factors that have influenced that containment strategy, we may well have found ourselves in a similar position to that of other countries. We have not seen a large number of hospitalisations but we have seen in other ways significant impacts on our health system; for example, how our health sector was unprepared, both public and private, for the most basic of personal protective equipment provisions and how that resulted in the cancellation of elective surgery—not because we did not have hospital space, doctors, nurses or theatres, but because we did not have enough PPE. We have seen how the state of Western Australia relied upon the Minderoo Foundation, a private citizen and a private foundation in

Western Australia, to go and procure supplies from China to make sure that we had the supplies we needed to protect our frontline workers in our healthcare system. Obviously, the benefit of hindsight is wonderful to have. This morning, I observed an hour of the special inquiry that is occurring in New South Wales into the arrival of the *Ruby Princess* in Sydney. That inquiry in New South Wales is underway and examining a range of matters under its terms of reference. It is interesting that the NSW inquiry will wind-up on 14 August 2020. That could be an appropriate time to perhaps consider securing the services of the commissioner in that jurisdiction to come to Western Australia, with the experience that he has learnt in New South Wales, and conduct a similar special inquiry. I would argue that a more broad-ranging special inquiry into the Western Australian response is required and he could make recommendations to make sure that we as a community and a state will be not only better informed about, but also better prepared for any similar future event that might occur.

At this point, I must draw a comparison between the clarity that is provided in the advice from the Australian Health Protection Principal Committee, which quite regularly publishes a statement after it meets on a whole range of matters. Members who may be interested in this can go to the Department of Health website and the AHPPC page and see numerous statements on all sorts of areas, and contrast that with the published advice from the Chief Health Officer of Western Australia. I cannot find much beyond the 20 May media statement that was tabled in this house following a question asked by Hon Robin Scott. There certainly could be a greater level of transparency to make sure that not only we as a house of Parliament, but also the community more broadly understand the underpinnings of the decisions that the government is making. I think that would go a long way to building confidence in and gaining support for the strategy that the government is embarking upon. I look forward to the information that will be provided by the Leader of the House on Tuesday, as she committed to earlier in the debate today.

The Leader of the Nationals WA, Hon Mia Davies, wrote to the Premier on 28 May 2020 asking him to consider a special inquiry in Western Australia, and we received a response from the Premier on 2 June 2020. The Premier has certainly left the door open to establishing a special inquiry at an appropriate time. Obviously, it is important not only for that to be done sooner rather than later, but also that it have regard for the ongoing response in Western Australia, because I think the sooner we can learn from how we have responded and how we may be better prepared or better placed next time, the better the position we will be in from a health and economic perspective. I seek leave to table those two letters.

Leave granted. [See paper [3933](#).]

**HON SIMON O'BRIEN (South Metropolitan)** [2.23 pm]: I support this motion. It has been very interesting to listen to members reflecting on the theme of the motion and on how many threads in our society have been touched by this incident, which, of course, is ongoing.

I want to offer a few observations. In particular, I want to focus on something that should be important to all of us, as elected members, and that is the people aspect. I will come to that in just a moment and share a few personal observations when I do so.

Firstly, though, I want to look at the responses of various levels of government to some extraordinary circumstances that have developed, were thrust upon us and are with us still. We do not know where this is all going to go. Are we going to see a second or other wave? What other ramifications will there be? There will be plenty of commentary about all that, but what have we seen so far that we can learn from? I recall there was an expression around back in March—it seems an awfully long time ago now—that the intention was to prepare for the worst while hoping for the best. I think strenuous efforts were made to prepare for the worst, and I remind members that even though it is not uppermost in the public's mind right now, back then, we were contemplating literally tens of thousands of cases of COVID-19 in Western Australia and, indeed, the prospect of tens of thousands of deaths. The efforts that our various institutions and instrumentalities have gone to to prepare for a possible worst-case scenario are quite extraordinary, and we are grateful for that. But how soon we forget. Even though we prepared for the worst, so far—touch wood—we have not had anything like the worst. In fact, all things considered, our hopes for the best have probably been realised. That does not mean we should drop our guard, and we still need to be mindful of the potential for things to go bad very, very quickly, even though we have worked strenuously to hopefully avoid that. It is important for people to continue to observe the fundamental guidelines that have been laid down. I would like to go to the footy, I would like to go to different places, and, heck, I would like to give a few people a hug! Members may be relieved, even though I love them all dearly, that I will not be giving in to that temptation just yet, but in due course, we can all have a good hug, and that will be great. In a moment, though, I am going to reflect on occasions when it has been very difficult not to be able to give a hug. Before I do that, I want to look at some more global problems that have been highlighted.

In a very good speech, the previous speaker referred to a lack of PPE being available to medical professionals, at least in the short term. Should that have been foreseen? Should it have been planned for? I am sure many minds with the capacity to respond to that have been working through that issue, so I do not apportion any sense of blame or culpability. That analysis has to be carried out soberly and professionally, and I have no doubt that is being done. But it highlighted a number of other questions that arose, and I particularly want to mention the issue of disruption to supply chains. In his opening remarks, the Leader of the Opposition reminded us about those silly

disruptions, with some consumer items running short as a result of some silly and, in some cases, downright selfish and stupid behaviour by a number of people, here and in other jurisdictions. Did we not all give a wry smile and a quiet cheer when we heard the story about that character in South Australia, I think it was, who had commissioned people—I do not know who would take on board such a commission; shame on them—to go around and grab up big stocks of toilet paper and hand sanitiser, which he wanted to sell on a platform such as eBay or something like that? But then he found, quite rightfully, that he had been blocked, so his business empire was nipped in the bud before it could get any further off the ground. The pathetic creature then went back to a supermarket, only to be told, “No, we’re not going to buy, at cost price, this \$10 000 worth of toilet paper and hand sanitiser that you’ve accumulated.” Did we all not give a cheer to the attitude of that supermarket manager and not one skerrick of sympathy to that person who tried to profit from the difficulties that the community was experiencing at the time, and rightly so? It sort of restores one’s faith in humanity when we hear stories like that, but there are some far more serious implications about the disruption to our supply chain. I will remind the house only briefly of some of these.

When international trade, whether by air or sea, is disrupted, it can have a massive impact on a country like ours—an island country—with our supply chains particularly disrupted. In these globalised times that we sometimes, thankfully, and sometimes, regretfully, live in, we do not make the stuff that we used to have to make here in Western Australia because we were so isolated. Sometimes it seems that many of our factories are shut and their functions are taken over east or overseas. We do not seem to make undies here anymore. We do not make brushes here anymore; if we do, I would like to know about it so I could buy them. Biscuits—crikey! Mills and Ware gave way to Arnott’s. It is only a matter of time before they shut down the factory in South Fremantle, putting those Western Australians out of a job, which is lamentable. But this has meant that we have had to rely on supply chains thousands of kilometres long to get our goods. So much of our requirements these days come from overseas that we are particularly vulnerable when crises such as the pandemic crisis erupt, as we all know. That is another reason why there has to be a long, hard look at the future of supply chains to service Australia. Indeed, what is the future for manufacturing, and renewed prospects for manufacturing, particularly of key requirements here in Western Australia? I want to focus on one, and that relates to pharmaceuticals.

I understand that something like 92 per cent of our pharmaceutical requirements are imported from places beyond the seas, and with increasing concentration of sources, the opportunities to do that are also shrinking. Someone in my family has relied on a daily vitamin supplement, without which they cannot function. It has been that way for yonks. It is no drama; they have a daily pill, but without it, they very quickly lose all energy. I am referring here to high-dose potassium. There were three suppliers of potassium to the Australian market, all of them overseas. Recently, before the pandemic, two of them decided not to supply anymore—they were going to focus on other things—leaving one overseas supplier, and guess what? There was insufficient supply until the transition occurred to meet the needs of the Australian market, and my relative suffered; they could not get access to potassium tablets and were barely able to function. That has since righted itself. What happens, though, when we have another disruption of that single supply chain? What happens if that supplier, in parts beyond the seas, goes out of business? What is the future for patients who require that one single item in Australia? We could multiply that by all the other pharmaceuticals. Successive governments have prided themselves on putting more and more pharmaceuticals on the pharmaceutical benefits scheme, which greatly assists many Australians, and that is terrific, but what happens if we do not have access to those hundreds and hundreds, possibly thousands, of lines of pharmaceuticals because we do not make them here and we cannot source them from parts beyond the seas? That is just one example of what we have to confront in the future as a nation.

I indicated that I would conclude with some references to the human aspect. As March was dawning on us, it came to pass that the family holiday to Bali in the first week in July was starting to look a bit shaky. I do not think it is going to be happening and I do not want it to happen, even if it was available. I have probably done my deposit there, I should think, because I am distressed to say that the travel agent had to shut its doors temporarily, and I extend my thoughts and wishes to the employees of that agency and so many others who are facing difficulty with that prospect. I said, “No problem. You want an overseas trip for a bit of R&R; I’ll get us three or four days across the seas at Rottneest.” This was organised on a Friday and I was going to finalise the arrangement on Monday. On the Sunday, this government announced that Rottneest was shut and off limits. I said, “No worries. Let’s go to New Zealand.” Then they shut New Zealand. One window of opportunity remains and that is that I have a cruise booked on Princess Cruises for later this year.

Several members interjected.

**Hon SIMON O’BRIEN:** Now, I want you all to stop laughing. I want you all to show a bit of empathy here!

**Hon Dr Steve Thomas:** Are you looking for donations?

**Hon SIMON O’BRIEN:** I do not know whether donations will be required, but I keep my fingers crossed because it is a holiday in Western Australia. It is just going from Fremantle, up the coast and back to Fremantle, in December. Maybe we will get to do it. We are allowed to go to Broome these days, so maybe that might eventuate, but I have to contemplate all the other people who were affected, as was I, and I am not complaining. I have nothing to complain

about, because I think the circumstances that have prevailed and the outcomes here in Western Australia have shown what a blessed place we inhabit, and we should be thankful for that. But that is not to ignore the real difficulties that so many people continue to face in the teeth of this particular crisis.

I am not going to get to New Zealand perhaps in the time frame that we are talking about. I last went to New Zealand in October last year for a couple of reasons—some happy reasons. I got to see some grandchildren and some great-grandchildren for the first time. I also went to say goodbye to my brother-in-law, my wife's eldest brother, who was suffering, and had been suffering for a very long time. It was not only the cancer eating through the back of his skull, but also the dementia that had gradually taken its toll, and about two years ago, when it got too much for his partner, he had to be put into care. Switzer Residential Care in Kaitaia took very good care of him for those two years. We visited him there, and we went home with Ima to share an evening with her. We went back the next day for another visit before we proceeded to other things. But it is hard, is it not, to say goodbye in those circumstances? We had to front up and do that. All sorts of things are left unspoken on such occasions because, indeed, what do you say? Perhaps we even took some comfort in the fact that dementia had robbed a particular cognisance, so that unspoken "this is goodbye" did not have to be said, but we felt it. Then of course we had the lockdown process. This was experienced by many Western Australians. We have read about them. It happened to John and Ima as well. They had to restrict visitors. In effect, they were banning visits in the early stages. Eventually, a daily visit was allowed by only one person under very strict circumstances for a brief period. Who gets to go? Will it be his partner, his daughter or his sons? They are difficult, heartbreaking decisions to make. Ultimately, Ima was not there when he passed away on 27 May. She was not there to hold his hand. We know that the same experience befell some people here in Perth. That is the human element that we want to minimise. We are all people, we are all human beings, and we all feel for people in that situation, just as I am sure members now feel for the situation that Ima found herself in recently.

With all that in mind, I join with the mover of this motion, and, indeed, I am sure, members from all sides of the house, in saying, "Well done to those who have done so much to make life better in these tough times, to the employers who have worked hard to keep their employees earning an income when all was failing around them, and to the health workers who have done so much to provide the care that people need, sometimes in great fear for themselves and their families whom they have to go home to." I compliment every single one of those Western Australians who said, "Oh, well, these are interesting times; we've got to soldier on." By and large, that is what our community has done.

I will not spend any time talking about those who have tried to take advantage of the situation. I certainly do not have any time for those who want to use these times as an excuse to descend into anarchy. I want to compliment Western Australians for their humanity and wish everyone well, including the mover of this motion, for a brighter future.

**HON PETER COLLIER (North Metropolitan — Leader of the Opposition)** [2.42 pm] — in reply: I would like to thank all members for their contributions. I will refer to the contribution from the Leader of the House in a moment. First, I acknowledge Hon Dr Steve Thomas for his extraordinary economic intellect and his capacity to express the vulnerabilities that we faced from an economic perspective prior to and during the COVID-19 pandemic and the implications for the outcome. His comments were very enlightening. I thank Hon Martin Aldridge for his contribution. He raised a valid point about the transparency issue yet again. It is a shame that in some instances information has not been forthcoming to the Parliament, and what has been provided was not as comprehensive as expected. I keep on saying that knowledge is power. The government will provide great comfort and clarity to the community if it provides that information. It is a shame that that information has not been forthcoming.

Hon Simon O'Brien gave some extremely heartfelt personal anecdotes about the situation and the impact it has had on him and also the community. That human element needs to be remembered. Having lost someone very close to me recently, I can assure the honourable member that I know how difficult it is—it must be difficult for many people—to say goodbye to such a wonderful person who did not get the opportunity to make a dignified exit. It is such a shame. So many people have fallen into that category. That is that human element.

I wish to make a few comments about the contribution made by the Leader of the House. I sincerely thank her and the government for agreeing to table information relating to COVID. It is important. It was not a political stunt; it was a genuine desire by the opposition, on behalf of the Parliament as a whole, to try to ascertain exactly why decisions were made. She mentioned that public health advice is fluid and it changes monthly. The point I raised is that the public health advice at the national and state level, particularly on borders, seemed to contradict each other. That is why I am seeking that advice. Why are we getting advice about borders at the national level that completely contradicts the advice given at the state level? That is all I am asking for. It will be very interesting to see what advice we get on the borders in particular. That will be fascinating. I thank the government for agreeing to table the information next Tuesday.

The Leader of the House also talked about the economic impact if there is another outbreak. We totally concur. That is why we need transparency and why we need to have that information—so the community can have confidence that decisions are made for the right reasons, not for political reasons. With regard to the demonstrations—I am

sorry that it might be a sensitive issue—people are asking why we are allowed to have demonstrations with tens of thousands of people marching on the streets and we cannot conduct a funeral or a wedding or an Anzac Day ceremony. Why do we have this contradiction with the demonstrations? That is what I am asking. We have all been very good little boys and girls. We have done so well in the Western Australian community over the past two months to get to this point. Yes, we have been led well, but it would never have occurred if the Western Australian community had not been good, for want of a better term. On the east coast, what will happen if there is an outbreak of COVID in two weeks after tens of thousands demonstrated last Saturday?

**Hon Simon O'Brien:** It means we'll have to be in lockdown for a hell of a lot longer.

**Hon PETER COLLIER:** Exactly; we will be in lockdown again. We are still in a type of lockdown now, although the restrictions have been lifted to a large degree. What will happen if there is an outbreak in two weeks as a direct result of someone at the demonstration having COVID? Do we say, "Oops; sorry, guys, we're back into lockdown"? All the hotels and restaurants will close. What happens then? For the Premier to come out and virtually say, "It is what it is"—he has changed a little bit over the last 24 hours—is a little too cute for words. I really think we have to have a standard that is uniform and consistent across all levels of the community, and not just for some. We need these restrictions for all members of the community.

Having said that, I would like to thank honourable members for their contributions. This has been a very positive debate with a positive outcome.

Question put and passed.

## COMMITTEE REPORTS — CONSIDERATION

### *Committee*

The Chair of Committees (Hon Simon O'Brien) in the chair.

#### *Standing Committee on Uniform Legislation and Statutes Review — 124<sup>th</sup> Report — "Inquiry into the Form and Content of the Statute Book" — Motion*

Resumed from 20 May on the following motion moved by Hon Alanna Clohesy (Parliamentary Secretary) —

That the report be noted.

**Resolved, on motion by Hon Michael Mischin, that consideration of the report be postponed to the next sitting of the Council.**

#### *Joint Standing Committee on the Corruption and Crime Commission — Thirteenth Report — "Annual Report 2018–19" — Motion*

Resumed from 20 May on the following motion moved by Hon Alison Xamon —

That the report be noted.

**Hon NICK GOIRAN:** Because we are in committee, can we rise and speak from our active chairs?

**The CHAIR:** I am certainly happy with that. Sometimes it is easier to seek forgiveness.

**Hon NICK GOIRAN:** Thank you, Mr Chair. The thirteenth report of the Joint Standing Committee on the Corruption and Crime Commission is currently before us. We last had an opportunity to consider this report on Wednesday, 20 May. I understand that a view amongst some members is that spending an hour on consideration of committee reports around this time on a Wednesday afternoon is not the most valuable use of the chamber's time. I understand why it might suit some members, particularly government members, to hold that view, particularly while anything to do with the Joint Standing Committee on the Corruption and Crime Commission continues to sit for our consideration. Regrettably, there are 10 reports for our consideration at this time and only one —

**Hon Stephen Dawson:** There are actually more than 10, but they put only 10 on the business program.

**Hon NICK GOIRAN:** There you go, Mr Chair. More than 10 reports are available to us. To the best of my knowledge, only one is about the Corruption and Crime Commission, but there may well be another one. In fact, I think there is one entitled something like "Red Faces", which is ironic considering how the government is handling the appointment of the Corruption and Crime Commissioner. I would think there are some red faces in government, particularly in the Attorney General's office, and probably the Attorney General has a red face too. At the moment, there are 13 reports for consideration, and I thank the Deputy Leader of the House for drawing my attention to that. Two reports relate to the work of the Joint Standing Committee on the Corruption and Crime Commission. Members of the government may not like Wednesday afternoons, particularly while these types of reports are available for our consideration, but if we do not consider them now, when would we have the opportunity to do so? We would never have any other opportunity. As we know from the processes of previous Parliaments when other things like ministerial statements were considered, we would never get the opportunity to consider these reports at another time. It is valuable work that the committees do and we need to consider these reports.

The thirteenth report, before us, is the annual report of the committee, which has had a longstanding reputation for fulfilling important and good work on behalf of Parliament. This committee has tabled a report outlining its activities over the last fiscal year and I am keenly looking forward to it tabling the next report in the next few months. When I look at the report for 2018–19, it strikes me that certain aspects warrant further consideration.

In particular, I note that the Corruption and Crime Commission has a duty to undertake certain oversight functions of the Western Australia Police Force, the fisheries division of the Department of Primary Industries and Regional Development and the Australian Criminal Intelligence Commission. That is regardless of whether the Corruption and Crime Commission is now under the stewardship of the acting commissioner, who continues to have all the powers that the former commissioner had and continues to do all the work that the commission previously undertook under the former commissioner. The work of the committee and the Corruption and Crime Commission shows us that those three agencies—the Western Australia Police Force, the fisheries division of the Department of Primary Industries and Regional Development and the Australian Criminal Intelligence Commission—have the capacity to undertake what is described as “controlled operations”. What are controlled operations? A controlled operation is, in effect, when a person in one of those agencies undertakes tasks or does things that would ordinarily be considered criminal behaviour, but it is happening in a controlled environment, in a controlled operation, for the purpose of catching criminals. In the annual report, reference is made to the fact that a controlled operation is a law enforcement operation that may involve an authorised participant engaging in unlawful conduct. That has always been my understanding. Officers, paid for by Western Australian taxpayers, are expressly undertaking unlawful conduct. Members of the Western Australia Police Force and the fisheries department and people from the Australian Criminal Intelligence Commission are undertaking unlawful tasks. They are trying to catch criminals while they are undertaking those tasks. That is why the oversight of a controlled operation is crucial. We simply cannot have Western Australian police officers running around, expressly engaged in unlawful conduct, even if it is for the purpose of trying to catch criminals, if nobody is watching. We cannot have that.

This hardworking committee—it certainly has three members with great integrity and competence; members know what I think about the other member—has drawn to our attention that there were 79 controlled operation authorisations for Western Australia police during the reporting period. Of those 79, variations were undertaken for 34 and, in one case, an application was refused. That tells us that, on average, the Western Australia Police Force makes an application, and authorisation is given, more than once a week for it to conduct controlled operations. More than once a week in Western Australia, Western Australian police officers are running around undertaking tasks that involve unlawful conduct. That is what the report tells us. They are permitted to undertake this unlawful conduct because it is under the umbrella of a controlled operation, and the safeguard for the people of Western Australia is that the Corruption and Crime Commission oversees it. This crucial responsibility has been entrusted to the Corruption and Crime Commission, and further explanation and examination of how the Corruption and Crime Commission goes about this task is warranted.

Members will be aware that Hon John McKechnie is no longer the commissioner of the Corruption and Crime Commission. Given that the honourable former commissioner has now retired, I would like to know, over the five-year period that he was the commissioner, how much examination of these controlled operations was undertaken. On how many occasions did former commissioner John McKechnie look into these activities of WA police officers when they were authorised to commit unlawful conduct? On how many occasions did he personally examine these serious matters and form a conclusion about whether they were appropriate or otherwise? We do not know the answer to that. That would be valuable information for the Parliament to understand, not because this Parliament has any intention of appointing Hon John McKechnie, because the government has since indicated that it has abandoned that process.

**The CHAIR:** The question is that the report be noted.

**Hon NICK GOIRAN:** However, I think there will be some good lessons to be learnt for the next commissioner. If it is the case that over the five-year period Hon John McKechnie never once examined any of these controlled operations, despite the fact that it was one of the most important tasks he had to do during that five-year period, we should know that. I am not saying that he did not do that—I do not know whether he did or did not—but let us imagine for a moment that he was interested in other things. If he was involved in other pet projects and he was not so interested in the work of the Corruption and Crime Commission and its oversight of controlled operations, we should know that, so that Parliament can ask the Joint Standing Committee on the Corruption and Crime Commission to make sure that this is top of mind for the next commissioner.

I have no problem with the Parliament of Western Australia authorising police officers, and indeed officers from the fisheries department, to engage in unlawful conduct. I do not have a problem with that, so long as the controlled operation is being rigorously oversighted by the Corruption and Crime Commission. If it is not being rigorously oversighted and we have just basically got a tick-box process of auditing, that is totally unacceptable. We cannot have WA police officers running around, on average at more than once a week, engaging in unlawful conduct with nobody watching. This would be a valuable area of inquiry. The next commissioner of the Corruption and Crime Commission, self-evidently, will be a Western Australian who is qualified to hold that position; that is, a person who

has the qualifications to be a Supreme Court judge. They do not necessarily have to have been a Supreme Court judge. Incidentally, that will mean that the person will not have attained the age of 70. If the person has attained the age of 70, they are no longer eligible to be a Supreme Court judge and, by necessary implication, the same applies to the Corruption and Crime Commissioner. But that aside, whoever that person is, self-evidently it will not be Hon John McKechnie; it will be some other learned Western Australian. If police officers and fishery department officers are running around engaging in unlawful conduct, we would want that person to have at the top of their mind the oversight of those controlled operations.

I would very much like to encourage the committee to consider this in advance of the appointment of the next commissioner, who I understand will not be appointed now until sometime after 13 March 2021. At the insistence of the government, it has decided to completely abandon the process of appointment and purposely made sure there will be no substantive commissioner in place between now and 13 March. I think that is a complete abdication of its responsibility; it has a duty to do that. Nevertheless, the government has decided that to be the case. I would like, on the basis of the information in front of us in the committee's thirteenth report, to have confidence that the next Corruption and Crime Commissioner will be overseeing these important controlled operations.

I note in addition that the Corruption and Crime Commission has responsibility for matters arising from the Criminal Investigation (Covert Powers) Act 2012. I understand that when the commission identifies areas of concern, it seeks feedback from the agencies about the issues that arise. To the best of my recollection—because the information is not readily at hand—the types of matters that fall under the Criminal Investigation (Covert Powers) Act 2012 include things like assumed identities. My recollection is that the Commissioner of Police can self-authorise his police officers to assume identities and undertake other things that would ordinarily be extraordinary powers—matters that police previously needed to apply to the Corruption and Crime Commission for authorisation. That is now something that the police commissioner can self-authorise. Again, it would be good for us to have a robust understanding of how much former commissioner McKechnie was really overseeing these particular tasks. We do not have that information at our disposal. I think it would be good for the benefit of the next commissioner, whoever that might be.

That concludes my remarks with regard to the 2018–19 annual report. I look forward to reading the next report from the Joint Standing Committee on the Corruption and Crime Commission.

**Hon MICHAEL MISCHIN:** I rise to make a few comments on the thirteenth report of the Joint Standing Committee on the Corruption and Crime Commission titled “Annual Report 2018–19”, which was tabled in November 2019. The point of the report is to inform the Parliament. It being a joint standing committee, a copy of the report was tabled in the other place by its chair, Margaret Quirk, MLA, the member for Girrawheen, and in this place by Hon Jim Chown, MLC, the deputy chair. Frequently, these sorts of reports, particularly from joint standing committees, seem to be rather prosaic. The report goes through the sorts of things the committee has been doing in the last financial year, and covers—in a very brief summary, I have to say—its oversight function and its legislative review function, among other things. It gives us an insight as to what it has been about, and happy times they must have been in the last financial year!

The committee has four members: two from the Labor Party, the government party, both drawn from the Legislative Assembly; one member of the Liberal Party, drawn from this chamber; and, uniquely, a member of the Greens, the member having been appointed by the government as its other representative from this place. I will not go into the history of the appointment and the like and the departure from convention and tradition in that case. I do not intend to reflect at all, except favourably, on the character, competence and integrity of Hon Alison Xamon, but suffice to say that as part of its oversight function, particularly in respect of nominating a candidate for appointment to the important and extraordinarily powerful post of Corruption and Crime Commissioner, the whole concept was one of bipartisanship between the two major parties in this state—not the National Party and the Labor Party, not the Greens and the Labor Party, not Independents and the Labor Party, but the Liberals and Labor. Either of those two parties will essentially be the core of any government of the day. Things might change over generations—who knows?—but in 2003, when the act was enacted, that was what was foreseen. One of the most important functions of that committee is to recommend to the Premier of the day someone who has not only bipartisan support in that committee but also majority support. The numbers are meant to be equal so that there is a balance in that committee—true bipartisan. The Labor Party saw fit to try to exploit that after the last election by putting two of its members on and nominating someone who they thought, being on the left side of politics, would automatically gravitate to its views on that committee; that they would be its puppet. That did not work out. If there is any doubt about fiddling the rules, members have only to listen to what one member of that committee had to say in the other place. Mr Hughes, the member for Kalamunda, said that he was glad that it fiddled the rules.

The point of my rising on this report is that I am concerned about how this committee will go forward. The committee's oversight function is summarised on page 8 —

The Committee has continued to perform its oversight function, closely monitoring the activities of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission —

We do not have one at the moment; one needs to be appointed —

and, to the extent relevant to its portfolio, the activities of the Western Australia Police Force and the Public Sector Commission.

...

The Committee held a range of hearings as a part of its oversight role.

**The CHAIR:** Unfortunately, temporary order 4 will now have to apply and our time today for consideration of that report is exhausted. We have to put that aside and move to our next committee report.

**Consideration of report postponed, pursuant to standing orders.**

*Joint Standing Committee on the Commissioner for Children and Young People — Fourth Report —  
“Annual Report 2018–19”*

Resumed from 28 November 2019.

*Motion*

**Hon STEPHEN DAWSON:** I move —

That the report be noted.

**Hon NICK GOIRAN:** I do not think it is appropriate that the “Annual Report 2018–19” for the Joint Standing Committee on the Commissioner for Children and Young People be noted without any comment. I thank the chair, Hon Dr Sally Talbot, for authoring the chair’s foreword and drawing to our attention that the committee kept under review the state government’s ongoing response to the Royal Commission into Institutional Responses to Child Sexual Abuse. It is worth noting that the committee comprises two members of the government and two members of the opposition—one member of the government from this place, one member of the opposition from this place and the same from the other place. I must say that the customary way in which this particular committee has been formed was, until the fortieth Parliament, the same way the Joint Standing Committee on the Corruption and Crime Commission was formed.

I note that this committee has gone out of its way to make sure that it keeps a close eye on how the government is responding to the Royal Commission into Institutional Responses to Child Sexual Abuse. What is very interesting is that the royal commission, at recommendation 7.3, said that every jurisdiction in Australia should incorporate five groups of people as mandatory reporters. In other words, if a person who is in one of those five groups came across information that caused them to have a reasonable belief a child was being abused, they would have a mandatory obligation to report it. The royal commission felt very strongly about this and recommended that every jurisdiction in Australia bring in these five groups of mandatory reporters. Here we are today on 10 June 2020, and how many of those five groups does Western Australia have as mandatory reporters? Zero. Not one of those groups is currently a mandatory reporter in Western Australia—not one. The Royal Commission into Institutional Responses to Child Sexual Abuse recommends all five groups be included across the nation. Western Australia has zero. The Parliament of Western Australia has a committee, which is the Joint Standing Committee on the Commissioner for Children and Young people, that quite appropriately takes it upon itself to monitor how the government is going in implementing those recommendations, and, still, nothing moves the government. We continue to have not one of those five groups as mandatory reporters in Western Australia. What will it take to move this government to ensure that all five groups become mandatory reporters? How seriously are we going to take the royal commission’s recommendations into child sexual abuse?

I recall that at the time the royal commission was on and at the time it handed down its report, in the typical way that politics is run in our nation, parliamentarians across the political divide would try to trip over themselves in their haste to be the first to be out there to say, “We’re serious about tackling child sexual abuse; we support the work of the royal commission.” Members know what it is like; we see it all the time, yet here we are on 10 June 2020 and nothing has changed in Western Australia. It may interest members to know that every other jurisdiction in Australia has two of those five groups as mandatory reporters—that is, out-of-home care workers and childcare workers. We do not have it. The government is totally silent on that issue despite the fact that we have entrusted a committee of this Parliament to oversee that work. I thank Hon Dr Sally Talbot for drawing that to our attention in this annual report. I understand why the government continues to regularly be frustrated with Wednesday afternoons when these kind of matters are drawn to its attention. It hates Wednesday afternoons, and hates it when examination is undertaken of committee reports and that examination exposes inactivity on the part of the government, particularly on something as serious as the Royal Commission into Institutional Responses to Child Sexual Abuse.

Interestingly, one of those five groups is ministers of religion. I recall at a certain point in time the government running out to the media and letting everybody know that it was going to make ministers of religion mandatory reporters. I recall it well because as shadow Minister for Child Protection, it was my responsibility to respond to those remarks made by the Minister for Child Protection at the time—and respond I did, indicating that the Liberal opposition supports the recommendations of the Royal Commission into Institutional Responses to Child Sexual

Abuse. That was a long time ago, and here we are, and nothing has happened. The government has greater priorities. The government's big priorities included things like trying to bring in a surrogacy bill that caused unlawful discrimination against women. Those are the types of big priorities that this government has had, instead of actually responding to the Royal Commission into Institutional Responses to Child Sexual Abuse. This is despite the fact that the government has a committee of four hardworking parliamentarians, led by the most capable Hon Dr Sally Talbot, overseeing the government's response. Despite that, nothing moves this government.

I understand that ministers want to take a break on a Wednesday afternoon, and take 60 minutes for pause, refreshment and a break to undertake other activities; I get that, but surely somebody should be responsible. Whenever we bring up these types of issues in these reports, whether it is a matter as serious as this one or any other matter, surely someone from government should have the responsibility to stand up and explain what is going on. Otherwise, why waste Hon Dr Sally Talbot's time by getting her to pen this foreword and chair this committee? Members may note that Hon Dr Sally Talbot participated in a plethora of public hearings over the financial year in question. I happen to know the honourable member serves on multiple committees; why waste her time and that of other members if, when they raise issues and bring them to our attention, no-one in government responds? There has been nothing. It is as if the Joint Standing Committee on the Commissioner for Children and Young People might as well not even have bothered keeping under review the state government's ongoing response to the Royal Commission into Institutional Responses to Child Sexual Abuse. It might as well not have bothered. It was a waste of its time, because the government's attitude is "We have such little regard for the work of this committee and this particular issue that we don't even feel like we need to respond." Nothing.

As members know, this is not an isolated incident. We saw the same thing in the Martin case and in the Atoms case. It does not matter which one it is; this is the standard response. The standard response is: it is Wednesday afternoon; it is time to go on holiday for an hour.

**The CHAIR:** Order, members! The question is that the report be noted. Hon Nick Goiran.

**Hon NICK GOIRAN:** Thank you, Mr Chairman. I will not take up too much more time, because I would like to get to some of these other reports.

In conclusion, the point is this: the Joint Standing Committee on the Commissioner for Children and Young People has quite correctly and appropriately taken it upon itself to be a watchdog over this government and its response to the royal commission's recommendations, and I commend it for doing that. The committee has drawn to our attention that it has done this extensively over a 12-month period. As shadow Minister for Child Protection, I draw to members' attention that one of the key recommendations that came out of the royal commission is that there should be five groups of mandatory reporters, yet this government has done nothing on that; none of the five are mandatory reporters in this state. With regard to two of the five groups, every other state and jurisdiction in the nation has them as mandatory reporters. My point is this: I think it would be appropriate for someone in government to respond to that; otherwise, we are simply treating with contempt these committees and the work they do. I refer to not only the honourable members serving on these committees, but also the hardworking research officers, and at least two, if not all three, of the committee staff listed here are staff I have worked with previously and found to be of the highest calibre. Let us not waste their time, either—keeping in mind that the taxpayer of Western Australia ultimately funds these committees through the auspices of the Parliament.

For those reasons, if no other member has anything to say on this report, I would like consideration of it to be deferred to the next sitting so that we might be able to hear from the government on this issue that the committee has been overseeing. The committee has said that it is keeping under review the state government's response to the Royal Commission into Institutional Responses to Child Sexual Abuse, so is it not appropriate for someone within government to stand up and say, "Well, this is our response; this is where we're up to"? At this point in time, there are supposed to be five groups of mandatory reporters in place, but we have none in this state.

**Resolved, on motion by Hon Nick Goiran, that consideration of the report be postponed to the next sitting of the Council.**

*Standing Committee on Estimates and Financial Operations — Seventy-seventh Report —  
"2017–18 Budget Cycle — Part 2: Annual Report Hearings" — Motion*

Resumed from 12 February on the following motion moved by Hon Alanna Clohesy (Parliamentary Secretary) —

That the report be noted.

**Hon NICK GOIRAN:** This matter has been considered on more than one occasion. It is part 2 of the work undertaken by the committee. Members will recall that the committee is now routinely tabling two reports a year—one on the budget estimates process and the second on the annual report hearings. I think that process, which has been underway for some time now, continues to be a valuable exercise.

On the last occasion we considered this report, I drew to members' attention some of the problems that had emerged in the annual report hearings, which included hearings undertaken with the Department of Education and the Department of Communities. I particularly drew attention to the problem of victims of child sexual abuse attending

school with their perpetrators. It was revealed in the course of those hearings that it is in fact the case that that is happening. Members may recall that last year I moved a motion on notice seeking to bring about some reform and change in this area. That motion was amended and ultimately unanimously agreed to by the chamber. At its heart, the purpose of the motion was to say that we, the Legislative Council, consider it inappropriate for a child to be re-traumatised and harmed by having to see their attacker at school every day. Whenever the Minister for Education and Training has had an opportunity to respond on this matter, she has regularly referred to risk assessment management plans, or RAMPs, which I understand she implemented when she came to government. What disturbs me is that when I asked the Minister for Education and Training at the start of this year, in term 1, about the status and quantum of children who were attending school with their attacker, we were told that this remained the case for a number of children. I cannot readily recall, off the top of my head, how many children this applied to, but five or six certainly rings a bell. I was very disappointed to hear that we started the school year with, again, five or six children being confronted by their attacker at school every day. With the COVID-19 pandemic, there was a period during which children were required to not attend school. It saddens me that it took a pandemic to stop the re-traumatising of children, who would otherwise have had to see their attacker at school every day.

When I have raised this issue with the government, the response typically has been along the lines of these things being sensitive and complicated. I have no doubt that that is the case, but the circumstances in which it is appropriate for a child to attend the same school as their attacker and be re-traumatised and harmed by that process are yet to be explained to me. This continues to be routinely the case in Western Australia. I use the word “routinely” because every time I ask the Minister for Education and Training for the latest figures, I continue to be told that there are children in this situation. I want to get to the point at which the answer is zero! It should not be the case that the only time children were shielded from their attacker was when they were required to be homeschooled because of the coronavirus, yet that seems to have been the case. School is well and truly back underway. In fact, I recall either the Minister for Education and Training or the Premier issuing a media release or saying in a press conference that it was once again compulsory for all children to go back to school, which, incidentally, I do not have a problem with. What does worry me is that now that it is compulsory for everyone to go back to school, children will again be confronted by their attacker. It would be of some assurance to me if the Minister for Education and Training could, on the next occasion that she is not absent from the chamber on urgent parliamentary business, confirm for us that the problem is now resolved and perpetrators of child sexual abuse no longer attend school with their victims. That would be of great comfort to me. Quite frankly, I think it would be of great comfort to most parents in Western Australia to know that.

The report also notes that during this period of annual report hearings, the government was unable to confirm exactly how many victims arose out of Operation Fledermaus. We had the unedifying spectacle of different information being provided at different times. For example, when I asked question without notice 934 as far back as 11 October 2018, we were told that there were 42 victims as at that date, but then in supplementary information provided to the Standing Committee on Estimates and Financial Operations in response to other questions that had been taken on notice, we were told that there were 70 victims as at 14 November 2018. I have since that time been pursuing these matters further by way of questions on notice. At one point in time, I asked questions of the Attorney General about this matter, only to get a response back at the end of the time period allowed for questions on notice that my question should be redirected to other ministers. As I recall, it was suggested that I should contact the Minister for Police and the Minister for Corrective Services. Naturally, I did that. I then lodged yet another question on notice to those two ministers, only for them to tell me that the minister who is responsible for answering these questions is the Attorney General. I went through a circus in which the Attorney General told me to talk to the Minister for Police and the Minister for Corrective Services, and I was then told by those ministers that I needed to go back to the Attorney General. I believe that ministers are given nine sitting days in which to respond to questions on notice. As members would know, we rarely have nine sitting days in one month. Therefore, after we go through this process and have the various breaks and the like—we certainly know that this government has had a lot of breaks—many months might go by before we are provided with an answer. In the end, I asked the Attorney General for an answer. I must say that I have now been provided with that information by the Attorney General. I am grateful that that information has been provided in recent times. However, it should be totally unnecessary for any member to have to go through that tedious process.

**The CHAIR:** The question is that the report be noted. Hon Nick Goiran.

**Hon NICK GOIRAN:** Lastly, I note that during the committee’s annual report hearing on 14 November, I also asked questions of the Department of Communities. Those questions related to negative notices for the Department of Health. In other words, the Department of Health had employees who needed to have working with children checks, so negative notices were issued. I was cross-referencing the information between the two departments. I was told by Communities that three negative notices had been issued. However, the Department of Health indicated that zero notices had been received. To cut a long story short, I again had to go through a circus in which the Department of Health said it had received zero negative notices, and the Department of Communities said it had sent the Department of Health three negative notices. The circus got even more spectacular when the final response from the government was to say that both answers were correct. It would have been good if the government had

said, “Thank you for drawing this to our attention. Clearly, there is a problem. The Department of Communities says that it has issued three negative notices to Health, and Health says that it has received zero negative notices. We, the government across-the-board, will fix this problem.” That would have been the appropriate response. Instead, the government dug in and had the gall to suggest that both answers were correct and that somehow three equals zero. That is where things were left last time. Again, it would be refreshing if the minister were to come into this place and say, “We have taken on board those comments. We have now improved our systems, and we are pleased to report that the Department of Communities and the Department of Health are now singing from the same song sheet.” That would be good, but we do not have that. Instead, we have, again, unfortunately, an arrogant government that does not want to consider committee reports or recommendations or criticisms that are raised. The government just wants to ignore these issues and gets frustrated and exasperated on Wednesday afternoons when they are brought to its attention yet again.

*Consideration Postponed*

**Hon NICK GOIRAN:** For reasons similar to those I expressed earlier, I move —

That consideration of the seventy-seventh report of the Standing Committee on Estimates and Financial Operations be postponed to the next sitting of the Council.

I request consideration of the report be postponed so that we might get a response from government on these issues. Specifically, I seek confirmation, firstly, that we no longer have a situation in which perpetrators of child sexual abuse are still attending school with their victim. I seek confirmation of that. I do not think it is too much to ask the government of the day to tell the Legislative Council whether perpetrators of child sexual abuse continue to attend school with their victim. Secondly, does the government finally have clarity on how many victims were identified by Operation Fledermaus? Thirdly, has the government now rectified the communication issues between the Departments of Communities and Health that led to the circus in which one department said that it had sent three negative notices and the other said that it had received none? Those are the three issues that I think the government should respond to, and for those reasons, Mr Chairman, I seek the deferral of consideration of this committee report.

**Question put and passed.**

*Joint Audit Committee — First Report —  
“Second Review of the Financial Management Act 2006” — Motion*

Resumed from 19 February on the following motion moved by Hon Diane Evers —

That the report be noted.

**Question put and passed.**

*Select Committee into Elder Abuse — Final Report —  
“‘I Never Thought it Would Happen to Me’: When Trust is Broken” — Motion*

Resumed from 11 March on the following motion moved by Hon Nick Goiran —

That the report be noted.

**Hon NICK GOIRAN:** On the last occasion we considered this report, which was 11 March 2020, I made some remarks on one of the inquiry’s terms of reference. Members may recall that following the tabling of this report on 13 September 2018, whenever there has been an opportunity for me to speak on this report, I have taken members through the inquiry’s 10 terms of reference. Multiple members have spoken about this particular report. I note that Hon Alison Xamon and Hon Pierre Yang have been regular contributors.

On the last occasion, I was considering the fifth term of reference, which was for the committee to assess and review the legislative and policy frameworks. In particular, I was looking at the Guardianship and Administration Act 1990. I do not want to go over that issue again because it is a real sore point for me. We, as a committee, were misled by this government and the Attorney General, who said that the government would introduce a bill to amend the Guardianship and Administration Act to implement the recommendations contained in the 2015 statutory review of the act as a matter of urgency. Rubbish! It never happened. It still has not happened. In fact, according to my notes, we were told that a bill to amend the act was approved by cabinet in December 2017 and was anticipated to be introduced in the 2018 spring Parliament session. I will not go over all that again because, as I say, it is a very big sore spot. The government knows full well the farce that was the Guardianship and Administration Amendment (Medical Research) Bill 2020, which it brought in under the guise of a COVID-19 measure. The government knows full well about that episode. In particular, it knows that as a result of the debacle and the handling of that bill by the government, in a highly unusual fashion, that bill was then referred, after the event, to the Standing Committee on Legislation. It is currently before that committee, so I will make no further comment on that matter.

Of course, the Select Committee into Elder Abuse looked into far more matters than just the intersection with the Guardianship and Administration Act. The point I want to speak to today is the idea of a central registry. A central registry for enduring powers of attorney was recommended as far back as 2013, some seven years ago. The idea

was that a central registry for enduring powers of attorney would reassure agencies and services, and create more checks in the creation of enduring powers of attorney, as well as discouraging perpetrators. As I recall, the commonwealth government was working towards, and, presumably, is still working towards, a national register of enduring documents. I seem to recall that during the 12-month inquiry that this committee undertook, we went to a conference—I think it was in Sydney—at which the federal Attorney-General, Hon Christian Porter, made an announcement to the effect that the government was looking at creating a national register. I stand to be corrected on that, but it certainly rings a bell that there was some announcement to that effect. Members can do their own research to verify that information. Nevertheless, the point is that concerns exist, one of which is that that will take years to develop. If we wait for the Council of Australian Governments—if it still exists, now that it has been abandoned for the national cabinet, or whatever the iteration is of it now—to create a register, we will never get there. The view of the Select Committee into Elder Abuse was that Western Australia should take the lead and introduce a state-based register in the interim. That would give the national approach plenty of time to iron out any problems, privacy concerns and the like. The committee made finding 44, which can be found at page 89. It states —

There is broad support in Western Australia for the creation of a State-based central register of Enduring Powers of Attorney and that such a register would be an effective means of reducing the potential for financial elder abuse to occur.

Recommendation 25, which flowed from finding 44, reads —

The Government investigate the viability and timeframe for creating a Western Australian central register of Enduring Powers of Attorney, with a view to integrating it with any national model that may be agreed to in the future.

The government provided a response to that recommendation, and, as I recall, it was the only recommendation made by the Select Committee into Elder Abuse that the government did not agree to. The response was provided by the government on 20 November 2018, and I wonder whether there has been any change of heart by the government in the intervening period, given that it has been more than one and a half years since that response. Let us have a look at what the response was more than a year and a half ago.

**The CHAIR:** Time for consideration of committee reports has expired.

**Consideration of report adjourned, pursuant to standing orders.**

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

## **FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT AMENDMENT BILL 2019**

### *Second Reading*

Resumed from 3 December 2019.

**HON JACQUI BOYDELL (Mining and Pastoral)** [3.53 pm]: I rise this afternoon to indicate the support of the Nationals WA for the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. I have to say that I have had an enormous amount of correspondence on this bill, particularly in the last 10 days. There is a large degree of public interest in the process of this bill, and I think rightly so, because it is a move in the right direction. It will ensure that the rights of vulnerable people will be protected, to a degree, and it also will respond to reports by the State Coroner, the Law Reform Commission of Western Australia and, indeed, the state government. It is with that that I indicate the support of the National Party for this bill.

The bill was introduced in the Legislative Assembly on 26 September 2019. As Hon Alison Xamon intimated yesterday, the rationale for and the key recommendations that led to this Fines, Penalties and Infringement Notices Enforcement Amendment Bill have come from the State Coroner's findings into the inquest into Ms Dhu's death in custody in Port Hedland, a very unfortunate event that is still very sorely felt in the Port Hedland community. Before I go any further, I extend my sincere condolences to Ms Dhu's family. Unfortunately, Ms Dhu was arrested on a warrant of commitment of unpaid fines in August 2014, although her fines were only approximately \$3 500. At this point, particularly in light of global events, Ms Dhu's case is a particularly poignant issue. The fact that she was in prison at all for unpaid fines—particularly a small amount of unpaid fines—makes this discussion most pertinent. Surely, there is a better way to deal with such matters, and I think this bill addresses that sort of issue. I hope that Ms Dhu's family and friends can take some comfort from the fact that this is a step in the right direction. Because of that unpaid fine, Ms Dhu was required to spend four days in prison to expiate her fines at the rate of \$250 a day. While in custody, as has been reported in the media on many occasions and in the State Coroner's report, she experienced some severe medical conditions and complications from injuries sustained from earlier domestic violence incidents. Unfortunately, she passed away a few days later while in custody during her admission to the Hedland Health Campus.

The coroner recommended that imprisonment be removed from the act as an option for enforcing payment of fines or, alternatively, imprisonment for fine default be subject to a hearing before a Magistrates Court and be determined by a magistrate and that orders other than imprisonment be available to the magistrate. That recommendation is

included in this bill. Work development permits, garnishing of income and fine expiation orders also have been included in this bill. The aforementioned rationale, which is probably the pinnacle finding of the State Coroner's report, is why this bill is before the house today.

The rationale behind the changes to licence suspension orders stems from the Australian Law Reform Commission's report "Pathways to Justice: Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples", tabled in the federal Parliament on 28 March 2018. One recommendation was that states should avoid suspending a driver's licence for fine default, particularly in remote areas. I 100 per cent agree totally with that. Losing a driver's licence in a remote area disproportionately impacts people. There is no public transport and no capacity to connect to the next town, particularly to access agency services. As a result, people become further entrenched in a cycle of poverty and probably involvement in the justice system. I am therefore very pleased to see that there is provision for that in this bill, particularly for remote areas. However, Leader of the House, one of the questions I will ask during the Committee of the Whole House concerns how remote areas are defined in the bill. Most of the amendments relate to fines enforcement rather than enforcement of infringement notices because the former can result in imprisonment. The first Australian statutory principle is that imprisonment for failure to pay a fine should be truly an enforcement of last resort and that a person experiencing hardship that affects their ability to pay a fine or work it off should not be imprisoned for fine default.

The bill also goes further than legislation in other Australian jurisdictions in restricting the issue of licence suspension orders for both fines and infringement notices. Garnishee orders are already in place in Queensland, South Australia and New South Wales, and work development permits already exist in New South Wales, Victoria and Queensland.

In May 2016, a report from the Western Australian government Office of the Inspector of Custodial Services titled "Fine Defaulters in the Western Australian Prison System" reported the following statistics. They are fairly harsh. Hakea Prison and Bandyup Women's Prison are the prisons most heavily burdened by fine defaulters in our state. Women are disproportionately represented in the fine default population, making up 15 per cent of the total prisoner population but 22 per cent of the fine defaulter population. Aboriginal people are also disproportionately represented in the prison population of fine defaulters, which indicates that there is an issue there. Unemployment is rife in the fine defaulter prison population, particularly for Aboriginal women, at 73 per cent. We are issuing fines and then imprisoning people, and statistics show that it is not working. It continues to be a revolving door situation. I am pleased to see those recommended changes in this bill. The majority of fines—54 per cent—were related to minor traffic offences. The prison system needs to deal with people who commit much more serious offences, rather than people who commit minor offences. People who are jailed for minor offences have their whole lives affected as a result and, unfortunately, in some instances it results in deaths in custody, as in Ms Dhu's case.

In 2013–14, the cost of prison admissions for people imprisoned for fine default offences was \$2.29 million. That is incredible. Surely that state government money can be better spent on supporting people in our communities.

I will give an overview of the bill. This bill aims to prevent vulnerable people who are unable to pay a fine from being sent to prison. It is as simple as that. The registrar will no longer have the power to issue a warrant of commitment and authorise the imprisonment of a debtor. Only a magistrate will be able to issue such a warrant on application by the registrar, and only when the registrar has attempted every other applicable enforcement option. I think that the general public expect that all viable alternatives are considered before someone is sent into the prison system. This is a good outcome.

The bill inserts a definition of "hardship", which includes financial hardship, mental illness and disability, experience of family and domestic violence, homelessness and drug and alcohol problems. All those things lead to hardship. This is not just about financial hardship, and I think it is a major step forward to recognise that those issues create hardship for people and reduce their capacity to pay a fine. That also relates to the above point, in that a person who is experiencing hardship that affects their ability to pay a fine should be sent to prison only as a truly last resort. All the other hardships that a person may be facing, as defined in the bill, and other alternatives presented to the magistrate should be considered before the person is sent to jail.

The bill implements a work and development permit, which is also linked to that concept of hardship, whereby if a debtor is experiencing hardship, they can enter into an agreement to undertake approved activities to discharge their liability to pay a fine. These activities include things like unpaid work, medical or mental health treatment, an educational or vocational course, treatment for drug or alcohol problems, engaging in a mentoring program if under the age of 25, or any other activity as prescribed in the regulations. That is a major step forward in actually trying to help people, once they do come in contact with the justice system, to address some of the issues that have maybe led to them finding themselves in that position. It also seeks to assist us in stopping this recidivist revolving door in which we have people in the prison system, we release them on their release date, and they get absolutely no help to address the issue for which they found themselves in prison in the first place. It is just unbelievable to me that we can recognise those issues yet people get no assistance or treatment whilst they are in the care of the state so that they do not come back through the door. So, this is a major step forward.

Thirty per cent of fine defaulters are from regional areas. There is a high representation of fine defaulters from regional areas in the prison system. I am hoping that once this bill passes this house, regional people will be able

to seek assistance through the justice system to help correct some of the hardships they have faced in their lives, instead of just being sent to jail and then being expected to have got past those hardships. History shows that that just does not happen. I am hoping that those regional people will be able to use that engagement in the justice system as an opportunity instead of them just being sent to jail, and then being seen again the next time they are in. That is not acceptable. I will ask some questions when we get to this point in Committee of the Whole House. How will regional people access some of those services, such as rehabilitation and mental health services et cetera, that are thin on the ground in regional areas? Will there be funding to help support that? I absolutely agree with the principle; there is no doubt about that.

The bill introduces fine expiation orders, which allows for offenders to discharge their fine if they are in, or have previously been in, custody. The registrar is restricted from issuing a licence suspension order for a debtor whose last known address is in a remote area. The bill introduces those garnishee orders that I talked about, which will enable the sheriff to go direct to the source of the debtor's income through either their employer or their bank. I do not know whether this also needs clarification, but will people be able to access Centrelink pensions or benefits for those garnishee orders, because ultimately that will assist them to reduce their fine? A fair balance of their pension or benefit being paid towards that fine would be a good outcome for all. That may be something that the minister could also clarify when we get to the committee stage. That might be welcomed because it would assist people to get on their way and address those issues so they can move on and live their lives. One day those people might live next door to you or me, and when those people live next door to you or me, I want them to be responsible, good neighbours, with all of the same opportunities that we have in the towns and communities that we live in. I do not think that that is an unreasonable expectation of people, and we, as a Parliament, should support the processes that allow legislation to support people rather than penalise them.

There are some questions for consideration once we get to the Committee of the Whole House stage, but the Nationals WA most definitely support this bill. I look forward to the contribution of other members on this legislation and I look forward to it passing the house, because it will help people. I would like to see that in the numbers in the future. I wonder whether the government intends to keep any statistics on where fine defaulters from the prison system go, how they are supported and how a positive outcome is effected for those people as a result of this legislative change. I think that will be important to ensure that we have made the right decisions with this bill and whether, in the future, further changes might need to be made.

There are some amendments on the supplementary notice paper, which I am sure we will get to during the Committee of the Whole stage. All in all, I support the bill. It is a move in the right direction. It will be welcomed by people in the community. As I said at the outset, I have had an enormous amount of engagement on this bill from the general public. I do not think I have heard from anyone who does not support the bill. It will be exceptionally welcomed in the Mining and Pastoral Region. I thank the government for bringing the bill to the house.

**HON COLIN TINCKNELL (South West)** [4.10 pm]: I will be very brief. I was not going to talk on the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019, but I will make a short contribution. I thank Hon Jacqui Boydell for her words. I think she captured the very good parts of the bill. I will ask questions later during the Committee of the Whole stage.

On 13 June 2017, I had been working as a member of Parliament for about two and a half weeks and I was lucky enough to have a meeting with the Treasurer, who is also the Minister for Aboriginal Affairs. I put to him a 10-point plan for what I would like to see happen. From talking to him, and from my previous experience in this area, I understood that to achieve some outcomes in the Indigenous field, he would need lots of other ministers, departments and the federal government to work with him as closely as they could. In some cases, the minister has had a tough time and, in other cases, he has achieved great things. This bill is part of that. If we want to see fewer Aboriginal people incarcerated, fewer deaths and everything else that goes with that, this bill will help. Fine defaulters often finish up in jails because of their socioeconomic backgrounds. Although penalties and discipline are needed for people who break the law, a redevelopment, prevention and training role needs to happen to assist them and reduce the numbers who enter jail. Jail is not a great place to go for someone who has been convicted of a traffic offence and not been able to pay the fine. That is where they find themselves a few months or a year later.

In Port Hedland, I sat in many Magistrates Court hearings just to be there for Aboriginal people who were going through this. The lawyers who represented the Aboriginal person often had no idea what they were really in court for and did not know them. It was good to be able to be in court to represent these people, put forward references, and let the magistrate know who the person was and what their circumstances were. I was in no way agreeing with the offence that had been committed, but was trying to understand what led to it and why the people were in that position. I worked very closely with people in that position, trying to assist them. The magistrates were very experienced and certainly knew what the people faced in those courts.

The change outlined in this bill to keep fine defaulters out of jail was a part of my 10-point plan. There were other points, but I am not here to talk about them now. One Nation supports the bill. I am happy it is before the house. It has taken a while; I wish it had happened a couple of years ago, but that is the way it is. We support the bill.

**HON ALISON XAMON (North Metropolitan)** [4.15 pm]: I rise as the lead speaker for the Greens on the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019 and indicate from the outset our wholehearted support for its passage.

I am mindful of the time and that we are likely to break in a moment. I seek your guidance, Mr Deputy President, as to when we are likely to break.

**The DEPUTY PRESIDENT:** It might be convenient if I leave the chair now until the ringing of the bells.

Debate interrupted, pursuant to standing orders.

[Continued on page 3469.]

*Sitting suspended from 4.16 to 4.30 pm*

### QUESTIONS WITHOUT NOTICE

#### CORRUPTION AND CRIME COMMISSION — OPERATIONAL ACTIVITIES

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

- (1) Has the Premier received a list of ongoing operational activities of the Corruption and Crime Commission?
- (2) If yes, when did he receive the list and will he provide it?

**Hon SUE ELLERY replied:**

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

- (1) No.
- (2) Not applicable.

#### CITY OF PERTH — INQUIRY — COST

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

I refer to the City of Perth inquiry.

- (1) What is the total cost of the inquiry to date?
- (2) Will the minister provide a detailed list of all claimants made in relation to the inquiry; and, if not, why not?

**Hon SUE ELLERY replied:**

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

- (1)–(2) The initial budget approved for the City of Perth inquiry in 2018–19 was \$2.4 million, with additional funding of \$1.9 million approved through the 2019–20 budget for a total inquiry budget of \$4.3 million. The final cost of the inquiry will not be known until it is complete.

#### CORRUPTION AND CRIME COMMISSIONER — REAPPOINTMENT

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

My question without notice is asked on behalf of Hon Michael Mischin.

I refer to the Attorney General's partial answer to question without notice 501 on 21 May 2020 regarding his dealings with Mr Matthew Hughes, MLA, over the reappointment of Hon John McKechnie as Corruption and Crime Commissioner.

- (1) Can the minister identify specifically the date and time of each and every occasion on which the Attorney General and Mr Hughes spoke about the reappointment of Mr McKechnie and precisely what was said on each occasion?
- (2) Did Mr Hughes discuss or intimate to the Attorney General before his Facebook post of 16 April 2020, that he had in mind being publicly critical of the Joint Standing Committee on the Corruption and Crime Commission or any member of it; and, if so, on what date or dates and in what terms?
- (3) Did the Attorney General assure Mr Hughes that if he did criticise the government or any member thereof, he would have the support of the government; and, if so, precisely when and on what terms?
- (4) Notwithstanding that the Attorney General claims that the advice to Mr Hughes was not to divulge any deliberations of the joint standing committee, precisely what did Mr Hughes say to him?

**Hon SUE ELLERY replied:**

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

- (1) Refer to the answer to question without notice 501.
- (2) No.
- (3) Refer to question without notice 501.

- (4) It is common for members of political parties to discuss forthcoming motions or debates in Parliament. These are typically informal discussions and, in the absence of any notes, transcript or minutes, the precision requested by the member cannot be given.

PLANNING AND DEVELOPMENT AMENDMENT BILL 2020

**548. Hon PETER COLLIER to the minister representing the Minister for Planning:**

My question without notice is asked on behalf of Hon Tjorn Sibma.

I refer to a document on planning reform provided by the Department of Planning, Lands and Heritage during a briefing on the Planning and Development Amendment Bill 2020 and in particular section 4 of that document titled “Cutting Red Tape in the Planning System”.

- (1) Is the desired outcome of “establishing a new system to resolve conflicts with Main Roads Western Australia following development approval” dealt with in the bill; and, if so, in what specific part of the bill?
- (2) If no to (1), why not?
- (3) If not by way of this bill, can the minister elaborate on what the new system to resolve conflicts with Main Roads will involve and the means by which it will be implemented?

**Hon STEPHEN DAWSON replied:**

I thank Hon Tjorn Sibma for some notice of the question. The following answer has been provided by the Minister for Planning.

- (1) Part 17 will have its own conflict resolution provisions, which can include dealing with conflicts arising out of inconsistent approvals between Planning and Main Roads WA. As outlined in answer to question without notice 544, it is the Local Government (Uniform Local Provisions) Regulations 1996, not the Main Roads Act 1930, that outlines that a person or local government wishing to construct a crossing for vehicles from a public thoroughfare that is a government road must obtain the written approval of the Commissioner of Main Roads. Greater and early involvement of state agencies in the assessment process, in particular pre-lodgement meetings, will be held with key agencies such as Main Roads to resolve conflict.
- (2)–(3) As the source of the issue is the Local Government (Uniform Local Provisions) Regulations 1996, it is proposed that future amendments will be made to these regulations rather than amending the Planning and Development Act 2005. The government remains committed to this reform and it should be seen as part of the government’s broader planning reform package, of which amendments to the Planning and Development Act 2005 are just one part.

CORONAVIRUS — GOVERNMENT REVENUE

**549. Hon PETER COLLIER to the minister representing the Treasurer:**

My question without notice is asked on behalf of Hon Dr Steve Thomas, who is away on urgent parliamentary business.

I refer to the impacts of COVID-19 on the government’s revenue.

- (1) Has there been a reduction in stamp duty received in April and May 2020 compared with the equivalent months in 2019; and, if so, what is the reduction?
- (2) Has there been a reduction in payroll tax received in April and May 2020 compared with the equivalent months in 2019; and, if so, what is that reduction?
- (3) Has there been an increase or decrease in iron ore royalties received in April and May 2020 compared with the equivalent months in 2019; and, if so, what is that difference?
- (4) Will the government still receive its full amount of GST expected under the new GST distribution paradigm, including a floor in the state’s share of GST?
- (5) What is the total predicted impact of COVID-19 on state revenue for the last quarter of the 2019–20 financial year and the first quarter of the 2020–21 financial year?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(2) Yes. Both transfer duty and payroll tax have been weaker relative to the same period last year. This includes a decline of 36 per cent in transfer duty in April 2020 compared with the average over the three months prior. Further information around these revenue streams will be provided in the 2019–20 *Annual Report on State Finances*.
- (3) Iron ore companies lodge royalty returns on a quarterly basis and revenue from April and May will form part of the June quarter 2020 royalty returns. The 2019–20 *Annual Report on State Finances* will contain a comparison of royalty income over the June quarter 2020 compared with the June quarter 2019.

- (4) The new GST distribution arrangements will continue, including the guarantee of a minimum 70 per cent of Western Australia's population share of the national GST pool. However, the state is still impacted by reductions in the size of the national GST pool, which are expected to be significant.
- (5) The economic and fiscal update tabled in Parliament indicated that total general government revenue over 2019–20 to 2020–21 is expected to be in the order of \$1.8 billion lower under Treasury's baseline estimates compared with the 2019–20 midyear review.

MENTAL HEALTH — FLY IN, FLY OUT CODE

**550. Hon JACQUI BOYDELL to the minister representing the Minister for Mines and Petroleum:**

I refer to question without notice 312 asked by me in this place on 4 April 2019 regarding the document "Code of Practice: Mentally healthy workplaces for fly-in, fly-out (FIFO) workers in the resources and construction sectors".

- (1) Please outline the process that would alert the Department of Mines, Industry Regulation and Safety to the failure of a company to comply with the code?
- (2) How many reported failures to correctly apply the code has the Department of Mines, Industry Regulation and Safety recorded since May 2019?
- (3) What action has been taken by DMIRS to ensure that companies comply with the code in the future?

**Hon ALANNAH MacTIERNAN replied:**

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

- (1) The mentally healthy workplaces code of practice is not a prescriptive document, nor is it legislative. The code of practice encourages a risk management approach to psychosocial safety and aims to provide guidance on how to comply with the safety legislation. It does not create a reporting requirement. If an employer is failing to meet its legislative workplace safety obligations, including psychosocial, the Department of Mines, Industry Regulation and Safety would become aware through site inspections, via injuries and incident reporting by employees, and by complaints, contacts or inquiries from industry employees or other persons impacted who notify the department. There is no specific mandated reporting process under the code.
- (2) The code is not a legislative instrument.
- (3) When considered appropriate, DMIRS will make contact with the employer to discuss what appropriate steps are necessary to meet the intent of the code. DMIRS actively promotes the code to all industry and provides various resources on its website.

LANDGATE — FEES

**551. Hon RICK MAZZA to the minister representing the Minister for Lands:**

I refer to the forecast 2020–21 Landgate fee increases.

- (1) Why are these proposed fee increases necessary when electronic conveyancing was promoted on the basis of efficiency and reduced costs?
- (2) Is there any scope for a fee decrease?

**Hon STEPHEN DAWSON replied:**

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

- (1) Since electronic conveyancing was introduced in 2014, Landgate has experienced a decrease in the annual volume of regulated land titling registrations transactions from 343 000 in 2013–14, to 237 000 in 2018–19. Landgate's fees are not included in the state government's household basket of fees and charges, as most people require Landgate services on an infrequent basis. Landgate recovers its operating costs by charging fees for the services it provides. The proposed rate of increase to Landgate's regulated and non-regulated fees in 2020–21 is two per cent, with allowance for minor rounding based on the state's forecast consumer price index.
- (2) No. Landgate always seeks to minimise its fee increases; however, it must maintain capacity to deliver services to the state.

BENNETT BROOK DISABILITY JUSTICE CENTRE — STAFF

**552. Hon ALISON XAMON to the Minister for Disability Services:**

I refer to the Bennett Brook Disability Justice Centre.

- (1) How many FTE staff are currently engaged at the centre?
- (2) What positions do each of these staff hold?

- (3) How many FTE of the following staff are currently engaged at the centre —
- (a) psychiatrists;
  - (b) psychologists;
  - (c) other mental health staff; and
  - (d) other health staff?

**Hon STEPHEN DAWSON replied:**

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

- (1) A total of 21.4 FTE are engaged at the centre.
- (2) The positions currently engaged include manager, individual and transitional services; coordinator, individual and transitional services; business support coordinator; disability justice officer; and gardener at 0.4 FTE.
- (3)
  - (a) Nil.
  - (b) Clinicians from the disability justice service, including three psychologists, engage with centre residents regularly and attend the centre frequently. The clinical FTE for disability justice service is currently 4.4 FTE.
  - (c)–(d) Drop-in support occurs from the nursing services branch of the Department of Communities. On most occasions, residents access health care from a variety of community-based health practitioners.

**CORONAVIRUS — RESTRICTIONS — BLACK LIVES MATTER PROTEST**

**553. Hon COLIN TINCKNELL to the parliamentary secretary representing the Minister for Health:**

Given that the government has no plans to stop the organised protest on the weekend, if there is no significant outbreak or spread in the next two weeks as a result of this mass gathering, will the government seriously consider opening up the state border and allowing larger events to take place, such as football matches?

**Hon ALANNA CLOHESY replied:**

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

The government has adopted a phased approach to the releasing of measures and will consider further relaxation of restrictions in line with health advice following the evaluation of phase 3, which commenced on 6 June 2020.

**ASTHMA — SMOKE HAZE ALERT**

**554. Hon AARON STONEHOUSE to the parliamentary secretary representing the Minister for Health:**

I refer the minister to an article by Sarah Brookes in the *Southern Gazette* dated 28 May 2020 entitled “Perth smoke haze warning: Plans for asthma early alert system stall”.

- (1) Can the minister confirm that since 2017, Asthma WA has been working with WA Health, the Bureau of Meteorology, the Department of Parks and Wildlife, the Department of Fire and Emergency Services and the Department of Environment Regulation to develop what would be an Australian-first alert system that would give people with respiratory conditions 12 to 24 hours’ notice of an environmental event such as smoke haze from prescribed burns?
- (2) How many smoke alerts has Emergency WA issued for the metropolitan region this year as result of prescribed burns, and how do those numbers compare with alerts issued in previous years?
- (3) If, as the article suggests, delivery of the proposed alert system has stalled, why is that the case and what is WA Health in particular doing to get it back on track?

**Hon ALANNA CLOHESY replied:**

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

- (1) WA Health has provided input into the development of Asthma WA’s smoke alert system.
- (2) The question should be redirected to the Minister for Emergency Services.
- (3) Asthma WA should be contacted about the time line for delivery of the proposed alert system.

**TIANANMEN SQUARE RALLY — PARLIAMENT HOUSE**

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

I refer to the recent authorised public rally outside Parliament House on Thursday, 4 June 2020 to remember the Tiananmen Square massacre in 1989.

- (1) Did acting Consul-General He and Assistant Consul Wang have an appointment at Parliament House on this day?

- (2) If no to (1), why were they at Parliament House?
- (3) Does the government concede that it would be highly inappropriate for foreign dignitaries to covertly film Western Australian state members of Parliament going about their business at this event?
- (4) If yes to (3), is the government concerned why and who they were filming at this public rally?

**Hon SUE ELLERY replied:**

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

- (1)–(4) Appointments at Parliament House are managed by Parliament House security.

**GERALDTON HEALTH CAMPUS — REDEVELOPMENT**

**556. Hon MARTIN ALDRIDGE to the minister representing the Minister for Finance:**

I refer to the announcement by the Minister for Health on 4 June 2020 relating to forward works at Geraldton Health Campus.

- (1) What is the value of the contract awarded to ADCO Constructions Pty Ltd, and what is the scope of works obtained in return?
- (2) Given that ADCO Constructions Pty Ltd is a New South Wales-based business, how much of the contracted works will be accessible to local businesses and contractors, and how will this be achieved or mandated?
- (3) Firstly, how many local jobs has the Geraldton Health Campus redevelopment project created to date; and, secondly, is forecast to create?
- (4) I refer to an article in the *Geraldton Guardian* of 9 June 2020, in which an ADCO representative advised that they were not free to speak to the media. Is the state restricting the ability for this firm to make public comment; and, if so, what is the reason for such action?
- (5) Will the minister please table the tender evaluation report and the contract issued in relation to the project?

**Hon STEPHEN DAWSON replied:**

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

- (1) The contract for the forward works component is valued at \$8 541 500, including GST, and includes the construction of new parking bays, a new main entry to the hospital, an access road and a parking area for emergency service vehicles, and internal modifications to the existing emergency department and ambulance entry.
- (2) ADCO Constructions Pty Ltd tendered from its West Perth premises and, as part of its submission, nominated \$5.2 million of local content. This amount forms the basis of its contractual commitment and will be monitored throughout the life of the project.
- (3) Three local consultant firms have been engaged to date. Once construction commences on the forward works component, a total of 74 regional jobs, including two regional apprentices, are expected to be created. Additional jobs will flow from the main works component once the scope has been fully documented and tendered.
- (4) It is standard practice for government contracts to contain confidentiality provisions and for media inquiries to be directed via the relevant agency.
- (5) Given that the evaluation report contains a significant portion of information that would be considered commercial-in-confidence, I request the honourable member to clarify the areas of particular interest and I will endeavour to answer that question to the extent I can. As the contract is approximately 1 000 pages and has already been publicly released on the Tenders WA website, I will arrange for a copy to be sent to the honourable member's office.

**DIEBACK — BIOCONTROL SPECIES**

**557. Hon DIANE EVERS to the Minister for Environment:**

I note that international research has identified biological methods of controlling pathogens, such as the use of trichoderma species to control *Phytophthora cinnamomi* in various plants.

- (1) Has the government evaluated the potential for the biocontrol of *Phytophthora cinnamomi* using trichoderma species, or other fungal or microbial species?
  - (a) If yes, will the minister please detail the biocontrol species used or evaluated, including their effectiveness and cost benefit?
  - (b) Will the minister please table any reports; and, if not, why not?
- (2) If not, why not?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(2) I am advised that research into the biocontrol of phytophthora species has been conducted in Western Australia through the nursery and horticultural industries using microorganisms that suppress *Phytophthora cinnamomi*. Biocontrol is better suited to small areas and controlled environments such as nurseries or orchards, and is generally effective only when used in conjunction with disease control measures. Biocontrol methods for plant diseases such as that caused by *Phytophthora cinnamomi* have not been developed to be effective at the landscape scale.

## RACING AND WAGERING WESTERN AUSTRALIA — CEO RESIGNATION

**558. Hon COLIN HOLT to the minister representing the Minister for Racing and Gaming:**

I refer to the resignation of the chief executive officer of Racing and Wagering Western Australia.

- (1) When did the minister become aware of the resignation?
- (2) When did the minister become aware that the CEO had secured employment with a company owned by a RWWA board member?
- (3) Did the minister seek reassurances from the RWWA board that all conflicts were managed appropriately; and, if so, can the minister please table any correspondence?
- (4) Given that the RWWA CEO is intimately involved in the sale of the Western Australian TAB, will a buyer for the WA TAB be confirmed before his departure on 30 September 2020?

**Hon ALANNAH MacTIERNAN replied:**

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

- (1)–(2) The minister was informed about the resignation and future employment of the outgoing CEO of Racing and Wagering Western Australia, Richard Burt, by the chairman of the RWWA board on Friday, 22 May 2020.
- (3) No, because this is a matter for the RWWA board and executive management.
- (4) It is not expected that the sale of the TAB will be finalised before the departure date.

## CORONAVIRUS — GOLD ROYALTY RATE

**559. Hon ROBIN SCOTT to the minister representing the Minister for Mines and Petroleum:**

I refer to the minister's announcement on 25 May 2020 that specific rate royalties applied to minerals used by the state's building and construction sector will be frozen for a period of five years.

- (1) Does the government plan to also freeze the rate royalties of gold, ensuring that there is no increase in the gold royalty for the next five years to also support the gold industry through the COVID-19 pandemic?
- (2) If not, why not?

**Hon ALANNAH MacTIERNAN replied:**

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

- (1)–(2) Specific rates of royalties for industrial and construction materials are applied at a flat rate per tonne and are reviewed on a five-yearly basis, with regulation 86(2d) not allowing a reduction once a rate is set. Gold has an ad valorem royalty system that is applied as a percentage of value. This dollar amount fluctuates according to market condition and demand for commodities. The royalty rate is set at 2.5 per cent. Gold has experienced significant demand during the COVID-19 pandemic, with prices attaining record highs of \$2 748 per ounce during this period. If the honourable member is advocating for a five-yearly review of gold royalties, as is undertaken with industrial and construction materials, to ensure that the people of Western Australia receive the full value from the gold belonging to them, the government will consider that suggestion.

## JUUKAN GORGE CAVES

**560. Hon ROBIN CHAPPLE to the minister representing the Minister for Aboriginal Affairs:**

I refer to the recent deplorable destruction of Indigenous heritage at Juukan Gorge and the ABC online news article titled "Fears of another Juukan Gorge as concerns raised over Pilbara rock caves near FMG mine".

- (1) Given what has happened to caves Brock-20 and Brock-21 at Juukan Gorge, will the minister take personal responsibility for the caves referred to in the article?

- (2) Will the minister prevent further destruction of the caves?
- (3) Given that the former registrar, Kathryn Przywolnik, has stated that the minister could have stopped the destruction of Brock-20 and Brock-21, why did he not do so?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(3) The minister did not approve the destruction of the Juukan caves, was not aware of the approval to destroy the caves and was not asked to intervene in their destruction. As the honourable member is aware, Rio Tinto had a valid section 18 consent issued for development of pit 1 at the Brockman 4 mine. The minister is not aware of the statement by the former registrar, but as the honourable member well knows, neither the Minister for Aboriginal Affairs nor the Aboriginal Cultural Material Committee can review or revoke a section 18 consent once it has been issued. In considering whether to grant consent to a section 18 notice that may impact an Aboriginal heritage site, the minister takes into consideration the recommendation of the ACMC and the general interests of the community.

SOUTH REGIONAL TAFE — ESPERANCE CAMPUS

**561. Hon COLIN de GRUSSA to the Minister for Education and Training:**

I refer to the minister's response to my question without notice 542 regarding request for tender BMW 03921/19 for the South Regional TAFE Esperance new replacement campus awarded to EMCO Building.

- (1) What date did the disposal of Victorian tea-tree cease at the private property and when did disposal commence at the Shire of Esperance waste disposal facility?
- (2) Why did the contractor alter the site at which it was disposing of Victorian tea-tree?
- (3) Is the minister aware that the disposal of Victorian tea-tree was taking place at a private property located within a designated groundwater precinct and adjacent to internationally recognised Ramsar wetlands, and is currently the subject of an investigation by the Shire of Esperance?
- (4) Does the minister stand by her response, given that the investigations by the Shire of Esperance have not been completed?

**Hon SUE ELLERY replied:**

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

- (1) Disposal ceased at the private property on 1 June 2020 and commenced at the Shire of Esperance waste disposal facility.
- (2) A Shire of Esperance compliance officer contacted the contractor to redirect it to the shire's waste disposal facility.
- (3) No, I was not aware of the specifics of the location. I am aware that the matter is currently subject to an investigation by the Shire of Esperance.
- (4) Yes, I do, but this is a complex matter and I have directed the Department of Training and Workforce Development to work with the shire to ensure a suitable outcome. I have also asked today for a briefing note, because I am not satisfied that the information I am getting is just through the answers that are being provided to the honourable member. I have asked for a broader briefing note and I will then have a conversation with the member behind the Chair.

JUUKAN GORGE CAVES

**562. Hon TIM CLIFFORD to the minister representing the Minister for Aboriginal Affairs:**

I refer to the ABC Radio National broadcast on Tuesday, 9 June 2020 at 6.06 pm, in which the federal Minister for Indigenous Australians voiced his support for the protest at Rio Tinto's headquarters.

- (1) Does the minister share the views of his federal counterpart that we cannot afford to have any site destroyed?
- (2) Does the minister agree with his federal counterpart that Indigenous elders should go out onto country and, I quote —
 

... make sure that they check on those sites to ensure that there is no further damage done ...
- (3) If yes to (2), does the minister believe that the onus for protecting sites is on individual knowledge holders?
- (4) Given that the federal minister made specific reference to sites destroyed by railway, will the minister consider a review of the Eliwana rail project?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(3) The Minister for Aboriginal Affairs did not listen to the broadcast to which the honourable member referred and, as a consequence, is not aware of the context in which these statements were made. The minister strongly believes that traditional owners need to have a greater say on the protection and management of their heritage. He wants to lessen the role the government plays in decisions around heritage and increase the authority of traditional owners. The proposed Aboriginal cultural heritage act will ensure better protection of important places for Aboriginal people and encourage agreement making between traditional owners and land users, and in so doing will empower traditional owners by prioritising Aboriginal voices in heritage management. It will also provide a process to recognise arrangements that currently exist between many proponents and traditional owners whereby traditional owners have a say on what happens to their heritage. The minister wants impacts to Aboriginal sites limited to the practical extent possible. He is also a great believer in self-determination for Aboriginal people and supports native title groups using their hard-won rights to make commercial agreements with land users. He is cautious about governments interfering in private negotiations by registered native title holders. Traditional owners know their country better than anyone. Any concerns relating to impacts on an Aboriginal heritage site can be reported to the Department of Planning, Lands and Heritage. The department also offers a grant program to assist traditional owners in managing their sites.
- (4) The Eliwana rail project, like all projects, needs to comply with all approvals processes, including those required by the Aboriginal Heritage Act 1972.

## CORONAVIRUS — TRAINING AND WORKFORCE DEVELOPMENT REVIEW

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

I refer to the answer given to question without notice 535 asked yesterday regarding the minister's skills and training review. Will the minister table a complete list of all the individuals and organisations that are being consulted as part of the review?

**Hon SUE ELLERY replied:**

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

The review of skills, training and workforce development commenced on 29 May 2020 and will conclude at the end of June 2020. The review team has already met with a large number of stakeholders and will continue to identify and consult with as many individuals and organisations as possible during this period. I undertake to table a list of those consulted at the conclusion of the review.

## CHILDREN IN CARE — YOUNG PEOPLE LEAVING CARE

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

I refer to the WA Auditor General's 2018 report "Young People Leaving Care", which was tabled in the Legislative Council on 22 August 2018, in which the Department of Communities' response to all three recommendations was listed as being in agreement and to commence within 12 months.

- (1) Which recommendations has the department commenced?  
 (2) Which recommendations has the department completed?

**Hon SUE ELLERY replied:**

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

- (1)–(2) The Department of Communities has commenced all recommendations but they are not yet completed. This includes ongoing process and practice improvements. The Department of Communities has a number of measures in place to ensure that young people transitioning to independence are provided with information and support. Young people in care are provided with information about time in care, leaving care services and financial entitlements.

The Department of Communities established a steering committee for young people leaving care and a working group to design and pilot a revised leaving care approach and to manage the implementation of the Office of the Auditor General recommendations. The steering committee developed a model of service to address the needs of young people preparing to leave care. A pilot of the new service model commenced in early 2020 and will be trialled over a 12-month period and evaluated against the recommendations in the Auditor General's report. Pilot sites will recruit and establish leaving care teams. The dedicated leaving care team model will focus on early engagement, planning and ongoing support for young people transitioning from care.

CREATE Foundation's Sortli—Sort out Your Life—is a mobile app that provides information to support young people in care to transition to independence and adulthood. The CREATE Go Your Own Way kit is distributed across Communities' districts annually to each young person turning 16 years of age and includes a planning resource for young people transitioning to independent living.

The Home Stretch trial is testing a model of enhanced access to supports and services for young people transitioning from out-of-home care, providing them with additional support and resources from 18 years until they turn 21 years of age.

The Children and Community Services Amendment Bill 2019, which is currently being debated in the Legislative Assembly—this was dated 19 May—makes important improvements for children and young people once they leave care. These changes include: a leaving care plan must be prepared once a child reaches 15 years; children leaving care must be provided with social services that the CEO considers appropriate having regard for the child's needs, regardless of whether those needs were specifically identified in the child's last care plan; children leaving care are to receive written information on their entitlements post-care; and the requirement for prescribed government agencies to prioritise Department of Communities' requests for assistance for children in state care and care leavers who qualify for assistance until they turn 25 years old.

#### PORT HEDLAND WEST END IMPROVEMENT SCHEME 1 — CONSULTATION

**565. Hon KEN BASTON to the minister representing the Minister for Planning:**

I refer to the Western Australian Planning Commission seeking public comment on the draft Port Hedland West End Improvement Scheme 1. Considering the effect that COVID-19 safety measures have had on the ability to travel and conduct public and face-to-face meetings, will the minister consider requesting that the consulting period be extended beyond 3 July to ensure that those affected have ample time to review and seek advice on the draft scheme?

**Hon STEPHEN DAWSON replied:**

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

The answer is yes.

#### WASTE AVOIDANCE AND RESOURCE RECOVERY LEVY — REGIONAL WESTERN AUSTRALIA

**566. Hon JIM CHOWN to the Minister for Environment:**

Does the government have any intention to expand the waste avoidance and resource recovery levy into regional Western Australia; and, if so, why?

**Hon STEPHEN DAWSON replied:**

I thank the honourable member for the question.

Can I say at the outset I was very pleased to meet with councils from right across Western Australia a couple of months ago now, who asked me whether the waste levy would be increased this year. I was able to confirm that due to COVID-19, there would not be an increase in the waste levy in the next financial year. However, the state "Waste Avoidance and Resource Recovery Strategy 2030", which we announced early last year, did promise an action plan that would review the waste levy and look at further increases over the years ahead and where the waste levy should be applied. From time to time, I hear allegations from metro councils and metro waste operators who say that waste from the metropolitan area is going to the south west of the state in particular so that people in the metro area can escape paying the waste levy. That allegation is raised with me constantly. The waste levy review—the action plan review—is out for consultation at the moment. That closes on 15 July. If the honourable member has any issues or an interest in that, or, indeed, his constituents have, I would encourage him to make a submission.

#### CITY OF PERTH — INQUIRY — STAFF

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

I refer to the City of Perth inquiry.

- (1) Is the minister aware of the number of staff who have left the City of Perth since the sacking of the council and the appointment of commissioners; and, if so, how many staff have left the City of Perth over this period?
- (2) Has the minister been provided with any information from the commissioners about staffing matters; and, if so, what is the reason given by the commissioners for those staff no longer working at the City of Perth?

**Hon SUE ELLERY replied:**

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

- (1)–(2) No. This is an operational matter for the City of Perth.

**QUESTIONS ON NOTICE 2887, 2893, 2896, 2917 AND 2918***Papers Tabled*

Papers relating to answers to questions on notice were tabled by **Hon Stephen Dawson (Minister for Environment)** and **Hon Alannah MacTiernan (Minister for Regional Development)**.

**FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT AMENDMENT BILL 2019***Second Reading*

Resumed from an earlier stage of the sitting.

**HON ALISON XAMON (North Metropolitan)** [5.07 pm]: I indicate that I am the lead speaker for the Greens on the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. I also indicate without reservation that we emphatically support the passage of this long overdue legislation. I am very pleased to finally be able to speak on this legislation. I say on behalf of the Greens that it has been a source of significant disquiet that this bill was not prioritised for debate and passage in this house, particularly as we went into the COVID-19 crisis. I have asked a series of questions over the last couple of months around what was happening with the legislation and whether there was any capacity to suspend warrants of commitment. Of course there is not, without this legislation being passed. The real concern has been that while other states were steadily moving towards de-incarceration measures for prisoners as we hit the COVID-19 crisis, Western Australia unfortunately was not bringing in any such measures. This bill is a simple measure that could and should have been dealt with long before we had to deal with the COVID-19 crisis, yet it was not brought on for debate. I want to say how disappointed I am with that. However, having said that, I am very glad we are here now.

This bill finally addresses recommendations made by the Royal Commission into Aboriginal Deaths in Custody almost 30 years ago. That is how long this issue has been hanging around needing reform. The Greens have been calling for this reform for that long as well. The royal commission found that governments and correctional administrators have long recognised that there are compelling social and economic reasons to provide an alternative way to address fine default other than to imprison the defaulters. Changes to address the imprisonment of fine defaulters have also been recommended separately by the State Coroner. As has been mentioned—I will go into this in some detail—that arose directly as a result of the devastating and utterly avoidable death of Ms Dhu.

Changes have also been recommended by the Australian Law Reform Commission, the Human Rights Committee, the United Nations Special Rapporteurs on violence against women and Indigenous peoples, and the United Nations Human Rights Committee. I feel really strongly about this issue. I was one of four members of Parliament who co-hosted a Social Reinvestment WA forum in Parliament last year to draw attention to the importance of this reform. I want to particularly acknowledge and commend the work of Social Reinvestment WA. It is an extraordinary body that has brought together an important coalition of groups to campaign around the issue of social reinvestment and, unsurprisingly, has identified that this was one of the first reforms that needs to be enacted. One would have thought this was low-hanging fruit, but here we are finally debating it after so long.

I also want to note that the work of Social Reinvestment WA has built on the important advocacy work pushed for years by the Aboriginal Legal Service of Western Australia and the Inspector of Custodial Services amongst others. People have been talking about this for a long time, and I am so pleased that we are finally here and, hopefully, very close to getting this reform through Parliament.

Fines are very easy to impose and they are clearly regarded by our courts as an effective sentencing option. Unfortunately, their use has soared since the 1980s. Fines are the most common penalty imposed by our criminal courts in Australia and they are used in over 80 per cent of cases in Magistrates Courts. Given how often and how easily fines are imposed, there is a common assumption that they are inherently lenient. Certainly, if we compare fines with imprisonment, they are more lenient, but they are a very blunt instrument. The fines enforcement system as an administrative system is relatively inflexible. The imposition of a fine, unfortunately, takes little account of the individual circumstances of the offence or, importantly, the financial means of the offender. As such, fines can and do cause disproportionate harm to offenders simply due to their financial situation.

Although publicly accessible data on fines enforcement and its impacts is extremely limited, scattered and inconsistent, we know that fines are disproportionate and have serious adverse impacts on particular disadvantaged sections of our community, including Aboriginal women, young people and people who are homeless, dependent on welfare or who have mental health or substance abuse issues. It also has a disproportionate impact on those who have an intellectual or cognitive disability and those who are experiencing family violence.

An excellent article by Quilter and Hogg “The Hidden Punitiveness of Fines” talks about how the groups I have just described are more vulnerable to not only being fined in the first place, but also accruing multiple fines. They are less likely to be unable to not only pay the fines, but also negotiate the processes that are available to contest the fines and otherwise mitigate their impact. Our Western Australian fines enforcement system relies

heavily on notification via post of the various steps in the enforcement process. I was particularly interested in a case from the Kimberley Community Legal Services and I would like to put it on the parliamentary record. It is a case study of client G and states —

Client G resides in an Aboriginal Community near Fitzroy Crossing. He receives his post c/- the Post Office as do many Aboriginal people who reside in communities in the Kimberley where there is no postal delivery to residences. Client G had fines in excess of \$20,000 incurred over a long time. He had entered into a repayment agreement and set up Centrepay deductions from his Centrelink benefit. At the time the Centrepay deductions were set up Client G's Centrelink payments were subject to Income Management. Client G was subsequently taken off Income Management and was receiving a Disability Support Pension (DSP). At the time the transfer was made, all Client G's Centrepay deductions were cancelled. Client G does not believe he was ever notified of this and to the best of his knowledge he was still making regular payments towards his fines.

Client G came to see KCLS to find out how much his fines were. KCLS made inquiries with the local Sheriff and was advised that, at the time of the inquiry, Client G's fines were approximately \$17,000 and there was no current repayment agreement in place. The Sheriff also advised that given the quantum of the fines, unless a repayment agreement was implemented immediately, it was likely a warrant would be issued for Client G's arrest. Client G was understandably distressed at this information. KCLS assisted Client G to reinstate his Centrepay deductions which avoided the warrant being issued.

The suspension of the repayments was a result of an administrative process internal to Centrelink that was not communicated to Client G, or not communicated appropriately having regard to his literacy and general comprehension of English language, or the issues related to receiving post by checking at the Post Office. Had Client G not contacted KCLS when he did, a warrant for his arrest would have been issued and Client G would have been incarcerated.

That is from an Australian Law Reform Commission report and the submission from the Kimberley Community Legal Services. That is a really important example of precisely why we need to ensure that these sorts of regimes have the required flexibility. We have seen that people can in good faith attempt to pay their fines and enter into all the right arrangements, but for a range of circumstances beyond their control—basically, an administrative stuff-up by Centrelink, coupled with the fact that there is no easy access to correspondence and that the correspondence itself may not be fit for purpose—people can find themselves incarcerated. Frankly, we have hundreds, if not thousands, of examples over the years of exactly those sorts of things occurring to people. It is just not good enough!

We know that people with literacy or numeracy problems, people who have language difficulties either because English is not their first language or they experience a cognitive or intellectual impairment, or people who have housing insecurity often face a lot of difficulty with this form of communication and, importantly, complying with the strict time lines that are often imposed. People might have trouble navigating the fines and infringement system or even receiving correspondence in the first place, especially if they are transient or have unstable housing. People may have problems replying in a timely manner and also understanding the forms and processes. That is aggravated by issues of remoteness and, in particular, living somewhere with an unreliable postal service. Those things can present a very significant barrier to them adequately addressing their fine debts. Many characteristics that might make an individual more vulnerable to running foul of the fines enforcement system, such as remoteness, transience and language difficulties, apply disproportionately to Aboriginal Western Australians. That is just a fact. Quilter and Hogg go on to note that the evidence shows that much fine default in our community stems from an inability rather than an unwillingness to pay. With many people in our community facing low savings levels and increasingly precarious employment, and with growing inequality, this is not surprising, and it is going to get a lot worse, particularly in the short term. The impacts of COVID-19 will undoubtedly aggravate the situation. I understand that almost one million Australians have lost their jobs since the advent of COVID-19, and the Reserve Bank of Australia predicts a 10 per cent drop in the economy over the first half of this year.

There is little publicly available data on individual outstanding fines and infringements, which in itself is a problem; however, we know that many individuals have accumulated enormous debts through receiving multiple fines or infringements, and these debts are then compounded when people are unable to pay them and do not negotiate a time-to-pay arrangement before defaulting. The Inspector of Custodial Services has been consistently raising this issue. A 2016 investigation into fine defaulters in the WA prison system described the case of an elderly non-Aboriginal man sentenced to serve 749 days over two years for his largest fine, which is well over \$185 000. Although this is the worst case that the inspector encountered, we still have many anecdotal reports of people who owe tens of thousands of dollars in outstanding infringements—amounts we know they will never be in a position to pay back. That level of debt not only has a financial impact on an individual and their family, but also can have a significant impact on people's overall mental health and wellbeing.

We are left with WA having an appalling record of imprisoning people for defaulting on fine repayments, particularly when we compare how we rate with other states. From 2006 to 2019, there were 10 534 prison receptions for fine default only—just going to prison for fine default. If we compare that with other states, we find that in Victoria

between 2010 and 2016, 272 people were admitted to custody for fine default only. That is 272 people in Victoria as opposed to 10 534 in Western Australia. In 2016, only one warrant of commitment was issued against a fine defaulter in the Northern Territory—one. New South Wales has not even issued a warrant of commitment for outstanding fines since 1998. The crucial difference between the WA regime and other state regimes is the crucial discretion that our act grants to the Fines Enforcement Registry to order a warrant of commitment without judicial oversight or review. I am very pleased that the bill before us aims to address this extraordinarily unjust situation. Imprisoning people for fine default is a completely disproportionate response to the type of offending for which someone might ordinarily receive a fine. As the report of the Royal Commission into Aboriginal Deaths in Custody said —

Poverty should not determine that a person is at risk of imprisonment where a person of greater means would pay a similar fine without such possibility arising.

The Australian Law Reform Commission argued that if imprisonment is a potential sanction, the offence should be criminal and the defendant afforded the attenuating procedural protections. I acknowledge that in the context of the bill before us, we are talking only about court-ordered fines, which are generally more serious than infringements; however, the Inspector of Custodial Services, again in that 2016 review into fine defaulters in the prison system, found —

Based on an analysis of available data, the majority of offences (54%) for which people were jailed for non-payment of fines were for traffic related offences, including drink driving and driving without a licence.

I think that the community would generally agree that imprisonment is not a proportionate response to this type of offending. I point out that, clearly, courts do not impose it in the first instance, which is why we are talking about fine default. We need to make sure that we are not meting out disproportionate penalties to people based simply on disadvantage. Answers to questions that I asked last year about people who were imprisoned in 2018–19 for fine default revealed that only 433 people were imprisoned and 170 people were held in regional police lock-ups across WA. Of those imprisoned last year for fine default, 210 were unemployed at the time of arrest; 112 were women and 156 were Aboriginal or Torres Strait Islander people; 101 Aboriginal and Torres Strait Islanders were held in police lock-ups in regional locations; 66 Aboriginal women were imprisoned or held in police lock-ups and of those imprisoned—not including those who were kept in police lock-ups—approximately half were unemployed at the time of arrest and around one-quarter, 26 per cent, were women. In June 2019, women constituted 10.4 per cent of the WA prison population. That highlights the disproportionate impact of this regime on women, and over a third were Aboriginal people. Approximately 40 per cent of the total number of women were Aboriginal. Again, Aboriginal people constitute only three per cent-plus of the WA population as a whole. The disproportionate gender and race aspects of these statistics are particularly unsettling. There is something seriously wrong when the group facing the greatest likelihood of imprisonment under a particular statutory regime are Aboriginal women. Women who experience disadvantage are less likely to be able to pay or resolve their fines or to mitigate their impact and, therefore, they are most likely to face the most serious repercussions of the fines enforcement system. They are the ones whose lives and the lives of their families and their children—the people they care for—are most disrupted by them being sent to prison. Women escaping abusive relationships are commonly financially disadvantaged and this double vulnerability can be further compounded by fine debt and the actions the police are forced to undertake in response to the issue of unpaid debt. It is appalling to me that our current system further victimises these individuals.

There has been talk about the final instigator for these reforms so, I too, of course, need to refer to the coronial inquest into the death of Ms Dhu. The catalyst for this reform today was the tragic death of 22-year-old Ms Dhu in August 2014 and the coroner's findings following that inquest. I, too, would like to express my deep sympathy to the family and the loved ones of Ms Dhu. The distressing circumstances around her death, I think, are fairly well known but they bear repeating as an appalling example of how unjust the current laws are and how incredibly important this legislative reform is.

On Saturday, 2 August 2014, police from South Hedland Police Station arrested Ms Dhu and took her into custody for failing to pay fines and costs totalling \$3 622.34. She was required to spend four days in custody to pay off the largest fine of \$1 000. As has been said, for most people it is not a lot of money, but for her it was too much. Unpaid fines of course are cut out in prison at \$250 a day. Ms Dhu's treatment while in the lock-up has been aptly described as appallingly inhumane. Ms Dhu complained that she was unwell and was taken twice to Hedland Health Campus for assessment before being returned to the police lock-up. She was still complaining of feeling unwell on the morning of 4 August 2014 but police thought she was feigning her symptoms. It was not until after midday that she was finally taken back to the hospital where, less than 48 hours after first being taken into police custody, tragically, she died. After her death, it was discovered that Ms Dhu had been suffering a serious infection from a broken rib sustained during a domestic violence incident. Members here will be aware that the late Mark Newhouse, who was the chair of the Deaths in Custody Watch Committee WA, was one of my best friends. I remember that not long after this occurred, he came to my place and talked about this case and said how devastated and angry he was. He felt that it was another example of someone whose life had been despairingly and tragically cut short. I remember him sitting at my kitchen table and the frustration and anger he felt at the totally unnecessary circumstances that had led to her death, and he told me other circumstances around what had happened to her, which were devastating and which I will never forget.

I also want to talk about some of the other people whose faces and names come to me when I think about the importance of this legislation. One name may not be very familiar to members but it is one that I think needs to be on the record. I want to point out that this woman's mum and sister, who have been working with my office, have given me permission for her story to be told, and that is the story of a young woman called Cally Graham. She is a less well known case of a very vulnerable individual who died after being imprisoned for fine default. She was not Aboriginal. She was, however, incredibly vulnerable. She had never been to prison before 19 February 2017 when she was taken into custody by police and eventually admitted to Melaleuca Remand and Reintegration Facility for fine default. On the evening of 20 February she became unwell, but there was a significant delay in the medical response. She was eventually transferred to hospital, where she did not ever regain consciousness. She was released from custody on 24 February whilst still in hospital, where she tragically died two days later on 26 February 2017. Cally paid the remainder of her outstanding fine debt while in hospital receiving palliative care. She was released from custody without ever waking up. She was 31 years old.

Cally had a history of substance abuse and she also had a very close and very loving and supportive family. Her family, who were not told when she was arrested or taken to prison, have many outstanding questions about why Cally was incarcerated and the circumstances of her death. Had they known that she had been imprisoned, they would have helped her pay her outstanding fines. There was absolutely no need for this tragedy to occur. Understandably, this family is still absolutely heartbroken. This February marked three years since they lost her and they are still waiting to know about Cally's inquest, and it is an issue that I have been repeatedly following up on their behalf. I am really concerned that the already far-too-long delays at the Coroner's Court are being exacerbated by COVID-19 and it is simply not okay for Cally's family to have to wait this long for answers. I think Cally's death was an absolute tragedy. She should have received a public health response to her substance abuse issues, and, just as importantly, she should not have been imprisoned for fine default. I just want to say how sorry I am to her family that they lost their precious daughter and sister.

There are many other examples of reports of vulnerable people who have been caught up in existing fine default provisions. In 2018, Ms Alira Kelly-Ryder, after having lost her job, missed two fortnightly repayments on her time-to-pay arrangement and when she got a new job, she contacted the Fines Enforcement Registry to restart payments and was informed that there was a warrant out for her arrest and she had to hand herself in to the nearest police station. She had simply missed two payments because she had lost her job. These things happen. In 2017, Ms Naomi Bropho's mother rang police on Ms Bropho's behalf, seeking protection for Naomi from a violent family member. Instead of receiving help, Naomi was arrested for her unpaid fines after the police ran a background check on her, and Ms Bropho, who was unemployed and the sole carer of 11 children, spent four days in prison before a Melbourne pensioner paid her remaining fine debt. Just days before this bill was introduced in the other place, Ms Keennan Dickie was seriously injured in a violent robbery, so she is the victim. The following day, instead of taking her statement, police took Ms Dickie into custody for outstanding fines. In February, we learnt that an Aboriginal father of seven spent five days in Hakea Prison for fine default after being stopped on a train by police. These examples—there are many more that never make it into the press—are appalling. They paint a concerning picture of the impact of our current fines enforcement regime, particularly the impact of the regime on families and children, people seeking or who are successful in gaining new employment, and victims of domestic violence and other crimes. These examples are particularly horrifying because of the potential impact on the relationship between the community, particularly the Aboriginal community, and the police. I am pretty sure I would not be calling the police for help, no matter how dire the situation might be for me, if I thought it was likely to result in me being sent to prison. This is really worrying, particularly when we think about the statistics of Aboriginal women as victims of crime, and particularly as victims of family and domestic violence. Overall, the imprisonment rate of Aboriginal women has more than doubled since 2000. First Nation women are now more than 19 times more likely to go to prison than non-Indigenous women. We should be doing so much more to prevent sending Aboriginal women, in particular Aboriginal mothers and carers, to prison.

If caring about the human cost of why we need this legislation is not enough, let us talk about the high economic cost of putting fine defaulters in prison. Unpaid fines are cut out at \$250 a day in prison, but we know that it costs \$770 a day to keep a prisoner for the first three days or so. Admission costs are higher than normal running costs. This decreases to about \$340 a day afterwards, but, in contrast, it costs less than \$50 a day to supervise someone in a community work order. In 2013–14, the average amount being paid off by incarceration was \$732 across a total of 11 867 fines with a total amount of \$8 683 268. Not only is that over \$8.5 million that the government was unable to recover, but also it cost the government—by that, I mean the taxpayer—more than an additional \$2 million to incarcerate people who had not paid this money. That is \$2 million that could otherwise have usefully been spent on justice reinvestment and addressing the underlying causes of people getting fines and then not being able to pay those fines.

Most recently, in 2018–19, it cost the state \$2 321 550 to expiate \$753 750 in fine debt by imprisonment. That does not even make good economic sense. Although more recently there have been some small decreases, but decreases nevertheless, in prison populations in WA, which I am always heartened to see, as we are down to 6 881 people on 30 September last year from 6 942 the previous year—as an aside, I will add that it is disappointing that the

department does not update its website with the latest figures; I am always keen to get a hold of them—appalling, we still imprison 1.6 times as many people as the national average. WA also bears the unenviable distinction of incarcerating its Indigenous people at the highest rates per population in the world. We have all heard so often about the need to address the overrepresentation of Aboriginal people in custody that I am wondering whether there is a concern that we are effectively becoming immune to the true horror of those statistics. Crime rates have fallen markedly, but we are imprisoning a greater proportion of people than ever before.

It is important to note that on any one day, only a small number of people are in prison in WA for fine default. Unfortunately, the legislation before us will have little bearing on our overall prison numbers. However, as people paying off fines are commonly incarcerated for only a short time—on average, about four and a half to five days—this equates to roughly 1 000 people being incarcerated for fine default in WA every year.

As I have said, there are significant costs to short prison stays, as noted by the Inspector of Custodial Services. Short receptions like those experienced by fine defaulters are not only financially costly, but also socially undesirable and risky. They are also disruptive because they create a disturbing churn for both the prisons and the offender. As argued by the Aboriginal Legal Service in its excellent 2016 briefing paper on fine default, the personal, social and economic cost of imprisonment should not be underestimated simply because the duration of the prison stay is relatively short. We absolutely need a fairer system that encourages fine defaulters to engage in supports that will help the underlying causes of offending as well as their inability to pay off fines, rather than pursuing them and just sending them to prison.

I will make some comments on some of the specific provisions incorporated in this bill. The bill will introduce statutory principles to guide decision-makers. I note that this is an Australian first. Imprisonment for failing to pay a fine will truly be an enforcement option of last resort. A person who is experiencing hardship that is impacting on their ability to pay a fine or to work it off should not be imprisoned. I like how broad “hardship” has been defined. It includes mental illness, disability, experience of family and domestic violence, homelessness, drug and alcohol problems, and financial hardship. I note that it is not otherwise specifically defined. I understand that comprehensive guidelines will be developed along the lines of those in Queensland, New South Wales and Victoria. I would like the Leader of the House to confirm whether the government intends to develop comprehensive guidelines.

Although imprisonment will still be an option, the Fines Enforcement Registry will no longer have the power to issue a warrant of commitment and authorise the imprisonment of a debtor. Yay—I am really happy about that! Only a magistrate will be able to issue a warrant of commitment on application by the Fines Enforcement Registry and only when the registry has attempted every other applicable enforcement option. The imprisonment option is retained solely for fine defaulters who have the capacity to pay but simply choose to ignore their obligations. The system will pick up those people who have a lot of money but just cannot be stuffed paying for their offence. The bill has got that balance right.

The bill will also restrict the Fines Enforcement Registry from issuing a licence suspension order for someone whose last known address was in a remote area. I agree that this is a very welcome development. Too many Aboriginal people in remote areas fall foul of the law due to driver’s licence issues. Licence suspension orders have a disproportionate impact on people who live in remote communities and therefore do not have access to public transport. Its effect can further entrench poverty and involvement in the justice system.

Quilter and Hogg have described how licence suspensions can easily lead to secondary offending—for example, when people continue to drive after their licence has been suspended or drive an unregistered vehicle. I think that doing anything to prevent unnecessary suspensions is a very positive step. I am pleased that other work is happening to prevent young Aboriginal people from receiving fines related to licensing issues, such as support for people to obtain their driver’s licences through Aboriginal justice program open days, although I suspect we are going to need to see further investment in this area. Given the potential issues with a person’s last known address, the amendments will enable an individual to present evidence of their current remote address and the registrar must cancel the licence suspension. I welcome that individuals will be able to request that their licence suspension order be cancelled on the grounds of needing to access urgent medical treatment for themselves or family members, or needing their licence to access employment or for family or personal reasons. These are all really sensible amendments.

The bill introduces garnishee orders as an enforcement option. The sheriff could go directly to a bank or an employer to claim moneys owed. It has been acknowledged that consensual payment arrangements should always be the first preference before resorting to enforcement, and I agree that that is the way it should be. I note that there is a safeguard that a protected amount will remain, and that amount will be determined under regulations. Undertakings have been given that it is likely to be a greater amount than in other jurisdictions, but I would appreciate it if the minister could confirm that the intention is that the protected amount in the regulations will be higher than that in other jurisdictions. People may have very legitimate reasons for needing more than just a few hundred dollars in a bank account. They might need it for medication, to meet rental bond or for any number of reasons. I hope the regulations will adequately reflect this. It should not be the case that just because someone has a certain amount of money in the bank, it should automatically be made available. We could inadvertently send people into homelessness or into hospital.

Privacy protections are also provided. Information about offences will not be permitted to be provided to employers or the bank. This is really important, because I would imagine that if someone turned up to an employer saying, “We need you to garnishee the wage”, an employer would be likely to say, “I would like to know the circumstances and what is going on.” I am really glad that that information is not able to be proffered. Also, an employer will not be able to treat that employee less favourably than another employee simply because of that garnishee order. Of course, the sheriff can return the moneys. I am pleased that Centrelink payments will be excluded, because it is very likely that these individuals will be in hardship. Of course they will be in hardship, because our Centrelink payments are inadequate. We really need to raise the rate. I just thought I should put that in there.

The bill provides that the sheriff will no longer issue a notice under the act about money that might be compensable under the Criminal Injuries Compensation Act. That is just as well, because often those moneys are there to assist people to get counselling, to get a whole range of psychological supports, or to meet medical costs and reimbursement for expenses that have already been incurred. That money should not be touched.

The bill introduces work and development permits. If a person experiencing hardship is not able to pay their fine debt, they will be able to enter into an agreement to undertake activities with the support of a sponsor, such as drug and alcohol counselling, vocational educational programs, unpaid work, or medical or mental health treatment. I note that not just anyone can turn up and say that they are a sponsor. The activity and the sponsor must be approved. The key difference between the permit system and existing work and development orders is that the permits will effectively be an agreement between the debtor, the sponsor and the registrar to undertake activities that will expiate fine debt, whereas the orders are supervised by a community corrections officer. The permit scheme will not commence until the infrastructure for its successful rollout is in place. I note that it will commence after the bill’s other provisions. The bill also includes a separate statutory review provision just for the WDPs. I would like to know the anticipated time frame for the rollout of this particular regime. I am hoping that the delay of this bill coming to this house at least might have the effect of ensuring that it will come on board sooner rather than later. I really do welcome the introduction of the permit system and the focus on seeking to address the underlying causes of disadvantage that lead people to not be in a position to pay their fine debts, and in some cases addressing the more general underlying causes of the offending in the first place through drug and alcohol counselling and access to mental health services. That is eminently sensible.

Of course, permits are not an opportunity to write off a person’s punishment; participants have to make a commitment and actively address their debt through those programs’ activities. This scheme has the potential to reduce longer term costs to the government and risks to the community. It just makes sense. People can use a permit to increase their skills and employability, or to address health and mental health issues. It will effectively help people to get back into the community and, hopefully, be able to live their best life.

I note that a very similar scheme was introduced in New South Wales back in 2008, and it is generally seen as an incredibly successful model. Eighty-seven per cent of program sponsors have reported that that scheme has supported offenders to address the reasons that originally made it difficult for them to pay or manage their fines. I echo the concerns that have been raised about making sure there is appropriate resourcing and support for potential work and development permit sponsors, and whether there is capacity in existing programs to meet the increased need that will result from the implementation of this new permit scheme. For example, we already know that drug and alcohol services and mental health programs are often full. We are already dealing with existing waiting lists and they are unable to accept new clients even now. This was made absolutely apparent to those of us who were on the Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community. There is already an inadequate number of services available, so I certainly hope there will be additional support to ensure that people can do this. The government should be able to find the money, because it will save money by not sticking people in prison—which, as I have already outlined, is economically ridiculous. I am also worried that there has not been an audit or the necessary groundwork undertaken to determine whether, indeed, this is the case, and to put forward resources to boost capacity where it is needed. That will be even more important, given that we know we will be looking at increased pressure on the community sector as a direct result of the COVID-19 crisis.

The New South Wales experience and its evaluation demonstrates how important it is to make sure we are upskilling and supporting potential sponsors so that the scheme can be successful. I understand that Legal Aid New South Wales and the Aboriginal Legal Service (NSW/ACT) Ltd operate a service to assist fine defaulters to access the program and to assist practitioners to become sponsors. I am pleased to hear that a similar arrangement is intended in Western Australia. I say again that appropriate resourcing will be absolutely vital for ensuring the success of the program here.

I also note that it is likely that the Western Australian government will need to front up more money than New South Wales provides to these organisations, given that New South Wales is only 800 000 square kilometres in size—a teeny, tiny state compared with WA, which is, of course, 2.5 million square kilometres. That needs to be factored in.

Fine expiation orders will allow offenders who are already in custody for reasons other than fine default to expiate their fine debt, including people who are detained under the heinous Criminal Law (Mentally Impaired Accused)

Act 1996. Hopefully, we will not have that hideous, horrible act for much longer; I wait in hope. This means that when people are released from custody, they will have less financial burden. People will need to apply to have their fines expiated, because we note that approval is not automatic and requires the registrar to be satisfied that the person does not have the means to pay or property to seize or sell to satisfy the debt. That is an appropriate check and balance, because, as I said, if someone has a lot of money, they should pay. The custody notification service will include a fines check. I understand from the briefing that corrective services staff will support people to apply for their fines to be expiated, and I hope that happens as a matter of course. It would be terrible for people to not realise that that option is available. I welcome the fact that people can apply for their fines to be expiated in relation to a period of custody that has since ended, as long as it was after the relevant provisions came into operation, but how much better would it be for that to be automatic so that people will not have to try to deal retrospectively with those provisions?

The Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019 also provides for a restricted power for the Fines Enforcement Registrar to continue to issue warrants of commitment until the substantive provisions of the bill commence, but only when a debtor is already in custody for other reasons to allow those debtors to expiate those debts while in prison. The bill provides that on the day after royal assent, all unserved warrants of commitment will be immediately cancelled and anyone in prison for fine default alone will be released in the first 24 hours. Those people who are not in prison but still subject to unserved warrants of commitment—there are thousands of them—will have those warrants cancelled. Of course, their fines will still stand and they will be subject to the new regime, but, importantly, those warrants will be cancelled.

The bill enhances the information-sharing powers of the Fines Enforcement Registrar and the sheriff to assist them to make earlier contact with individuals with outstanding fine debts to encourage them to enter time-to-pay arrangements. The aim is to avoid the escalation of enforcement action that attracts fees and increases the debt and, hence, the problem.

The bill amends the time-to-pay arrangement provisions for both infringements and fines to make it easier for debtors to enter into agreements to pay by either a lump sum or regular repayments. People will be able to access time-to-pay arrangements at any point; they will not have to wait until they fail to pay and the fine has been passed on to the Fines Enforcement Registrar or the court where the costs then escalate. However, an application for a time-to-pay order cannot be made if an enforcement warrant is in force, if an individual has elected to have the matter heard in court or if an enforcement warrant, ongoing fine expiation order or warrant of commitment are in force. If a person has contravened a previous time-to-pay order, they must have a reasonable excuse for having done so or they will not be granted a new order. To access the time-to-pay provisions, a person has to prove that they do not have the capacity to pay out the fine within the 28-day period and the registrar can request a means test, although that can be done only every 12 months. The registrar must also ensure that the payments are within a person's means. There is no point in a person entering into an arrangement that they have no hope of being able to meet. The bill allows a person to apply to have their time-to-pay order amended, which may require a means test. The application might not be approved, but the registrar may choose to amend the time-to-pay order. A time-to-pay order can be cancelled by the registrar if it has been contravened or the individual has not complied with the request to supply that means test. There are plenty of checks and balances around that provision. All other enforcement actions are suspended while the time-to-pay arrangements are in force, including licence suspension orders—that is good and sensible.

It has previously been indicated that a fine debtor will be able to go straight to the courthouse counter and negotiate a time-to-pay arrangement immediately before enforcement action starts and the fees rack up. I, too, would like to confirm that that is indeed the case and intention. I hope that some effort will be made to encourage and support people to do this. I understand that the family and domestic violence court officer model has worked really well and perhaps consideration could be made to providing similar support for vulnerable people to make their fine payment arrangements.

The bill also amends the Sentencing Act and Sentencing Administration Act to make it easier for courts to make a fine enforcement work and development order at the point of sentencing. Currently, the court cannot make a work and development order unless it is satisfied by evidence provided under oath that the debtor does not have the means to pay, a vehicle licence or even any property to seize and sell off to pay their debts. Unfortunately, this stringent requirement has proven to be a barrier to the courts making work and development orders at this early stage. The bill will allow a court to satisfy itself of these matters without evidence under oath from the offender. It also removes the consideration of a vehicle licence altogether, which will improve flexibility for the courts to make work and development orders directly. I am always a fan of flexibility for the courts.

People have contacted my office to tell me how difficult it can be to complete a work and development order, particularly when they have caring responsibilities or health issues. One case came to me of a grandcarer who is the primary carer of a number of grandchildren. The grandchildren have quite complex needs and need supports, and she was finding it next to impossible to comply with the work and development order. In 2018–19, 747 individuals undertook work and development orders to clear unpaid fines, and only 63 per cent of them, or 468 people, successfully completed those orders. That is not a terrific rate. Issues with the current work and development order

provisions include a lack of flexibility for individual circumstances, limits to where they are offered, and that individuals are required to sign up for a minimum of 12 hours a week, which can be particularly difficult for those with caring responsibilities. Individuals find themselves in breach of the orders after missing three workdays. If I go back to the example of the grandcarer, as I said, one issue was that her grandchildren had a whole range of complex needs and she needed to be able to get them to appointments and other supports, so she was not able to comply with the order. It was absolutely impractical. I welcome changes to increase flexibility in the administration of these orders and remove the prescribed number of hours—the mandatory minimum of 12 hours a week—that people must sign up to complete each week. Again, coming back to this particular woman, if she had been able to knock it off on one day a week as opposed to the 12-hour minimum, she would have been able to comply.

I think it is important that I make some comments about the issue of fines versus infringements, because this has certainly concerned people who have been in contact with my office. The act currently distinguishes enforcement for court-imposed fines from enforcement for infringement notices, with only the former being enforced by way of imprisonment. I acknowledge that some of the provisions of this bill cross both infringements and fines, including amendments to the provisions on time-to-pay arrangements to make it easier for debtors to enter into agreements to pay their debts, as well as licence suspension order changes. However, the bill does not make other substantive changes to provisions applicable to individuals who have other infringement debts, such as parking tickets or Transperth or council infringements, rather than debts associated with court-issued fines. For example, individuals with infringement debts who experience hardship and face the same challenges in being able to repay them as those who have been given court-related fines are not able to access the work and development permit scheme. Although I acknowledge that failure to pay an infringement notice is subject to civil enforcement measures only, such as licence suspension or seizure of property under warrant, and does not carry a risk of imprisonment, that does not mean that the system does not disproportionately punish people who default on infringement debts and cause them significant hardship. We will still have the same sorts of problems with things like the suspension of drivers' licences; the same cascading problems will ultimately emerge.

I understand that the challenges faced by people in addressing infringement debts have been acknowledged, particularly for those issued by police. A commitment to infringement reform was previously given, including improving opportunities for early payment and engaging with prosecuting agencies responsible for issuing infringement notices under a number of enabling acts, but I would love to get some idea of the time frame for that. I know that I am not the only person who wants that information. I echo the calls by Social Reinvestment Western Australia to expand access to work and development permits to people with infringements. I think that would be an important mechanism to address the disproportionate impact of infringement debt on people who live in poverty.

Currently in Western Australia, the Fines Enforcement Registry has the ultimate discretion in determining whether to issue a warrant of commitment for unpaid fines. Although the bill before us addresses that issue by requiring the registrar to make an application to a magistrate for a warrant of commitment to be issued, it does not change the ultimate discretion that the registrar has in other actions taken for fine defaults. A person can appeal against a fine or the decision giving rise to a fine and appeal to a court against a warrant of commitment order but they cannot otherwise appeal. Recently, two constituents raised with my office concerns about a lack of transparency in the decisions being made by the registrar and the lack of opportunity to have decisions independently reviewed. I note that New South Wales has the Hardship Review Board, an independent statutory body that comprises representatives from the Department of Justice, Treasury and Revenue. It is responsible for reviewing decisions made by Revenue in New South Wales about writing off fines, granting time to pay fines or approving a work development order. I think consideration should be given to establishing a similar body or alternative avenue of appeal in Western Australia. I am interested to know whether the government would consider this as a future reform.

As I said before, I have long held concerns about the collection, analysis and reporting of Department of Justice data, particularly for our prisons, which is pretty poor. Although I acknowledge that the government has done some work in this space, it is imperative that continual monitoring and review of the fines enforcement system is undertaken to ascertain the impact of these changes. New systems will often bring up their own problems and, as I have said, fines and infringements are largely an administrative system with the potential for a lack of transparency. I am pleased that the bill includes a three-year statutory review provision, including a review of the work development permit scheme, but it needs broader ongoing monitoring and research to improve the evidence base, including the intersection between fines and infringements and disadvantages.

In conclusion, we all expect that people will be punished for breaking the law. However, that punishment needs to be reasonable and proportionate. The current ability of the fines enforcement registrar to issue a warrant of commitment and send someone to jail solely because they have defaulted on a fine is clearly not okay, and I am really pleased that this is finally going to be addressed. We are looking at a fairer and smarter approach that will result in better prospects for longer term positive outcomes, which have been sorely needed. We owe it to the memories of women such as Ms Dhu and Cally Graham and their families and to those children whose mums and dads have been taken from them and put in prison simply because they did not have enough money to pay their fines and because they were unable to navigate the system. This reform has been decades in the making, and I am pleased to be supporting this bill today.

**HON ROBIN SCOTT (Mining and Pastoral)** [6.07 pm]: I do not have anything prepared for the debate on the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019, but I feel that it is necessary to contribute something very short. This is a great bill and I am really happy to support it. It is long overdue. My reason for saying that is that in my electorate, in Kalgoorlie in particular, people seem to be getting fined for the same offence over and over again and accumulating tens of thousands of dollars in fines. I do not understand why this is allowed to happen. I think there is an educational problem there. I cannot see any reason why those who are working do not withhold five to 10 per cent of their wage to pay down the bill, similar for those on Centrelink payments. But that is not my concern; I will leave that to the judicial system and the social engineers to come up with an answer. My concern is for the children of the Aboriginal women who get put into prison because they cannot pay their fine. I am familiar with a woman from Boulder who has three children. The eldest is 11 years old and the other two are—I am not sure—maybe eight or nine. One day, three months ago, they came down the street and I said, “Where’s mum?” They said, “Oh, she’s in jail, but she’ll be back next week.” I asked why she was in jail and they said that they did not know; they did not care. It was as if they were saying to me, “She’s gone to a spa resort in Margaret River.”

What I am getting at is that we are introducing these children to the jail system, to the lock-up. They just think this is normal. They know that when they get older, they will go to jail, but they have nothing to fear—it is just a way of life for them. Nobody should have to go to jail for not paying a fine, regardless of whether they are black or white. There must be an answer to this.

This is a good bill. I am happy that we are debating it today. I want to make sure this bill is passed, because it will be good, particularly for the people in my electorate. Thank you.

**HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition)** [6.10 pm]: I rise in the 10 minutes left available to me to commence some comments on the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019. I suppose that what I have to say will be a bit out of sync with the enthusiastic panegyrics that have been expressed about the nature of the bill so far. I will take a slightly more critical and analytical approach to what is being proposed, and question some of the premises upon which that is based. I will also pose a few questions that I hope the minister will be able to answer or give some assurances about. Like Hon Jacqui Boydell, and I know from discussions behind the Chair also like Hon Alison Xamon, I have been bombarded with emails from campaigners demanding or asking or pleading for the immediate passage of this bill, which apparently, according to those members, will be third read tomorrow. It is claimed that this bill is urgent. That surprises me, given that it was introduced in the other place in September last year. The second reading was debated over three days, on 12 November, 13 November and 14 November, and was passed. The bill was third read on 14 November. Curiously, the members on the government side of the Assembly spoke on this bill for about twice as long as all the opposition and National Party members spoke. That leaves aside the Attorney General’s reply to the second reading debate, and includes the comments of the lead speaker for the opposition. The Australian Labor Party members spoke for two hours and 52 minutes, patting themselves on the back for this bill, which was so urgent. All the other members contributed about one and a half hours to the debate. The bill was introduced in this place on 3 December last year. However, we were embroiled in far more important matters, such as voluntary assisted dying, and that is where the bill has sat until now. I wonder where all the agitators and campaigners who were asking for the urgent passage of this bill, which has suddenly become so important to them, have been in the last six months.

This bill has some very good features. It will reform in a number of respects the fines enforcement regime. The fines enforcement regime has never been perfect. It has gone through some iterations over the decades. The question I ask is: what is the objective of the bill? I ask that not because of what has been said in the second reading speech about what the bill does as such, but because of what the bill is intended to achieve in the long term.

We know that it is Labor Party policy and that it has been dressed up as not imprisoning people for being unable to pay fines—no matter how serious, persistent, chronic or harmful their offending—if they are disadvantaged and will suffer some form of hardship by expiating their fines through imprisonment. We have heard that one of the objectives, it seems, is to stop the deaths in custody, especially Aboriginal deaths. We have heard nothing about non-Aboriginal deaths. My understanding is from a survey conducted by the Australian Institute of Criminology and its statistical report published last year that a person is about twice as likely to die in custody if they are non-Indigenous than if they are Indigenous, but we will leave that aside.

We are told about how much it costs to administer the system currently. I think Hon Alison Xamon mentioned that it costs something like \$8 million or \$8.5 million a year. If this is going to be a saving, I look forward to seeing in future estimates for the department of corrective services that it will not need an extra \$8.5 million a year, because that money will be taken away from it as part of social reinvestment and applied to the programs being talked about, which will accommodate the expense of administering the new fines enforcement regime. We will see whether that figure is true. I think how the expense is calculated is actually a furphy. If we see eight fewer people in jail at allegedly \$750 a day, how much is that? It is about \$5 500 or \$6 000 a day that will be saved. I challenge the view that that will somehow be a saving. I do not think we will suddenly see an enormous saving to the taxpayer at all, let alone a reduction in the forward estimates or that money going into these programs, rather than an increase in the cost of administering the criminal justice system.

All sorts of good things have been said about the objectives of the legislation and how it will achieve them. It will lessen the inconvenience to those who have committed offences for which a court has solemnly fined them as a punishment if they will suffer hardship in paying that fine. The ultimate objective of a criminal justice system surely must be community safety. It must be to deal with people who commit offences serious enough to have them brought before a court and for a magistrate or a judge to impose a fine on them, rather than going to a sentence of last resort, which is imprisonment, and to ensure that that is there to deter them from other conduct or to somehow punish them for the conduct that they have committed. We have not heard anything about that as an objective of this bill. The importance of that is thus: What will be the measure of success of this legislation and these reforms? Will the measure of success be on average eight fewer people in custody a day in our prisons? Will a decrease in the sort of crime that is ordinarily punished by fines be a measure of success? In three years' time, at the first review period—I think there should be more than one review period of this legislation—how will we tell whether this has been a successful measure from the perspective of community safety and the efficient, effective, just and equitable administration of the criminal justice system, because that is what it has been said this legislation will achieve?

The second reading speech made in the Legislative Assembly, as well as in the Legislative Council by the minister responsible for the bill here, tells us that this bill “will significantly change the way fines are enforced and recovered in Western Australia”. That will be true. There will be a lessening of the enforcement measures. I have not seen anything in the bill that will deal with the recovery of fines. The minister can no doubt point out to us where the recovery measure is and how that is being enhanced. This bill is to “make the system more just, equitable and effective.” All those terms are value judgements and opinions. It will be a matter of opinion whether it is more just, and how we judge that justice; whether it is more equitable, and how we measure that; and whether it is more effective. I will deal with those matters when I resume with orders of the day tomorrow.

Debate adjourned, pursuant to standing orders.

#### **WA FERRET AND FERRETING SOCIETY**

##### *Statement*

**HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development)** [6.20 pm]:

I need to rise to withdraw some comments that I made in this place a year or so ago, when I referred to a column called “The Ferret” in *The West Australian*. I reflected very negatively on those little creatures called ferrets. I regret to say that I described them as “nasty, vicious creatures”. I need to withdraw that statement now because I have been born again. I have more recently met ferrets as part of the COVID-19 crisis. The member for Maylands, Lisa Baker, encouraged us all to seek out animal welfare agencies in our electorates that were having financial difficulty. I came across the WA Ferret and Ferreting Society. Its treasurer, Cathy Cahill, and volunteer Barry Paxman introduced me to some ferrets, which were absolutely beautiful and gorgeous creatures. Quite honestly, I take back all the terrible stuff I said. It is very apparent that hundreds of Western Australian families love their ferrets.

I also think we have to give a special shout-out to ferrets as COVID-19 heroes. Not many people realise that ferrets have a lung system that is very similar to ours. Ferrets are on the front line around the world, being injected with COVID-19 trial vaccines. They are taking a hit for us humans. I regret having made those negative comments about ferrets, and I am now a ferret enthusiast.

**Hon Kyle McGinn:** How do you follow that?

**The PRESIDENT:** Guinea pigs, I think.

#### **KALGOORLIE HEALTH CAMPUS — MRI MACHINE**

##### *Statement*

**HON KYLE MCGINN (Mining and Pastoral)** [6.23 pm]: I rise tonight to put on the record a response to Hon Robin Scott's member's statement last night about an MRI machine in Kalgoorlie. Firstly, it is great to be able to agree with the member about something—that the Kalgoorlie region is in dire need of an MRI machine. But as is quite common with the honourable member, he does not let the truth get in the way of a good member's statement. Unlike the member, WA Labor identified well before the election, with our candidate working very hard on the ground, how critical an MRI machine would be for the region. We rightfully made a strong election commitment that we would deliver an MRI machine to Kalgoorlie. How did we do this? We did it with the goldfields plan, which had our election commitments in it. I would like to table this document so the honourable member can have a read and he will know that the WA Labor Party has been driving this election commitment for the goldfields region. I seek leave to table that document.

Leave granted. [See paper [3939](#).]

**Hon KYLE MCGINN:** The honourable member will have a good read of that. He knows that the Labor Party has been delivering. It was the one driving to get this delivered, even prior to being elected. For the record, WA Labor was and is the only party that committed to delivering an MRI machine to the goldfields region during the 2017 election. No other party, including Hon Robin Scott's, made any commitment on the MRI machine. I do not think that was mentioned.

As always, the member made a sly dig about me in his statement last night, referring to me not signing his petition. He did not mention that I was meeting with a community group, the police commissioner and a minister at the time, but regardless, as far as I am concerned, what I just tabled is a way stronger document for seeing an MRI machine delivered in the goldfields.

The MRI machine is needed and there are many reasons why, but I will not go into them, as there have been many discussions on the subject in this chamber. I will say that the member did not seem to mention the disaster that is the history of this project, which spans back to as early as 2001, when Liberal member Matt Birney publicly lobbied for one. In 2008, the Liberal Party made a commitment to deliver an MRI room and machine to the hospital during the upgrade of the hospital. When doing the upgrade, the Liberal government completely forgot about the MRI machine and did no work whatsoever on it.

I would love the member to table this so-called response from the government saying that we would not deliver an MRI machine due to cost. Quite frankly, I do not think it exists, and, again, do not let the truth get in the way of a good member's statement. We are delivering our election commitments. Even without having won the seat of Kalgoorlie, we are the party that delivers. The people of Kalgoorlie have really enjoyed seeing all the commitments in our plan delivered.

Hon Robin Scott also said that it was a six-and-a-half-hour round trip from Kalgoorlie to Perth—it may be for someone who has their own plane! It is a 13-hour round trip from Kalgoorlie to Perth. It is a long trip—six and a half hours each way.

**Hon Peter Collier:** I have done it many times, mate!

**Hon KYLE McGINN:** So have I, member.

Although One Nation loves to boast that it delivered the Medicare licence off the back of the deal in the Senate for, I think, passing some tax cuts to the wealthy—apparently that is what One Nation did a deal for—I know some facts that may dismiss this. At the time, I was lobbying both the federal and the state government for a Medicare licence to be delivered to the goldfields, and it was the shadow Minister for Health, Catherine King, who first started talking publicly, as far as the federal government is concerned, about a Medicare licence for the region. She came to Kalgoorlie and announced that if Labor were elected, it would deliver the Medicare licence to the region. The federal government at the time had issued only two Medicare licences for the entire term it had been in, so it was quite an achievement to put that on the record. Lo and behold, not long after, the federal Liberal–National government matched the promise and delivered the licence.

I know that the community understands at a higher level than Hon Robin Scott that delivering this key piece of equipment and ensuring that we do it right so it is there for the long term and brings great outcomes for everyone is not as simple as building a concrete room and plonking an MRI machine in it, to quote the member. Seriously, when we came to government, this issue was over 15 years old. Nothing had been done when we came into government—there were no business cases, no planning, no funding, no nothing. WA Labor has progressed it, we are committed to it and we will deliver it for the people of the goldfields.

**The PRESIDENT:** Member, just before you return to your seat, I encourage you to look at standing order 45, just for future reference.

**Hon Sue Ellery:** Reading?

**The PRESIDENT:** No, it is not about reading. The member can look it up himself.

## HOMELESSNESS — REGIONAL WESTERN AUSTRALIA

### *Statement*

**HON DIANE EVERS (South West)** [6.28 pm]: I rise tonight to speak briefly about homelessness in regional areas. I am very concerned about this, and I had the opportunity to meet with somebody who gave me a lot more information that I want to pass on tonight. In regional WA, one in 10 women have experienced homelessness sometime in the past five years, and that just seems unacceptable. Currently, there are 700 women on the public housing waitlist in the south west alone. In the Augusta–Margaret River area, there are 78 public housing dwellings, but, unfortunately, this is still not enough. We cannot just say that people go to Margaret River when they are homeless because it is a great place to live. Most of these people are long-term residents of Margaret River and for one reason or another they have not been able to maintain their homes.

I would like to draw the attention of the chamber to the WA Labor 2019 platform in which Labor said that it wanted to expand appropriate public housing stock for those in need to six per cent. That percentage is currently at four per cent and the measures that have been announced are not on a scale to get close to that figure. I agree that six per cent is a figure we should aim for; it is what we need and it is what those people deserve. Evidently, Labor has its heart in the right place and I acknowledge that we can get there. This is a growing state and I appreciate the efforts being made, but I hope we can rev them up in some way. I understand also that some other measures have been undertaken recently in Bunbury. I appreciate that some funding has been directed there to help people who are currently homeless and in need, and that is really good to see.

There is a group in Margaret River called Just Home Margaret River, which was established during the last two years or so. It comprises people who live in the community and saw that homelessness was an issue down there. Many of the group's board members have been homeless and some were homeless at the time they were on the board. This is an open, inclusive group that is working with people in Margaret River who, for one reason or another, need a home. This organisation started on a shoestring with volunteers and a few donations, and the shire gave them some funds. Recently, through this COVID period, the shire donated \$30 000, so the group was able to help 19 homeless people find unused accommodation in either hotels or cabins in the area. With the funding from the shire, the group was able to say to the homeless people that if they put 25 per cent of their income into that accommodation, the group would pay the balance. I think the deal involved rates of around \$300 a week for a lot of the accommodation suppliers. It worked. Of the 19 people, I think four or five got a home through the state. A couple of others have been able to rent privately due to receiving the JobSeeker funding, which gives them some cash now. When the funding is cut in September and those people cannot make their rent payments, it will be disastrous. We will have to deal with that in September when that happens. However, for now, a few people have found a home that way, although I think a few have left the area to go somewhere else, but it worked. A community group with the barest amount of funding was able to help people who were homeless to find a place to live. Think about it: if you were living in your car or staying at a friend's place while trying to find a place, especially if you have small children, it would not be very easy.

The group is now looking for further support and that is why I was pleased to see that the government is providing support, through programs in Rockingham and, as I said, in Bunbury. I hope that Just Home Margaret River can be seen as a potential pilot program. For a small amount of funding, this group can assist people to not just find a home but also deal with the large range of government services that are available, but usually in Busselton or Bunbury, which is difficult for people to get to if they do not have a car, and many homeless people do not have a car. This small service that the group provides helps homeless people fill in appropriate forms to get them through the system. The group has applied to the shire, which I think will help out the group. It has applied also to Lotterywest. In addition, some state funding would go a long way towards helping this organisation continue doing the good work it does. If the Minister for Housing could possibly go to Margaret River and meet people in the group to find out how they operate, a similar group could be set up in other smaller communities.

**Hon Stephen Dawson:** Honourable member, I'm sure if they invited the Minister for Housing, he would consider that.

**Hon DIANE EVERS:** Thank you, that is a great suggestion. I will put that to the group.

In a region where there is up to a 10-year waitlist for public housing and housing is unaffordable for 63 per cent of residents, Just Home Margaret River is advocating for projects and policies to ensure housing justice for people across the Augusta–Margaret River region. As I represent the whole south west, I would like to see it spread throughout the south west.

I have to say that the Greens are working towards a future in which no-one will experience homelessness. I know it is an ideal and it will take a long step to get there, but the more steps we can take in getting there, the better a society we will be. It feels like it is our responsibility to support people who are vulnerable, especially when we have the privilege of knowing where we will be going each day and where we will be sleeping each night.

I ask that this government do a bit more to help vulnerable people across this wealthy state. I ask that we do a bit more to help people who are experiencing homelessness, particularly in the regions where other social support services are much harder to come by.

## IRISH COMMUNITY

### *Statement*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment)** [6.34 pm]: I want to take the opportunity tonight to acknowledge the great work that is happening in the Irish community in Western Australia at the moment. Members in this place will know that every year around St Patrick's Day, we have a celebration in the courtyard at which we acknowledge the great work that is happening and thank those leaders in the Irish community in Western Australia for the dedication and support they provide to the Irish community. Obviously this year, because the COVID-19 restrictions mean that we cannot have any visitors to Parliament, we had to delay our celebration. But I think it is important to acknowledge people like Marty Kavanagh, Ireland's Honorary Consul in Western Australia, who has worked incredibly hard over the past few months, particularly during the COVID-19 pandemic, to help younger and older Irish people who have been stranded in Western Australia to get back to their families in Ireland.

I also want to acknowledge others in the community groups throughout the Irish community, particularly those who are running the Irish Club of Western Australia in Subiaco at the moment. The Irish Club has gone through some difficult times of late and its members have been working incredibly hard to keep the club afloat, so I want to thank them. I also want to acknowledge people like Lloyd and Imelda Gorman, who run the *Irish Scene* magazine in Western Australia. That is the Bible for those of us in Western Australia from Ireland. It lists the various Irish community groups and Irish activities that happen around the state. I thank them all. I thank the Keady Upton

School of Irish Dancing. Whatever people do in the Irish community, Irish families in Perth appreciate what they do to help keep Irish culture alive in Western Australia. I acknowledge Hon Alanna Clohesy and those others who host the event with me. We will hopefully get to host an event either later this year or early next year. In the meantime, I thank those people very much for what they do, particularly during this COVID-19 time. I know people's work has increased, and I want to acknowledge that.

### CORONAVIRUS — *AL KUWAIT*

#### *Statement*

**HON ALISON XAMON (North Metropolitan)** [6.37 pm]: I rise because I want to make a few comments about the *Al Kuwait* incident that occurred during the parliamentary break and how it was handled. Of course, members will be aware that the community has many concerns about the live export trade. It came to a head back in 2016, when there was a 23-day voyage during which 2 400 of 64 000 sheep being exported died from heat stress in quite shocking conditions. The footage ended up coming out on *60 Minutes* and, of course, there was huge community outrage about what had happened. There was a lot of fallout after people were made aware of just how inherently cruel the industry is capable of being, and that resulted in industry-led self-regulation. That included a moratorium on trade in summer and, subsequently, a federal government review.

In March this year, following public consultation, a seasonal ban from 1 June to 14 September was announced. I would like to point out that animal welfare groups such as the RSPCA are still adamant that we need to stretch the ban out to October, because we are still looking at sheep being shipped in very high temperatures. But I want to make some comments particularly about the issue of the *Al Kuwait*, which ended up docking in Perth on 22 May, just two months after the seasonal ban was first announced. The *Al Kuwait* had a shipment of 56 000 sheep. That was first postponed and then cancelled after it was revealed that crew members on the live sheep export ship *Al Kuwait* had tested positive for COVID-19 subsequent to their arrival in Fremantle on 22 May. Over 20 seafarers from the ship's 48 crew have now tested positive to COVID-19.

I note that Rural Export and Trading (WA) applied to the federal Department of Agriculture for an exemption to allow the export of the sheep after 1 June, when the shipping ban to the Middle East starts, but the exemption was refused on animal welfare grounds. As a result, the sheep are now going to be processed domestically. The industry reaction was interesting, with the Pastoralists and Graziers Association criticising the decision to refuse that exemption. It could not quite believe that that is something that would be considered, but the federal regulator handed down its decision not to grant an exemption. It said that it did it following consideration of all relevant matters, including animal welfare and trade implications, and had taken the decision not to grant an exemption to the exporter.

I note that the exporter was stunned by the knockback. It was very disappointed and said that it felt it was the wrong decision. However, I note that Rural Export and Trading (WA) is a closely aligned partner company to Emanuel Exports, which was responsible for those five horror *Awassi Express* journeys in 2017 and for which I note Emanuel Exports is still facing animal cruelty charges. Therefore, quite frankly, I think that the regulator has ended up doing the industry an enormous favour. RSPCA Australia was very fearful that if that shipment had gone ahead, it was going to result in a heat stress catastrophe, and it said that under no circumstances should exemptions from regulations prohibiting the export of sheep between 1 June and 14 September be granted to accommodate this consignment. The chief scientist, Bidda Jones, said that the department had acted appropriately and —

“We welcome the department's decision to prevent this exemption and act on the overwhelming evidence that sending sheep into the Persian Gulf at this time of year would expose them to prolonged heat stress, suffering and increased mortality,” ...

I thought the WA government's response was interesting. I note that initially the Minister for Agriculture and Food said that she was hopeful that the federal Department of Agriculture would grant the exemption, but I also note that the shipment would have proceeded using that notorious carrier the *Awassi Express*, which has now been renamed the *Anna Marra*. The RSPCA was very strident and very clear in its objection and said —

“Now, in the first season since those regulations were enacted, we're already facing the threat of a live exporter seeking exemption from those rules, which risks completely undermining the new regulations and further damaging the broader industry's reputation.”

I note that once the decision was made, the minister took a different view and recognised that the decision had been based on scientific data, and also rejected the suggestion that the decision would damage Australia's reputation in overseas live export markets, and I utterly concur with that revised position of the minister. Meanwhile in the Middle East, for those members who might think that that decision should not have been made and that the shipment should have proceeded, I would like to say that it has been a particularly hot summer. The weather forecast for Kuwait on Monday this week was 48 degrees Celsius; yesterday had cooled down to a balmy 47 degrees Celsius; today it is back to 48 degrees Celsius; and tomorrow is going to be warming up to 49 degrees Celsius, or 120 degrees Fahrenheit, with relatively high humidity over coastal areas. I just want members to think about that and think about another 23 days. I am really glad that the regulator made that decision. I understand that it has caused significant

disquiet from some in the industry, but, as I said, I think that the regulator has done that industry an enormous favour because, potentially, we were going to have another catastrophe on our hands. I think it is very disappointing that so soon after including this very important ban on shipments over the summer, we are already seeing people trying to get out of it. However, I have told members about those sorts of temperatures, and that is why it had to be put in place in the first instance. Therefore, I think it is very interesting. It is one issue that I am going to be keeping a particularly close eye on, but I am not the only one. Obviously, a lot of animal welfare organisations are going to be keeping an eye on this as well.

The way that this all rolled out is highly unfortunate. Obviously, we needed to respond to what was happening for that crew. It is very unfortunate that those sheep ended up having to be put back into the holding pens. Ultimately, it is a good outcome, and I am glad that it was the outcome that the regulator decided on.

#### **KALGOORLIE HEALTH CAMPUS — MRI MACHINE**

##### *Statement*

**HON ROBIN SCOTT (Mining and Pastoral)** [6.45 pm]: At my age, it is such a wonderful feeling when you achieve something and you do not give a damn who gets the accolades for it. Thank you.

*House adjourned at 6.45 pm*

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**QUESTIONS ON NOTICE**

Questions and answers are as supplied to Hansard.

**POLICE — ROTARY WING AIRCRAFT — AUDITOR GENERAL'S REPORT****2887. Hon Martin Aldridge to the minister representing the Minister for Police:**

I refer to question without notice 1391 answered on 21 November 2019, where the Minister advised she was awaiting further advice from the Western Australia Police Force, and I ask:

- (a) on what date did the Minister seek further advice from the Western Australia Police Force following the Office of the Auditor General report; and
- (b) on what date did the Minister receive that advice;
- (c) please table the advice received by the Minister in relation to this matter?

**Hon Stephen Dawson replied:**

- (a)–(c) The Western Australia Police Force was asked to provide further advice on 22 October 2019 and initially provided privileged legal advice on 5 December 2019, and later further advice after which a letter was sent to the Honourable Member. [See tabled paper no [3934](#).]

**EDUCATION AND TRAINING — CAMP SCHOOLS****2890. Hon Martin Aldridge to the Minister for Education and Training:**

I refer to Western Australian camp schools and the Minister's decision to privatise camp schools, and I ask:

- (a) will the Minister table the numbers of schools and school children who have utilised each camp school to date;
- (b) what are the rates charged to Department of Education schools and students for each camp school;
- (c) has there been any variance in the rates charged since the operations of camp schools have been transferred to Fairbridge; and
- (d) what is the occupancy rate of each camp school since the operations of camp schools transferred to Fairbridge, and for the previous three financial years;
- (e) when will the assessment of the performance of the agreement with Fairbridge be completed?

**Hon Sue Ellery replied:**

I do not accept the premise of the question.

Retaining the asset and contracting service delivery to a not-for-profit organisation is not privatisation. Selling Western Power is privatisation. Multi nationals contracting a commercial for-profit company to provide key hospital services at Fiona Stanley Hospital is privatisation. The Hon. Member would be familiar with both because they were both policies of the previous Liberal-National government.

- (a) I have provided this information to the House on 17 March 2020 in response to Question Without Notice 198 asked by Hon Colin de Grussa. I provide that information again. As the member has not specified a commencement date, the response is provided for 2019.

<b>Camp School</b>	<b>Point Peron</b>	<b>Geraldton</b>	<b>Kalgoorlie</b>	<b>Dampier</b>	<b>Bridgetown</b>	<b>Pemberton</b>
<b>Schools</b>	80	52	32	20	20	17
<b>Students</b>	3 055	1 445	861	560	846	423

- (b) \$50.00 per night per student in 2020. This is inclusive of GST which was not payable when the camp schools were operated by the Department of Education. The price excluding GST is \$45.45
- (c) The rate was increased from \$46 per night in 2019.
- (d) The Department of Education does not collect occupancy rates for the camp schools. The following table provides school and community attendance data. There is no data for 2018. As part of the transition process all camp school records were collected and archived so while it may be possible to collate data for 2018 it would be a time consuming exercise requiring an unreasonable diversion of Department of Education resources.

<b>Camp School</b>	<b>2016 Total Attended</b>	<b>2017 Total Attended</b>	<b>2019 (Fairbridge) Total Attended</b>
Point Peron	5 226	5 414	4 409
Geraldton	1 762	2 361	2 132
Goldfields	1 725	1 247	1 282

Dampier	1 868	2 419	786
Bridgetown	1 931	1 890	1 099
Pemberton	2 066	2 055	599

- (e) The lease provides that the parties shall meet to “review the Lease and discuss any opportunities for change, including improvements”. The Department has regularly met with Fairbridge to discuss the operation of the lease. A meeting will be held before the end of the 2020 calendar year. A date is yet to be set.

#### FRACKING — IMPLEMENTATION PLAN

#### 2892. Hon Robin Chapple to the minister representing the Minister for Mines and Petroleum:

I refer to the Government document ‘*Implementation of the Government’s response to the Independent Scientific Panel Inquiry into Hydraulic Fracture Stimulation in Western Australia*’ (July 2019) (the Document), and the associated legislation *Petroleum Legislation Amendment Act 2017*, and *Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019*, and I ask:

- (a) is the Minister aware that Mr Boris Johnson’s Government has outlawed all new fracking in the United Kingdom joining France, Germany, Wales, Scotland, and others:
- (i) is the Minister aware that such bans are due to concerns over fracking and the potential to trigger earthquakes, as experienced in the Netherlands;
- (b) could the Minister please explain the extent to which the stakeholders listed in the document are able to challenge the decision to allow fracking on their lands;
- (c) can the Minister confirm, with absolute certainty, that Traditional Owners can withhold permission for hydraulic fracturing, and that this will be respected:
- (i) if no to (c), why not;
- (d) can the Minister confirm, with absolute certainty, that private landholder and private licensees can withhold permission for hydraulic fracturing, and that this will be respected:
- (i) if no to (d), why not;
- (e) can the Minister please explain the rights and powers held by pastoral leases, in relation to permissions regarding hydraulic fracturing;
- (f) could the Minister give comment as to whether the land leased by mining companies falls under “leased land” for the purposes of this legislation; and
- (g) if land is held by a company or entity, does such an entity require any external permission to frack:
- (i) if yes to (g), could the Minister please clarify this process?

#### Hon Alannah MacTiernan replied:

- (a) Yes.
- (i) Yes.
- (b) The McGowan Government’s decision to allow hydraulic fracturing only in specified circumstances follows the outcome of the Independent Scientific Inquiry and its finding that the overall risk to people and the environment is low and should be managed with appropriate safeguards.
- Hydraulic fracturing can only occur on petroleum authorities in force as of 26 November 2018 and all hydraulic fracturing proposals will be referred to the Environmental Protection Authority (EPA) for assessment. Appeal provisions exist under the *Environmental Protection Act 1986* that are available to stakeholders.
- The McGowan Government will respect the relevant Traditional Owners and private landowners right to withhold consent for hydraulic fracture stimulation production on their land.
- (c) I can confirm that the consent of relevant Traditional Owners will be required before hydraulic fracture stimulation production is permitted.
- (i) Not applicable.
- (d) I can confirm that the consent of private landowners will be required before hydraulic fracture stimulation production is permitted.
- (i) Not applicable.
- (e) Pastoral leases will continue to have the right for compensation for any damage to improvements.
- (f) Land leased by mining companies is not leased land for the purposes of the petroleum legislation.

- (g) Yes.
- (i) To carry out hydraulic fracturing, the company or entity which holds the land would also need to:
- (1) hold a petroleum authority that was in force at 26 November 2018; and
  - (2) Not propose to carry out hydraulic fracturing in any area where it is not permissible – including National Parks, Broome and the Dampier Peninsula, Perth, Peel and South West regions, and within 2 kilometres of public drinking water sources; and
  - (3) apply for and receive approval for their proposed hydraulic fracturing activity under the petroleum legislation – this including provisions for compliance with the new enforceable Code of Practice and Traditional Owner and private landowner consent requirements; and
  - (4) receive approval for their proposal from the EPA, after assessment under the *Environmental Protection Act 1986*.

#### WATER QUALITY — COORINJINNA POOL — PILBARA

#### 2893. Hon Robin Chapple to the Minister for Environment:

In reference to the Whim Creek Mine site, including discernible features such as Coorinjinna Pool, and acknowledging questions without notice 1070, 936, and 873 and their respective answers, I ask:

- (a) has the initial investigation, referred to by the Hon. Minister Dawson in Question Without Notice 936; asked in the Legislative Council on 3 September 2019, been completed:
- (i) if yes to (a), would the Minister please provide the findings of the investigation; and
  - (ii) if no to (a), can the Minister advise when this is expected to be completed;
  - (iii) if no to (a), have the effects of recent tropical cyclones Damien, Esther, and Ferdinand been considered in the investigation; and
- (b) has any sampling or testing been conducted since the tropical storms referred to in (a)(iii):
- (i) if yes to (b), could the Minister provide the relevant information; and
  - (ii) if no to (b), and given the history of the site, does the Department intend to conduct testing at the site:
    - (A) if yes to (b)(ii), when does the Department expect to have data from the testing;
    - (B) if no to (b)(ii), why not?

#### Hon Stephen Dawson replied:

- (a) The Department of Water and Environmental Regulation (DWER) has not completed its investigation into offences under the *Environmental Protection Act 1986*. However, following a preliminary investigation DWER issued an Environmental Protection Notice (EPN) under section 65 of the *Environmental Protection Act 1986* to the operators of the Whim Creek Mine to ensure that emissions and discharges are appropriately managed. [See tabled paper no [3935](#).]
- (i) Not applicable.
  - (ii) DWER is not able to provide an expected completion date at this time.
- (a)(iii)–(b)(B) Whilst the investigation is not complete, the EPN requires that the operator appropriately manages emissions and discharges, including those which may result from cyclones and significant rainfall events. The EPN requires the operators to undertake works and implement management and monitoring plans, including the reporting of all discharges from infrastructure on-site.
- Following Cyclone Damien, the operators of Whim Creek mine site provided correspondence and photographs to DWER demonstrating that no discharge to the Balla Balla River had occurred. Cyclones Esther and Ferdinand had little impact on the area of Whim Creek. As there have been no discharges, sampling after these storms has not been undertaken by DWER.

#### HEALTH — AMBULANCE RAMPING

#### 2894. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Health:

I refer to the Parliamentary Secretary's commitment in question without notice 1367 answered on 20 November 2019 where the Parliamentary Secretary stated that the Government is 'committed to providing public reporting related to the timeliness of patient handover from ambulance crews to hospital emergency department staff for both metropolitan and regional sites', and I ask:

- (a) why has reporting commenced for metropolitan sites but not regional sites;
- (b) on what date did reporting commence for metropolitan sites; and

- (c) does the Minister have access to data for regional sites, and if yes, why is it not being publicly reported as committed;
- (d) since the media statement of 19 December 2019, which announced changes to reporting on hospital activity, for each regional and metropolitan hospital to date, by month, please provide the target and achieved time for patient handover from ambulance services to a hospital's emergency department?

**Hon Alanna Clohesy replied:**

I am advised:

- (a) The Department of Health (DOH) is currently working with St John Ambulance to expand its data collection and reporting capabilities to include transfer of care for regional hospitals. This data is not currently supplied due to concerns regarding its consistency, given the reliance on volunteer paramedics in regional areas. An assessment of data quality will form part of the work to incorporate regional data into the existing data collection.
- (b) 19 December 2019.
- (c) Please refer to (a).
- (d) Please refer to Table 1 below, noting that the DOH is unable to provide data for regional hospitals. The target for all hospitals is 90%.

Table 1: Percentage of ambulance patients transferred within 30 minutes, by month and hospital

Hospital	December 2019	January 2020	February 2020	March 2020	April 2020 (as at 17/4)
Royal Perth Hospital	64.10%	69.60%	67.70%	74.10%	80.90%
Fiona Stanley Hospital	71.70%	74.90%	72.70%	77.00%	81.70%
Sir Charles Gairdner Hospital	77.70%	79.30%	70.20%	73.30%	72.70%
<b>Tertiary Total</b>	<b>71.20%</b>	<b>74.50%</b>	<b>70.30%</b>	<b>74.90%</b>	<b>78.80%</b>
Perth Children's Hospital	98.20%	98.20%	96.70%	97.50%	96.30%
King Edward Memorial Hospital	100.00%	100.00%	93.90%	96.30%	100.00%
<b>Women's and Children's Total</b>	<b>98.50%</b>	<b>98.50%</b>	<b>96.40%</b>	<b>97.40%</b>	<b>96.90%</b>
Armadale Health Service	71.90%	80.00%	74.90%	84.10%	82.80%
St John of God Midland Hospital	74.40%	71.50%	69.70%	66.10%	66.40%
Rockingham General Hospital	74.50%	74.40%	73.40%	70.30%	84.90%
Joondalup Health Campus	58.40%	60.10%	60.30%	66.60%	80.80%
Peel Health Campus	67.00%	66.10%	64.10%	72.70%	82.90%
<b>Secondary Total</b>	<b>68.30%</b>	<b>69.00%</b>	<b>67.30%</b>	<b>70.50%</b>	<b>78.20%</b>
<b>Metropolitan Total</b>	<b>70.90%</b>	<b>73.00%</b>	<b>70.00%</b>	<b>73.80%</b>	<b>79.10%</b>

PUBLIC TRANSPORT AUTHORITY — ADVERTISING

**2896. Hon Nick Goiran to the minister representing the Minister for Transport:**

I refer to advertising on public transport, including buses, trains and related infrastructure, and I ask:

- (a) were complaints regarding such advertising received in the 2019 calendar year; and

- (b) if yes to (a), will the Minister table a copy of each complaint and its corresponding advertisement;
- (c) further to (b), what was the location of the advertisement that gave rise to each complaint?

**Hon Stephen Dawson replied:**

- (a)–(c) [See tabled paper no [3936](#).]

## CORONAVIRUS — CHILDREN IN CARE

**2897. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection:**

I refer to an article entitled “Vulnerable kids fear”, printed in *The West Australian* on 3 April 2020, which states the Department of Communities allegedly told staff that due to COVID-19, children in care may, as a last resort, need to be placed in the homes of staff members, and I ask:

- (a) is it the case that staff members are expected to place children in their own homes if other placements are not available; and
- (b) how many staff members took children in care home in March;
- (c) in relation to (b), how many still have one or more children in care in their home?

**Hon Sue Ellery replied:**

- (a) No. Any such placements are voluntary. If people do not wish to participate, then they do not have to.  
The Department of Communities is committed to prioritising the health and safety of children and families. Limitations on movement throughout regional WA due to COVID-19 has the potential to place additional pressures on the child protection system. With this in mind, Communities’ business continuity planning considers a range of scenarios for children in care who may require short-term arrangements.  
As part of this planning, child protection staff were surveyed to ascertain if they would be in a position to care for a child on a time-limited basis. These are extraordinary circumstances and the Department needed to plan for all possible scenarios that may arise due to COVID-19.  
Potential carers offering to participate would be required to have a Working with Children clearance and consent from their line manager.
- (b) One, for one night.
- (c) Nil.

## POLICE — JUVENILE OFFENDING

**2898. Hon Nick Goiran to the minister representing the Minister for Police:**

I refer to the *North West Telegraph* article on 18 March 2020, “Crime on a high; kids sniffing dangerous chemicals”, regarding two initiatives to address youth offending and antisocial behaviour, and I ask:

- (a) in regards to the Juvenile Inter-agency Management Strategy:
  - (i) which agencies are involved;
  - (ii) which agency is the lead; and
- (b) in regards to the Newman Collective Impact Project:
  - (i) which agencies are involved;
  - (ii) which agency is the lead?

**Hon Stephen Dawson replied:**

Western Australian Police Force advise:

- (a) (i) The Juvenile Interagency Management Strategy is an interagency initiative comprising of representatives from the Western Australia Police Force, Department of Communities (Child Protection and Family Services), Department of Justice (Youth Justice), Department of Education (Newman Senior High School, South Newman Primary School, Newman Primary School), YMCA (Regional Alliance for Substance Abuse Prevention) and Polly Farmer Foundation.
- (ii) The Department of Education and the WA Police Force.
- (b) (i) The Newman Collective Impact Project was a collaborative approach by the WA Police Force, Shire of East Pilbara, Creative Communities and BHP Group Limited.
- (ii) The Shire of East Pilbara is the lead.

## CHILDREN IN CARE — DRIVERS' LICENCES

**2900. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection:**

I refer to part 3.4.17 of the Casework Practice Manual, where it states that children in care, or those who have left care and are eligible for leaving care services, are entitled to assistance in obtaining their driver's licence, and that funding for the costs associated must be applied for through the Leaving Care Fund, and I ask, for 2019:

- (a) how many applications were made to the Leaving Care Fund for obtaining driver's licences;
- (b) in relation to (a), how many applications were approved for the full funding requested; and
- (c) in relation to (a), how many applications were for all expenses related to obtaining a driver's licence (including the minimum 50 supervised driving hours, permits and assessments);
- (d) in relation to (c), how many applications were approved for the full funding requested?

**Hon Sue Ellery replied:**

Young people are entitled to several supports as they prepare to or have left care. This planning begins at age 15 and continues up until the age of 25.

Leaving care supports are described in the Department of Communities' Leaving Care Policy and implemented through practice guidance within the Casework Practice Manual. These supports include, but are not limited to:

- obtaining a driver's licence (including the supervised driving hours);
- educational expenses (excluding university fees where HECS applies);
- obtaining and setting up accommodation;
- accessing their personal records; and,
- accessing social services including health, housing, education, employment, legal, financial management and counselling services.

At a practical level, these supports are funded centrally through Communities' Leaving Care Fund and where a child is still under the age of 18, can be supplemented by case support costs that are held in individual regions.

The information requested on the number of motor driver's licence applications and expenses associated with obtaining a licence is not readily available from Communities' child protection information system. As this information is held on individual case files, it would impose a significant administrative burden to source this data.

Communities will explore how current business processes can allow more consolidated reporting of leaving care costs.

All decisions to fund are based on needs and are guided by the principles and objects set out in the *Children and Community Services Act 2004*. These decisions are made to promote the wellbeing of children in and leaving care, but also to encourage, support and reinforce the role of families and community in supporting children. These points are crucial to ensuring children are not institutionalised or inadvertently disadvantaged from their time spent in the Care of the CEO.

## COMMERCE — SUNDAY ENTERTAINMENTS ACT — EXEMPTIONS

**2901. Hon Nick Goiran to the minister representing the Minister for Commerce:**

I refer to the *Sunday Entertainments Act 1979*, which makes it an offence for a person to open or use a place for paid public entertainment or amusement on any Sunday, Christmas Day or Good Friday unless they obtain the Minister's approval to do so, and I ask:

- (a) in each of the calendar years from 2009 to 2019, inclusive:
  - (i) what were the number of applications received for an exemption for paid public entertainment or amusement on:
    - (A) any Sunday in that calendar year; and
    - (B) Christmas Day that year;
    - (C) Good Friday that year;
  - (ii) what were the number of applications for an exemption that were granted;
  - (iii) what were the number of applications for an exemption that were withdrawn; and
  - (iv) what were the number of applications for an exemption that were not approved;
  - (v) what were the number of exclusion notices published in the *Government Gazette* to allow cinemas, sporting events, live-music performances, carnivals, festivals and the like to operate; and
- (b) which person or organisation currently holds an exemption for an indefinite or undefined period into the future;
- (c) further to (b), for what category of entertainment of amusement does this exemption relate?

**Hon Alannah MacTiernan replied:**

- (a) (i) (A) None. Under the *Sunday Entertainments Exemption Notice 1993*, persons were authorised to open and use a place for paid public entertainment or amusement each Sunday, other than in 2011 and 2016 when Christmas Day fell on a Sunday.
- (B) Eleven. Live Performance Australia, on behalf of all WA cinema operators, applied for an exemption for every Christmas Day between 2009 and 2011.
- (C) 2009 – four;  
2010 – five;  
2011 – four;  
2012 – five;  
2013 – five;  
2014 – five;  
2015 – three;  
2016 – five;  
2017 – six;  
2018 – five; and  
2019 – six.
- (ii) All applications were granted.
- (iii) None.
- (iv) None.
- (v) 2009 – four;  
2010 – five;  
2011 – four;  
2012 – five; and  
2013 – five.
- Following advice from the State Solicitor's Office, the publication of exemption notices in the *Government Gazette* ceased from 2014 onwards.
- (b) None.
- (c) Not applicable.

**PREMIER — PORTFOLIOS — STAFF LEAVE BALANCES****2903. Hon Tjorn Sibma to the Leader of the House representing the Premier; Minister for Public Sector Management; Federal–State Relations:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;  
(b) 4 to 5 weeks;  
(c) 5 to 6 weeks;  
(d) 6 to 7 weeks; and  
(e) 7 to 8 weeks;  
(f) 8 weeks and more?

**Hon Sue Ellery replied:**

Goldcorp:

Period	Dollar Value	Number of Staff
4 weeks or less	\$810,689	293
4 to 5 weeks	\$309,503	40
5 to 6 weeks	\$237,948	27

6 to 7 weeks	\$146,349	14
7 to 8 weeks	\$192,325	14
8 weeks and more	\$363,890	20

## Infrastructure WA:

<b>Annual leave balance</b>	<b>Total dollar value of accrued annual leave balances</b>	<b>Number of staff</b>
(a) four weeks or less	Approximately \$6,000	1
(b) four to five weeks	\$0	Nil
(c) five to six weeks	\$0	Nil
(d) six to seven weeks	\$0	Nil
(e) seven to eight weeks	\$0	Nil
(f) greater than eight weeks	\$0	Nil

## Lotterywest WA:

<b>Annual leave balance</b>	<b>Total dollar value</b>	<b>Number of staff</b>
4 weeks or less	\$465,012	168
4 to 5 weeks	\$173,141	20
5 to 6 weeks	\$163,395	15
6 to 7 weeks	\$231,542	18
7 to 8 weeks	\$166,721	11
8 weeks and more	\$640,363	29

## Department of Premier and Cabinet:

<b>Annual leave balance</b>	<b>Total dollar value of accrued annual leave balances</b>	<b>Number of staff</b>
(a) 4 weeks or less	Approximately \$1 135 000	348
(b) four to five weeks	Approximately \$496 000	46
(c) five to six weeks	Approximately \$495 000	41
(d) six to seven weeks	Approximately \$554 000	38
(e) seven to eight weeks	Approximately \$411 000	31
(f) greater than eight weeks	Approximately \$2 229 000	82

## Salaries and Allowances Tribunal

<b>Annual leave balance</b>	<b>Total dollar value of accrued annual leave balances</b>	<b>Number of staff</b>
(a) four weeks or less	Approximately \$4,329	1 staff
(b) four to five weeks	Approximately \$13,800	1 staff
(c) five to six weeks	Nil	Nil
(d) six to seven weeks	Nil	Nil
(e) seven to eight weeks	Nil	Nil
(f) greater than eight weeks	Nil	Nil

## Public Sector Commission:

<b>Number of weeks</b>	<b>Total dollar value of annual leave balances</b>	<b>Number of staff (headcount)</b>
(a) 4 weeks or less	\$249 714	81
(b) 4 to 5 weeks	\$101 355	11
(c) 5 to 6 weeks	\$88 612	7

(d) 6 to 7 weeks	\$85 558	6
(e) 7 to 8 weeks	\$149 173	7
(f) 8 weeks and more	\$454 825	18

MINISTER FOR STATE DEVELOPMENT, JOBS AND TRADE —  
PORTFOLIOS — STAFF LEAVE BALANCES

**2904. Hon Tjorn Sibma to the minister representing the Minister for State Development, Jobs and Trade:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Alannah MacTiernan replied:**

The Department of Jobs, Tourism, Science and Innovation advises:

Weeks of Leave	Total Annual Leave in \$	Number of Staff
4 weeks or less	\$524,666.80	191
4 to 5 weeks	\$289,017.81	26
5 to 6 weeks	\$193,813.48	15
6 to 7 weeks	\$237,451.71	15
7 to 8 weeks	\$148,880.35	9
8 weeks or more	\$672,501.97	27

MINISTER FOR HEALTH — PORTFOLIOS — STAFF LEAVE BALANCES

**2905. Hon Tjorn Sibma to the parliamentary secretary representing the Deputy Premier; Minister for Health; Mental Health:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Alanna Clohesy replied:**

Department of Health and health service providers advise:

Explanation for each of the leave periods (a) to (f) as per below:

Category Reported (Leave Periods)	Calculation inclusions
(a) 4 weeks or less	Equal to or less than 4 weeks
(b) 4 to 5 weeks	Greater than 4 weeks, and equal to or less than 5 weeks
(c) 5 to 6 weeks	Greater than 5 weeks, and equal to or less than 6 weeks
(d) 6 to 7 weeks	Greater than 6 weeks, and equal to or less than 7 weeks
(e) 7 to 8 weeks	Greater than 7 weeks, and equal to or less than 8 weeks
(f) 8 weeks and more	Greater than 8 weeks

Please note due to current technical limitations, isolating 8 weeks into the 8 weeks and more category cannot be done. Therefore, 8 weeks and more represents greater than 8 weeks only, as shown in the table above.

#### North Metropolitan Health Service

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	4,394	\$17,783,856.60
(b) 4 to 5 weeks	1,182	\$8,998,659.68
(c) 5 to 6 weeks	938	\$9,021,375.82
(d) 6 to 7 weeks	817	\$9,561,820.96
(e) 7 to 8 weeks	644	\$8,802,922.74
(f) 8 weeks and more	2,653	\$59,458,999.81
<b>Total</b>	<b>10,628</b>	<b>\$113,627,635.61</b>

#### South Metropolitan Health Service

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	3,384	\$13,821,232.46
(b) 4 to 5 weeks	846	\$7,262,307.48
(c) 5 to 6 weeks	760	\$7,732,419.90
(d) 6 to 7 weeks	628	\$7,880,817.66
(e) 7 to 8 weeks	566	\$8,015,893.47
(f) 8 weeks and more	1,986	\$47,376,900.69
<b>Total</b>	<b>8,170</b>	<b>\$92,089,571.66</b>

#### East Metropolitan Health Service

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	2,974	\$11,953,983.57
(b) 4 to 5 weeks	764	\$6,555,459.92
(c) 5 to 6 weeks	594	\$5,896,475.56
(d) 6 to 7 weeks	552	\$6,650,078.76
(e) 7 to 8 weeks	492	\$6,961,105.55
(f) 8 weeks and more	1,736	\$39,443,069.81
<b>Total</b>	<b>7,112</b>	<b>\$77,460,173.17</b>

#### WA Country Health Service

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	3,871	\$14,699,566.04
(b) 4 to 5 weeks	890	\$7,217,243.61
(c) 5 to 6 weeks	741	\$6,909,715.46
(d) 6 to 7 weeks	599	\$6,850,077.43
(e) 7 to 8 weeks	489	\$6,194,466.99
(f) 8 weeks and more	1,677	\$30,686,246.42
<b>Total</b>	<b>8,267</b>	<b>\$72,557,315.95</b>

#### Child & Adolescent Health Service

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	1,715	\$7,172,255.78
(b) 4 to 5 weeks	402	\$3,418,738.75

(c) 5 to 6 weeks	353	\$3,748,349.33
(d) 6 to 7 weeks	329	\$4,299,851.43
(e) 7 to 8 weeks	277	\$3,927,309.24
(f) 8 weeks and more	984	\$22,142,635.79
<b>Total</b>	<b>4,060</b>	<b>\$44,709,140.32</b>

## Department of Health

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	517	\$2,276,323.92
(b) 4 to 5 weeks	99	\$968,808.62
(c) 5 to 6 weeks	88	\$988,059.05
(d) 6 to 7 weeks	79	\$1,165,140.25
(e) 7 to 8 weeks	66	\$1,152,431.96
(f) 8 weeks and more	172	\$4,958,559.19
<b>Total</b>	<b>1,021</b>	<b>\$11,509,322.99</b>

## Health Support Services

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	376	\$1,741,934.82
(b) 4 to 5 weeks	81	\$689,395.72
(c) 5 to 6 weeks	104	\$1,173,350.28
(d) 6 to 7 weeks	75	\$894,490.86
(e) 7 to 8 weeks	93	\$1,326,946.53
(f) 8 weeks and more	325	\$6,937,772.79
<b>Total</b>	<b>1,054</b>	<b>\$12,763,891.00</b>

## PathWest

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	538	\$2,686,425.21
(b) 4 to 5 weeks	201	\$1,709,897.68
(c) 5 to 6 weeks	179	\$1,779,205.82
(d) 6 to 7 weeks	172	\$2,026,032.65
(e) 7 to 8 weeks	184	\$2,602,622.80
(f) 8 weeks and more	766	\$16,435,218.20
<b>Total</b>	<b>2,040</b>	<b>\$27,239,402.36</b>

## QEII Medical Centre Trust

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	14	\$59,097.65
(b) 4 to 5 weeks	2	\$15,683.47
(c) 5 to 6 weeks	2	\$18,964.29
(d) 6 to 7 weeks	–	\$0.00
(e) 7 to 8 weeks	2	\$37,663.71
(f) 8 weeks and more	3	\$42,351.49
<b>Total</b>	<b>23</b>	<b>\$173,760.61</b>

Mental Health Commission advise:

## Mental Health Commission

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	194	\$734,300
(b) 4 to 5 weeks	36	\$356,831
(c) 5 to 6 weeks	21	\$221,055
(d) 6 to 7 weeks	17	\$250,296
(e) 7 to 8 weeks	12	\$190,920
(f) More than 8 weeks	17	\$399,478
<b>Total</b>	<b>297</b>	<b>\$2,152,880</b>

\* For the Purpose of this report a week is 37.5 hours

## Mental Health Advocacy Service

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	6	\$20,204
(b) 4 to 5 weeks	0	–
(c) 5 to 6 weeks	1	\$7,804
(d) 6 to 7 weeks	0	–
(e) 7 to 8 weeks	0	–
(f) More than 8 weeks	1	\$51,455
<b>Total</b>	<b>8</b>	<b>\$79,463</b>

\* For the Purpose of this report a week is 37.5 hours

## Mental Health Tribunal

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	13	\$34,588
(b) 4 to 5 weeks	2	\$12,239
(c) 5 to 6 weeks	2	\$15,754
(d) 6 to 7 weeks	0	–
(e) 7 to 8 weeks	0	–
(f) More than 8 weeks	0	–
<b>Total</b>	<b>17</b>	<b>\$62,581</b>

\* For the Purpose of this report a week is 37.5 hours

\* Including Minister appointed Tribunal Members (9)

## Office of the Chief Psychiatrist

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	10	\$41,653
(b) 4 to 5 weeks	0	–
(c) 5 to 6 weeks	2	\$27,701
(d) 6 to 7 weeks	1	\$14,642
(e) 7 to 8 weeks	2	\$32,240
(f) More than 8 weeks	4	\$189,147
<b>Total</b>	<b>19</b>	<b>\$305,383</b>

\* For the Purpose of this report a week is 37.5 hours

Health and Disability Services Complaints Office advises:

Health and Disability Services Complaints Office

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	11	\$52,412
(b) 4 to 5 weeks	3	\$28,557
(c) 5 to 6 weeks	1	\$10,407
(d) 6 to 7 weeks	0	–
(e) 7 to 8 weeks	1	\$13,503
(f) more than 8 weeks	2	\$72,963
<b>Total</b>	<b>18</b>	<b>\$177,842</b>

Healthway advises:

(a)–(f) Not applicable. All Healthway staff are appointed through Lotterywest.

Animal Resources Authority advises:

Animal Resources Authority

Leave Periods	Headcount	Annual Leave Dollars
(a) 4 weeks or less	43	\$119,325.05
(b) 4 to 5 weeks	5	\$40,377.47
(c) 5 to 6 weeks	2	\$20,074.32
(d) 6 to 7 weeks	3	\$34,476.45
(e) 7 to 8 weeks	3	\$35,305.97
(f) 8 weeks and more	8	\$189,450.59
<b>Total</b>	<b>64</b>	<b>\$439,009.85</b>

#### MINISTER FOR ENVIRONMENT — PORTFOLIOS — STAFF LEAVE BALANCES

#### **2907. Hon Tjorn Sibma to the Minister for Environment; Disability Services; Electoral Affairs:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

#### **Hon Stephen Dawson replied:**

For the Department of Biodiversity, Conservation and Attractions

Period	Dollar Value (inclusive of annual leave loading)	Number of Staff
(a) 4 weeks or less	\$2,673,239	1102
(b) 4 to 5 weeks	\$1,300,355	179
(c) 5 to 6 weeks	\$1,308,308	144
(d) 6 to 7 weeks	\$1,358,486	136
(e) 7 to 8 weeks	\$1,207,609	97
(f) more than 8 weeks	\$4,749,103	259

For the Western Australian Electoral Commission

Period	Dollar Value (inclusive of annual leave loading)	Number of Staff
(a) 4 weeks or less	\$66,479.21	30
(b) 4 to 5 weeks	\$31 917	3
(c) 5 to 6 weeks	\$16,079	2
(d) 6 to 7 weeks	\$47,604	4
(e) 7 to 8 weeks	\$12,551	1
(f) more than 8 weeks	\$16,064	1

MINISTER FOR POLICE — PORTFOLIOS — STAFF LEAVE BALANCES

**2908. Hon Tjorn Sibma to the minister representing the Minister for Police; Road Safety:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Stephen Dawson replied:**

(a)–(f) The Western Australia Police Force advise annual leave accruals as of 31 December 2019 are:

	Staff	\$'000
4 weeks or less	5 805	15 994
4–5 weeks	692	5 831
5–6 weeks	935	10 311
6–7 weeks	280	3 694
7–8 weeks	133	2 090
More than 8 weeks	145	3 334

There were a total of 957 employees who had a zero or a negative accrual as at 31 December 2019. Police Officers accrue six weeks Annual Leave per year. Police Staff/Wages accrue four weeks Annual Leave per year. The accrual figures include any uncleared leave accrued in previous years plus leave accrued up to 31 December 2019. Covert officers are not included.

MINISTER FOR REGIONAL DEVELOPMENT — PORTFOLIOS — STAFF LEAVE BALANCES

**2909. Hon Tjorn Sibma to the Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Alannah MacTiernan replied:**

Department of Primary Industries and Regional Development

<b>Timeframe</b>	<b>Dollar value (ex GST)</b>	<b>Number of staff</b>
(a) 4 weeks or less	\$2,471,596	950
(b) 4 to 5 weeks	\$1,205,701	145
(c) 5 to 6 weeks	\$1,148,045	109
(d) 6 to 7 weeks	\$1,477,025	117
(e) 7 to 8 weeks	\$1,386,451	96
(f) 8 weeks and more	\$5,141,320	240

This table includes staff of the nine Development Commissions and their CEOs.

Fremantle Port Authority

<b>Timeframe</b>	<b>Dollar value (ex GST)</b>	<b>Number of staff</b>
(a) 4 weeks or less	\$739,344	164
(b) 4 to 5 weeks	\$231,274	23
(c) 5 to 6 weeks	\$330,039	28
(d) 6 to 7 weeks	\$306,438	22
(e) 7 to 8 weeks	\$218,547	13
(f) 8 weeks and more	\$1,634,308	63

Kimberley Ports Authority

<b>Timeframe</b>	<b>Dollar value (ex GST)</b>	<b>Number of staff</b>
(a) 4 weeks or less	\$129,541	29
(b) 4 to 5 weeks	\$55,778	8
(c) 5 to 6 weeks	\$44,623	4
(d) 6 to 7 weeks	\$19,677	1
(e) 7 to 8 weeks	\$19,091	2
(f) 8 weeks and more	\$221,183	10

Mid West Ports Authority

<b>Timeframe</b>	<b>Dollar value (ex GST)</b>	<b>Number of staff</b>
(a) 4 weeks or less	\$354,469	63
(b) 4 to 5 weeks	\$268,013	20
(c) 5 to 6 weeks	\$136,375	10
(d) 6 to 7 weeks	\$260,768	13
(e) 7 to 8 weeks	\$193,895	10
(f) 8 weeks and more	\$608,219	16

Pilbara Ports Authority

<b>Timeframe</b>	<b>Dollar value (ex GST)</b>	<b>Number of staff</b>
(a) 4 weeks or less	\$786,840	182
(b) 4 to 5 weeks	\$178,322	17
(c) 5 to 6 weeks	\$217,326	17
(d) 6 to 7 weeks	\$171,026	10
(e) 7 to 8 weeks	\$200,658	10
(f) 8 weeks and more	\$922,925	22

## Southern Ports Authority

<b>Timeframe</b>	<b>Dollar value (ex GST)</b>	<b>Number of staff</b>
(a) 4 weeks or less	\$410,960	98
(b) 4 to 5 weeks	\$206,078	20
(c) 5 to 6 weeks	\$194,605	17
(d) 6 to 7 weeks	\$187,432	13
(e) 7 to 8 weeks	\$132,384	7
(f) 8 weeks and more	\$1,051,745	31

## MINISTER FOR EMERGENCY SERVICES — PORTFOLIOS — STAFF LEAVE BALANCES

**2910. Hon Tjorn Sibma to the minister representing the Minister for Emergency Services; Corrective Services:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Stephen Dawson replied:**

The Department of Justice advises:

Please note:

- (1) Leave reporting date is as per the last pay in December 2019, 27 December 2019.
- (2) The estimated total dollar value of accrued annual leave balances, and the number of staff to whom those balances apply, excluding the Judiciary, is as follows:

<b>Period</b>	<b>Employees</b>	<b>Dollar value of accrued annual leave</b>
4 weeks or less	4328	9,644,939
4 to 5 weeks	613	4,472,361
5 to 6 weeks	448	4,245,817
6 to 7 weeks	351	3,883,826
7 to 8 weeks	296	3,776,922
8 weeks and more	915	19,310,558
<b>Total</b>	<b>6951</b>	<b>\$45,334,423</b>

The Office of the Inspector of Custodial Services advises:

- (a) 8
- (b) 1
- (c) 4
- (d) 0
- (e) 1
- (f) 4

The Department of Fire and Emergency Services advises:

<b>Leave Balance Periods</b>	<b>Combined Value of Balances</b>	<b>Number of Staff</b>
(a) 4 weeks or less	\$4,862,735	1306

(b) 4 to 5 weeks	\$1,516,726	165
(c) 5 to 6 weeks	\$1,185,496	99
(d) 6 to 7 weeks	\$792,612	57
(e) 7 to 8 weeks	\$642,880	40
(f) 8 weeks and more	\$1,585,727	69
<b>Total</b>	<b>\$10,586,176</b>	<b>1736</b>

The Supervised Release Review Board advises:

The requested data in relation to leave liabilities associated with the SRRB will be included within the Department of Justice response.

MINISTER FOR LOCAL GOVERNMENT — PORTFOLIOS — STAFF LEAVE BALANCES

**2911. Hon Tjorn Sibma to the Leader of the House representing the Minister for Local Government; Heritage; Culture and the Arts:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Sue Ellery replied:**

- (a) 4 weeks or less

Agency/Authority	No of Employees	Total \$ Value
DLGSC	308	\$959 550
Art Gallery of Western Australia	31	\$97 891
Perth Theatre Trust	46	\$142 204
State Library Western Australia	108	\$368 720
Western Australian Museum	182	\$548 983
Metropolitan Cemeteries Board	144	\$264 419
National Trust of Western Australia	24	\$65 005

- (b) 4 to 5 weeks

Agency/Authority	No of Employees	Total \$ Value
DLGSC	48	\$474 202
Art Gallery of Western Australia	2	\$20 128
Perth Theatre Trust	4	\$29 111
State Library of WA	16	\$131 349
Western Australian Museum	18	\$167 035
Metropolitan Cemeteries Board	12	\$86 605
National Trust of Western Australia	2	\$12 784

(c) 5 to 6 weeks

<b>Agency/Authority</b>	<b>No of Employees</b>	<b>Total \$ Value</b>
DLGSC	31	\$403 174
Art Gallery of Western Australia	4	\$49 151
Perth Theatre Trust	9	\$101 738
State Library of WA	8	\$76 291
Western Australian Museum	15	\$141 526
Metropolitan Cemeteries Board	9	\$74 804
National Trust of Western Australia	Nil	Nil

(d) 6 to 7 weeks

<b>Agency/Authority</b>	<b>No of Employees</b>	<b>Total \$ Value</b>
DLGSC	18	\$255 226
Art Gallery of Western Australia	4	\$46 815
Perth Theatre Trust	1	\$10 521
State Library of WA	6	\$90 081
Western Australian Museum	11	\$124 301
Metropolitan Cemeteries Board	Nil	Nil
National Trust of Western Australia	1	\$16 813

(e) 7 to 8 weeks

<b>Agency/Authority</b>	<b>No of Employees</b>	<b>Total \$ Value</b>
DLGSC	19	\$358 065
Art Gallery of Western Australia	Nil	Nil
Perth Theatre Trust	1	\$15 857
State Library of WA	2	\$25 290
Western Australian Museum	4	\$68 028
Metropolitan Cemeteries Board	3	\$56 370
National Trust of Western Australia	Nil	Nil

(f) 8 weeks and more

<b>Agency/Authority</b>	<b>No of Employees</b>	<b>Total \$ Value</b>
DLGSC	30	\$950 306
Art Gallery of Western Australia	7	\$177 321
Perth Theatre Trust	4	\$86 075
State Library of WA	3	\$56 401
Western Australian Museum	5	\$123 126
Metropolitan Cemeteries Board	1	\$16 950
National Trust of Western Australia	3	\$90 376

Department of Planning, Lands and Heritage

(a)–(f) Please refer to Legislative Council question on notice 2919.

## ATTORNEY GENERAL — PORTFOLIOS — STAFF LEAVE BALANCES

**2912. Hon Tjorn Sibma to the Leader of the House representing the Attorney General:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Sue Ellery replied:**

The Corruption and Crime Commission

As at 31 December 2019, the total dollar value of accrued annual leave balances and number of staff are:

Period	Number of Staff	Total \$
(a) 4 weeks or less	73	343,256
(b) 4 to 5 weeks	16	187,749
(c) 5 to 6 weeks	21	285,542
(d) 6 to 7 weeks	7	113,839
(e) 7 to 8 weeks	8	135,894
(f) more than 8 weeks	Nil	Nil

The Department of Justice

As at 31 December 2019, the total dollar value of accrued annual leave balances and number of staff are:

- (1) Staff including the State Solicitor's Office, the Solicitor General's Office and excluding the Judiciary, is as follows:

Period	Number of Staff	Total \$
(a) 4 weeks or less	4328	9,644,939
(b) 4 to 5 weeks	613	4,472,361
(c) 5 to 6 weeks	448	4,245,817
(d) 6 to 7 weeks	351	3,883,826
(e) 7 to 8 weeks	296	3,776,922
(f) more than 8 weeks	915	19,310,558

- (2) For the Judiciary (Judges, Magistrates, Coroners and Supreme Court Masters and Registrars), is as follows:

Period	Number of Staff	Total \$
(a) 4 weeks or less	117	786,392
(b) 4 to 5 weeks	8	239,262
(c) 5 to 6 weeks	8	280,861
(d) 6 to 7 weeks	3	134,721
(e) 7 to 8 weeks	Nil	Nil
(f) more than 8 weeks	10	563,166

Equal Opportunity Commission

As at 31 December 2019, the total dollar value of accrued annual leave balances and number of staff are:

Period	Number of Staff	Total \$
(a) 4 weeks or less	17	82 324

(b) 4 to 5 weeks	4	42 243
(c) 5 to 6 weeks	Nil	Nil
(d) 6 to 7 weeks	Nil	Nil
(e) 7 to 8 weeks	Nil	Nil
(f) more than 8 weeks	Nil	Nil

#### The Legal Practice Board

As at 31 December 2019, the total dollar value of accrued annual leave balances and number of staff are:

Period	Number of Staff	Total \$
(a) 4 weeks or less	30	97,189.23
(b) 4 to 5 weeks	4	40,477.44
(c) 5 to 6 weeks	2	25,233.29
(d) 6 to 7 weeks	3	46,915.29
(e) 7 to 8 weeks	2	44,311.18
(f) more than 8 weeks	3	141,101.19

#### Legal Aid

As at 31 December 2019, the total dollar value of accrued annual leave balances and number of staff are:

Period	Number of Staff	Total \$
(a) 4 weeks or less	281	657,910.88
(b) 4 to 5 weeks	33	260,551.31
(c) 5 to 6 weeks	15	161,252.37
(d) 6 to 7 weeks	10	95,934.70
(e) 7 to 8 weeks	6	85,260.89
(f) more than 8 weeks	9	161,160.44

#### Office of the Commissioner for Children and Young People

As at 31 December 2019, the total dollar value of accrued annual leave balances and number of staff are:

Period	Number of Staff	Total \$
(a) 4 weeks or less	14	349903.64
(b) 4 to 5 weeks	1	11914.53
(c) 5 to 6 weeks	1	11398.72
(d) 6 to 7 weeks	Nil	Nil
(e) 7 to 8 weeks	Nil	Nil
(f) more than 8 weeks	1	40006.06

#### Office of the Director of Public Prosecutions

As at 31 December 2019, the total dollar value of accrued annual leave balances and number of staff are:

Period	Number of Staff	Total \$
(a) 4 weeks or less	208	722,613.75
(b) 4 to 5 weeks	18	219,126.82
(c) 5 to 6 weeks	16	228,354.57
(d) 6 to 7 weeks	10	138,895
(e) 7 to 8 weeks	9	152,400.59
(f) more than 8 weeks	22	663,992.15

Office of the Information Commissioner / Freedom of Information

As at 31 December 2019, the total dollar value of accrued annual leave balances and number of staff are:

Period	Number of Staff	Total \$
(a) 4 weeks or less	7	36,385
(b) 4 to 5 weeks	1	4,828
(c) 5 to 6 weeks	Nil	Nil
(d) 6 to 7 weeks	Nil	Nil
(e) 7 to 8 weeks	2	31,700
(f) more than 8 weeks	1	24,311

MINISTER FOR COMMERCE — PORTFOLIOS — STAFF LEAVE BALANCES

**2913. Hon Tjorn Sibma to the minister representing the Minister for Commerce:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Alannah MacTiernan replied:**

Please refer to Legislative Council Question on Notice 2917.

TREASURER — PORTFOLIOS — STAFF LEAVE BALANCES

**2915. Hon Tjorn Sibma to the minister representing the Treasurer; Minister for Finance; Aboriginal Affairs; Lands:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Stephen Dawson replied:**

Department of Treasury

Category	\$ Value of Annual Leave Balance	Number of Staff
(a) 4 weeks or less	\$345,415	171
(b) 4 to 5 weeks	\$262,904	26
(c) 5 to 6 weeks	\$281,341	21
(d) 6 to 7 weeks	\$311,648	20
(e) 7 to 8 weeks	\$149,053	9
(f) 8 weeks and more	\$821,024	30

Western Australian Treasury Corporation

Period	Dollar Value	Number of Staff
(a) 4 weeks or less	189,969	48

(b) 4 to 5 weeks	115,927	8
(c) 5 to 6 weeks	77,553	4
(d) 6 to 7 weeks	30,605	1
(e) 7 to 8 weeks	146,755	5
(f) more than 8 weeks	671,974	11

## Economic Regulation Authority

	<b>\$ Value</b>	<b>Number of staff</b>
(a) 4 weeks or less	\$150,816.13	40
(b) 4 to 5 weeks	\$117,317.86	8
(c) 5 to 6 weeks	\$111,350.22	9
(d) 6 to 7 weeks	\$60,794.05	4
(e) 7 to 8 weeks	\$43,681.76	2
(f) 8 weeks and more	\$109,694.84	4

## Fire and Emergency Services Superannuation Fund

<b>4 weeks or less</b>	<b>\$7,876.55</b>	<b>3 Staff members</b>
4 to 5 weeks	\$6,041.05	1 Staff member
5 to 6 weeks	0	0
6 to 7 weeks	0	0
7 to 8 weeks	0	0
8 weeks and more	\$37,758.40	1 Staff member

## Insurance Commission of Western Australia

<b>Period</b>	<b>Annual leave (\$)</b>	<b>Number of employees</b>
(a) 4 weeks or less	\$806,018.72	288
(b) 4 to 5 weeks	\$270,374.63	38
(c) 5 to 6 weeks	\$425,639.12	44
(d) 6 to 7 weeks	\$301,563.35	23
(e) 7 to 8 weeks	\$202,132.92	12
(f) 8 weeks and more	\$322,828.01	15

## Office of the Auditor General

<b>Number of weeks</b>	<b>Number of staff</b>	<b>Accrued annual leave liability dollar value</b>
(a) 4 weeks or less	94	\$356,810
(b) 4 to 5 weeks	14	\$133,057
(c) 5 to 6 weeks	4	\$38,212
(d) 6 to 7 weeks	8	\$98,656
(e) 7 to 8 weeks	14	\$256,513
(f) 8 weeks and more	10	\$220,666

## Government Employees Superannuation Board

<b>Period</b>	<b>Dollar Value</b>	<b>Number of Staff</b>
(a) 4 weeks or less	\$86,983.41	32
(b) 4 to 5 weeks	\$59,442.36	6
(c) 5 to 6 weeks	\$101,649.28	8
(d) 6 to 7 weeks	\$68,128.62	4

(e) 7 to 8 weeks	–	0
(f) 8 weeks and more	\$66,145.28	4

## Department of Finance

	Accrued Annual Leave Balances \$	Number of Staff
(a)	1,314,502	512
(b)	758,185	80
(c)	678,283	64
(d)	1,016,855	78
(e)	1,065,917	68
(f)	3,263,191	141

## Department of Planning, Lands and Heritage

(a)–(f) Please refer to Legislative Council question on notice 2919.

## Aboriginal Policy and Coordination Unit

(a)–(f) Please refer to Legislative Council question on notice 2903.

## Department of Local Government, Sport and Cultural Industries

(a)–(f) Please refer to Legislative Council question on notice 2911.

## DevelopmentWA

Accrued Annual Leave	Dollar value of accrued annual leave balance	Number of staff with total accrual balance
4 weeks or less	\$837 507	159
4–5 weeks	\$252 442	24
5–6 weeks	\$343 411	22
6–7 weeks	\$277 571	18
7–8 weeks	\$187 176	11
8 weeks and more	\$1 352 359	38

## Landgate

Period	Dollar Value	Number of Staff
(a) 4 weeks or less	\$910,529.26	382
(b) 4 to 5 weeks	\$338,479.92	38
(c) 5 to 6 weeks	\$304,829.91	31
(d) 6 to 7 weeks	\$156,106.79	13
(e) 7 to 8 weeks	\$182,604.41	11
(f) 8 weeks and more	\$872,276.00	38

## MINISTER FOR TOURISM — PORTFOLIOS — STAFF LEAVE BALANCES

**2916. Hon Tjorn Sibma to the minister representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Alannah MacTiernan replied:**Tourism Portfolio

Tourism Western Australia

Please refer to Legislative Council Question on Notice 2904.

Rottneet Island Authority

Please refer to Legislative Council Question on Notice 2907.

Racing and Gaming Portfolio

For the Racing, Gaming and Liquor Division of the Department of Local Government, Sport and Cultural Industries please refer to Legislative Council Question on Notice 2911.

Burswood Park Board

	<b>No of Employees</b>	<b>Total \$ Value</b>
(a)	5	\$7 728
(b)	Nil	Nil
(c)	Nil	Nil
(d)	Nil	Nil
(e)	Nil	Nil
(f)	1	\$16,964

Racing & Wagering Western Australia

	<b>No of Employees</b>	<b>Total \$ Value</b>
(a)	203	\$845 408
(b)	38	\$314 689
(c)	22	\$259 247
(d)	24	\$319 997
(e)	18	\$228 696
(f)	21	\$462 846

Western Australian Greyhound Racing Association

	<b>No of Employees</b>	<b>Total \$ Value</b>
(a)	11	\$33 307
(b)	Nil	Nil
(c)	1	\$15 177
(d)	2	\$28 036
(e)	1	\$11 741
(f)	11	\$298 355

Small Business Portfolio

Small Business Development Corporation

	<b>No of Employees</b>	<b>Total \$ Value</b>
(a)	45	\$116 828
(b)	3	\$19 223
(c)	6	\$71 101
(d)	5	\$71 816
(e)	1	\$15 676
(f)	1	\$30 740

Defence Issues Portfolio

Please refer to Legislative Council Question on Notice 2904.

Citizenship and Multicultural Interests Portfolio

Please refer to Legislative Council Question on Notice 2911.

## MINISTER FOR MINES AND PETROLEUM — PORTFOLIOS — STAFF LEAVE BALANCES

**2917. Hon Tjorn Sibma to the minister representing the Minister for Mines and Petroleum; Industrial Relations:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Alannah MacTiernan replied:**

(a)–(f) [See tabled paper no [3938](#).]

## MINISTER FOR ENERGY — PORTFOLIOS — STAFF LEAVE BALANCES

**2918. Hon Tjorn Sibma to the minister representing the Minister for Energy:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Stephen Dawson replied:**

(a)–(f) [See tabled paper no [3937](#).]

## MINISTER FOR TRANSPORT — PORTFOLIOS — STAFF LEAVE BALANCES

**2919. Hon Tjorn Sibma to the minister representing the Minister for Transport; Planning:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Stephen Dawson replied:**

Department of Planning, Lands and Heritage

- (a) \$1,345,779.16 – 532
- (b) \$577,161.49 – 71

- (c) \$871,702.02 – 76
- (d) \$757,693.68 – 57
- (e) \$687,877.28 – 42
- (f) \$2,311,958.54 – 107

Department of Transport

- (a) \$3,477,235 – 1,313
- (b) \$876,097 – 103
- (c) \$517,641 – 42
- (d) \$287,350 – 20
- (e) \$145,734 – 9
- (f) \$295,125 – 13

Main Roads Western Australia

- (a) \$1,834,477 – 546
- (b) \$800,388 – 89
- (c) \$831,215 – 72
- (d) \$791,907 – 58
- (e) \$1,019,766 – 62
- (f) \$6,832,085 – 274

Public Transport Authority

- (a) \$3,799,065 – 1,048
- (b) \$2,093,129 – 290
- (c) \$2,113,253 – 235
- (d) \$1,769,578 – 163
- (e) \$1,592,924 – 129
- (f) \$3,117,437 – 159

MINISTER FOR HOUSING — PORTFOLIOS — STAFF LEAVE BALANCES

**2920. Hon Tjorn Sibma to the minister representing the Minister for Housing; Fisheries; Veterans Issues; Asian Engagement:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Stephen Dawson replied:**

The Department of Communities

Please refer to Legislative Council Question on Notice 2921.

The Department of Primary Industries and Regional Development

Please refer to Legislative Council Question on Notice 2909.

The Department of Jobs, Tourism, Science and Innovation

Please refer to Legislative Council Question on Notice 2904.

## MINISTER FOR CHILD PROTECTION — PORTFOLIOS — STAFF LEAVE BALANCES

**2921. 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:**

As at 31 December 2019, for each agency/department within the Minister's portfolio can the Minister please provide in tabular form the total dollar value of accrued annual leave balances and the number of staff to whom those balances apply, for leave balances of the following periods:

- (a) 4 weeks or less;
- (b) 4 to 5 weeks;
- (c) 5 to 6 weeks;
- (d) 6 to 7 weeks; and
- (e) 7 to 8 weeks;
- (f) 8 weeks and more?

**Hon Sue Ellery replied:**

This answer covers multiple Minister's portfolios, including Disability Services, Seniors and Ageing, Volunteering, Housing, Veterans Issues, Youth, Child Protection, Women's Interests, Prevention of Family and Domestic Violence and Community Services portfolios.

With respect to the Department of Communities, as at 31 December 2019:

	<b>Number of staff</b>	<b>Total value</b>
(a)	3,746	\$11,232,451
(b)	566	\$4,448,253
(c)	443	\$4,197,383
(d)	337	\$4,049,531
(e)	229	\$3,112,784
(f)	640	\$12,751,633
<b>Total</b>	<b>5,961</b>	<b>\$39,792,035</b>

## CORONAVIRUS — INPEX

**2923. Hon Robin Chapple to the parliamentary secretary representing the Minister for Health:**

I refer to the Inpex FIFO ("Fly-In, Fly-Out") worker who contracted COVID-19 and was diagnosed after returning home overseas (when he fell ill), and answers to question without notice C289, answered on 2 April 2020, and I ask:

- (a) did the worker who left the Maersk drilling rig, on 18 March, do so as part of a shift change:
  - (i) if yes to (a), how many other workers left the rig on 18 March 2020, as part of that shift change;
  - (ii) if yes to (a), were those other shift workers, referred to in (a)(i), tested for COVID-19:
    - (A) if no to (a)(ii), why not; and
    - (B) if yes to (a)(ii), when were these tests conducted;
    - (C) if yes to (a)(ii), how many people were tested;
  - (iii) if yes to (a), was contact tracing carried out for those workers, referred to in (a)(i), who were colleagues on shift:
    - (A) if no to (a)(iii), why not;
  - (iv) if yes to (a), were the workers from the same shift placed in self-isolation for 14 days:
    - (A) if no to (a)(iv), why not;
    - (B) if yes to (a)(iv), when were the workers informed and placed under subsequent self isolation; and
  - (v) if no to (a), why did the worker leave the rig on 18 March 2020;
- (b) by what method did the worker return to their home country:
  - (i) what transit points were incurred in their journey back to their home country from the rig;
  - (ii) if by commercial, passenger aeroplane, which flights and transfers did they make as part of their journey from the rig to their home country;

- (c) was contact-tracing undertaken relating to people who may have come in contact with the ill worker during their travel home:
  - (i) if no to (c), why not;
- (d) on what date was Inpex informed that the worker had contracted COVID-19, after he was diagnosed on 19 March 2020 in his home country;
- (e) on what date did Inpex move the non-essential workers off Maersk drilling rig and place them in isolation in the hotel in Broome:
  - (i) of these workers referred to at (e), were they from the same shift, or a subsequent shift, to the worker who tested positive on 19 March 2020; and
- (f) why did it take from 19 March 2020 until 22 March for Inpex to inform the authorities of the worker having contracted COVID-19;
- (g) why did the Department allow the Inpex workers, in self-isolation in a Broome hotel, to leave the premises and visit bottle shops and other establishments?

**Hon Alanna Clohesy replied:**

I am advised:

- (a) Yes.
  - (i) 19
  - (ii) Yes, if they displayed symptoms as per testing protocol.
    - (A) Not applicable.
    - (B) 22 March 2020 and 23 March 2020.
    - (C) Two.
  - (iii) Yes.
    - (A) Not applicable.
  - (iv) Yes.
    - (A) Not applicable.
    - (B) 22 March 2020.
  - (v) Not applicable.
- (b) Commercial passenger aeroplane travel.
  - (i)–(ii) Broome to Perth (QF2659), then overseas transit points.
- (c) Yes.
  - (i) Not applicable.
- (d) 22 March 2020.
- (e) 24 March 2020.
  - (i) The same shift.
- (f) The worker presented for testing at his local hospital in his home country the day after developing symptoms on 19 March 2020. He was tested on 20 March 2020, and result was received on 21 March 2020. The worker alerted his own company, Maersk, who subsequently notified INPEX, the Australian based contractor for the drilling operation. As soon as INPEX were aware they alerted the Department of Health.
- (g) As per protocol, all contacts who arrived in Broome were issued with self-isolation directions with WA Police present. Other INPEX workers who were in Broome at the time were not contacts of a positive case, and were therefore not required to self-isolate.

HERITAGE — TOWN OF COSSACK

**2924. Hon Robin Chapple to the minister representing the Minister for Tourism:**

I refer to the historic Pilbara town of Cossack, the 2017 WA Labor document 'Plan for the Pilbara', and the City of Karratha's Local Planning Scheme No. 8, Amendment No. 44, relating to developments in the town, and I ask:

- (a) how much of the 425 million dollars, committed under the Government's 'Plan for the Pilbara', has been budgeted solely for Cossack town:
  - (i) of the amount in (a), budgeted for Cossack, how much has been spent to date; and

- (ii) would the Minister please table the budget for Cossack, referred to in (a):
  - (A) if no to (a)(ii), why not;
- (b) would the Minister give comment on the Government's plan for Cossack town, in regards to recreational, tourism, or heritage opportunities; and
- (c) has the Department liaised with local Indigenous representatives to discuss the future of Cossack:
  - (i) if yes to (c), which group or persons did the Department contact;
  - (ii) if yes to (c), can the Minister advise of the outcomes?

**Hon Alannah MacTiernan replied:**

- (a) (i)–(ii) Following delivery of the Government's election commitment of \$425 million over five years for destination marketing and event tourism from 2017–18, Tourism WA had a marketing budget of \$45 million and \$40 million for event tourism per annum.
 

Tourism WA's focus is on attracting interstate and international visitors to WA, and it promotes the broader Pilbara region in those markets as part of the North West experience, as well as experiences such as road trips and outback adventure. Tourism WA has included Cossack in trade familiarisation visits within the Pilbara region, however, there is no specific budget allocation for the town.

Tourism WA funds the five regional tourism organisations (RTO) to undertake intrastate marketing, with the Australia's North West RTO responsible for marketing the Pilbara and Kimberley regions including towns such as Cossack.

The Australia's North West RTO has included Cossack in its regional promotions and campaigns such as the Epic Pilbara Campaign. It also funded the filming of a story on Cossack for the "Destination WA" television series and has widely promoted the Cossack Art Awards.
- (b) The State Government continues to work closely with the City of Karratha to progress future planning and use of the township, with funding available for ongoing heritage maintenance at the townsite.
- (c) Tourism WA has not.
  - (i)–(ii) Not applicable.

HERITAGE — TOWN OF COSSACK

**2926. Hon Robin Chapple to the Leader of the House representing the Minister for Heritage:**

I refer to the historic Pilbara town of Cossack, the 2017 WA Labor document 'Plan for the Pilbara', and the City of Karratha's Local Planning Scheme No. 8, Amendment No. 44, relating to developments in the town, and I ask:

- (a) does the Government intend to fund the ongoing preservation of Cossack and its heritage values;
- (b) can the Minister comment on the viability of the town of Cossack coming under the administration of the National Trust (WA), or similar heritage entity;
- (c) given development restrictions, does the Government intend to buy back these plots, so that the heritage sites are State-owned;
- (d) does the Minister consider it possible to promote the heritage values of Cossack, whilst also allowing the town to be enjoyed by visitors:
  - (i) if yes to (d), could the Minister give comment on the Government's plans to achieve this;
- (e) would the Minister give comment on the Government's plan for Cossack town, in regards to recreational, tourism, or heritage opportunities; and
- (f) has the Department liaised with local Indigenous representatives to discuss the future of Cossack:
  - (i) if yes to (f), which group or persons did the Department contact; and
  - (ii) if yes to (f), can the Minister advise of the outcomes?

**Hon Sue Ellery replied:**

- (a)–(b) The State Government continues to work closely with the City of Karratha to progress future planning and use of the Cossack township including tourism. Funding continues to be available for ongoing heritage maintenance at the townsite.
- (c) The site is currently leased to the City of Karratha and is owned by the State.
- (d)–(e) Reactivation of the site is contingent on the City implementing an appropriate planning framework.
- (f) The Government is not in discussion with private landowners regarding acquisition of freehold lots in the precinct.

## COMMERCE — DEPARTMENT — TRUNG TRAN

**2927. Hon Nick Goiran to the minister representing the Minister for Mines and Petroleum; Industrial Relations:**

I refer to the formation of the Department of Mines, Industry Regulation and Safety (DMIRS) on 1 July 2017, as a result of merging the Department of Commerce and Department of Mines and Petroleum, and I ask:

- (a) since that time, how many complaints has the Department received regarding Mr Trung Tran;
- (b) how many of those complaints are yet to be finalised;
- (c) what positions within the Department has Mr Tran held since 1 July 2017;
- (d) in which of the six operational groups within the Department was Mr Tran employed in the 2019 calendar year; and
- (e) further to (d), which of the Department's two Ministers oversees that group?

**Hon Alannah MacTiernan replied:**

- (a) One
  - (b) One
  - (c) Senior Database Administrator
  - (d) Strategic Business Innovation Group
  - (e) Neither, as in accordance with the Public Service Management Act the Department's personnel management is no able to be dealt with by a Minister.
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