Parliamentary Debates
(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2021

LEGISLATIVE COUNCIL

Wednesday, 23 June 2021

Legislative Council

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

PARLIAMENTARY DEPARTMENTAL SURVEYS

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [1.03 pm]: Members, for those of you who have not yet done so, I remind you to complete the annual performance surveys for the Department of the Legislative Council and the Parliamentary Services Department. These surveys were emailed and distributed in hard copy to you on Tuesday, 15 June 2021. These surveys are critical in assisting the departments to provide better services to you, and the results will be incorporated into the 2020–21 annual reports. It would be greatly appreciated if you would take a few minutes to complete the surveys online or in hard copy by Friday, 25 June 2021.

INDUSTRIAL HEMP

Statement by Minister for Agriculture and Food

HON ALANNAH MacTIERNAN (South West — Minister for Agriculture and Food) [1.04 pm]: Last week I saw firsthand a real coming of age in the hemp industry in WA in the south west. We now have the first WA home built from hemp that was grown and processed locally. It was most rewarding to see that the hand we have lent the industry since we came to government has been seized by innovative farmers and builders to show some of the potential of this industry in building diversity in rural economies.

Gary Rogers and Georgia Wilkinson from Ridgeview Building Company have been pioneers, building beautiful homes in the south west using imported hempcrete. Together with their partner, Esperance farmer David Campbell, they have received almost $400 000 from the McGowan government through the value add agribusiness investment attraction fund and the industrial hemp grants scheme to build a processing facility in Margaret River, so we can now use a locally grown and manufactured product.

The seed is grown by David Campbell in Esperance and the crop produced in the south west. There are huge opportunities for hemp producers, including rapidly growing demand for pet straw, hydromulch, render and plastic substitutes. We then went on to deliver our agribusiness voucher awards in Busselton, which included a grant to Vasse Valley Hemp Farm for technical expertise and market positioning. Bronwyn Blake is a leader in developing the pharmaceutical and nutritional potential of this locally grown product.

This is a small industry but one that is providing another valuable rotational choice for farmers and value-adding opportunities for regional businesses in the state.

PAPERS TABLED

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

BUSINESS OF THE HOUSE

Standing Orders Suspension — Motion

HON SUE ELLERY (South Metropolitan — Leader of the House) [1.07 pm] — without notice: I move —

> That so much of standing orders be suspended as to enable the following variations to the order of business and sitting times at this day's sitting as follows —
>
> (1) The Council to sit beyond 6.20 pm and take members' statements at the time ordered by the house.
>
> (2) The sitting to be suspended between 6.00 pm and 7.00 pm.
>
> (3) That consideration of committee reports be dispensed with.

I indicate to the house that this reflects discussions that have gone on behind the chair about how we might manage the business that the government would like us to deal with over the next two days.

HON NICK GOIRAN (South Metropolitan) [1.08 pm]: President, my contribution this time is more a question rather than me speaking for or against the motion moved by the Leader of the House, and perhaps you might be able to assist. I have not seen the motion that has been moved, but I heard the leader indicate that we would dispense with consideration of committee reports today. I have kindly been provided with a copy of the motion and, indeed, the third part states that consideration of committee reports be dispensed with. President, before I agree or provide my vote on whether those committee reports be dispensed with or not, it would assist me if we could have an indication of which committee reports we would be dispensing with.

The PRESIDENT: Honourable member, my advice is that there are none listed.

Question put and passed with an absolute majority.

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Point of Order — Thirty-sixth Report — Terms of reference: Inquiry into the delivery of ambulance services in Western Australia

Hon NICK GOIRAN: I refer to the uncorrected proof *Hansard* of yesterday's sitting in the forty-first Parliament, in which it appears that Hon Pierre Yang was directed to present the thirty-sixth report of the Standing Committee on Public Administration, titled *Terms of reference: Inquiry into the delivery of ambulance services in Western Australia*. We are told, according to the uncorrected proof *Hansard*, to see paper 329. President, I ask for clarification about whether the house has indeed dispensed with the consideration of that particular committee report today. I was quite looking forward to debating Hon Pierre Yang's report, but if it is not to be done today because of the order that has just been passed by the house, will that item appear on the next occasion?

The PRESIDENT: Member, on your point of order, I am advised that the report was a report of information advising the commencement of a self-referred inquiry. It was for the information of the house and, as such, those types of reports for information are not usually listed. Therefore, there is no point of order.

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION — LEGISLATIVE ASSEMBLY STANDING ORDERS

Motion

Resumed from 16 June on the following motion moved by Hon Nick Goiran —

That this house —

(1) acknowledges the ongoing important role undertaken by the Joint Standing Committee on the Corruption and Crime Commission in this forty-first Parliament;

(2) notes that the standing orders of the Legislative Assembly apply, as far as they are able, to the work of the committee and that —

(a) pursuant to standing order 270, committee deliberations will be conducted in closed session; and

(b) pursuant to standing order 271(2), no member of the committee nor any other person may publish or disclose evidence not taken in public, including documentary evidence received by the committee unless that evidence has been reported to the Assembly or that disclosure has been authorised, on motion, by the committee;

(3) notes the comments of Mr Matthew Hughes, MLA, on 13 May 2020;

(4) notes the content of Legislative Assembly message 9 received on 26 May 2021; and

(5) emphasises its expectation that all members serving on any parliamentary committee in this forty-first Parliament will respect and adhere to the standing orders under which their committee is operating; and

acquaints the Legislative Assembly accordingly.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [1.14 pm]: Members may recall that in the brief time that was available to me last week, I started to talk about the motion before the house and the actions of the Corruption and Crime Commission in Western Australia. Obviously, given my current position, I am a little restricted to talk in great detail about what is happening now, but, as I flagged last week, it is my intention to discuss in detail my experience from a combination of committee work concerning the Corruption and Crime Commission in Western Australia, because it will be a salutary lesson for all members, particularly because it involves some members of the government who seem to be taking a very different position now. I am going to refer frequently to the fifth report of 2008, headed *Corruption and Crime Commission report on behalf of the Procedure and Privileges Committee of the Legislative Assembly: Inquiry conducted into alleged misconduct by Mr John Edwin McGrath MLA, Mr John Robert Quigley MLA and Mr Benjamin Sana Wyatt MLA*, which was presented to and laid on the table of the Legislative Assembly on 10 June 2008.

This investigation is particularly interesting to me because I ended up being a part of it. I was a member of the Public Accounts Committee in the place that shall not be named in the Parliament of Western Australia between 2005 and 2008. At the end of the process, I finished up being the deputy chair of that committee. I became the deputy chair because the first deputy chair of that committee was a gentleman by the name of Norm Marlborough. Before 2008, Norm Marlborough, members may remember, fell foul of the CCC, particularly in relation to his activities with Mr Brian Burke, a former Premier of the state of Western Australia, and he was forced to resign from Parliament. His place was taken by an incumbent member—I forget the name of the seat—Mr Papalia. All that happened before this report was tabled, of course. I will not go into great detail, but I want members to be made aware of the investigation of the Corruption and Crime Commission into the activities of Mr John Robert Quigley, MLA, who

was at that time not a minister but the chair of the Public Accounts Committee and who, funnily enough, is today the Attorney General of Western Australia. It is no wonder that he takes a very strong interest in the actions of the CCC in Western Australia given his intimate knowledge of its proceedings.

Let me go through this process. The investigation in this report was into the activities of a couple of lobbyists and precisely how the current Attorney General dealt with that. I will quote extensively from the report; I am sure members will be very, very interested to know what it found. It states —

> [1] This report has been prepared for the Procedure and Privileges Committee … of the Legislative Assembly of the Parliament of Western Australia. It is a report relating to an investigation into allegations of misconduct against Members of the Legislative Assembly …
>
> [2] The first allegation is that Mr John Robert Quigley MLA, in his capacity as Chairman of the Public Accounts Committee of the Legislative Assembly, agreed to take action in relation to a proposed inquiry into the audit function of the Office of State Revenue concerning payroll tax following requests by lobbyists. The investigation in this regard has established that Mr Quigley did give Mr Brian Thomas Burke and Mr Anthony Robert Ince the impression that he would assist in arranging for such an inquiry to be conducted. However, Mr Quigley did not intend to so assist and did not do so and thus any agreement was only apparent, not real.

I will discuss that in more detail, because I am astounded that we are having a debate about the integrity of the CCC being led by an Attorney General who has question marks about the performance of the CCC when he has been on the other end of the questioning. It continues —

> [3] The second allegation is that Mr Benjamin Sana Wyatt MLA similarly agreed to take action to establish an inquiry. The investigation in this regard has established that an approach was made to Mr Wyatt but that he did not agree and did not act upon the request.

That is critical. We are talking about the functioning of a committee. Members know that when they are members of a committee, they must have the trust of their fellow committee members. That is absolutely essential to the functioning of a committee. I want to point out at the very start that Hon Ben Wyatt—I am not sure that he keeps that honorific now that he has left the Parliament—was the Treasurer of the state of Western Australia. The third point in the executive summary of this report is absolutely critical. It states —

> The investigation in this regard has established that an approach was made to Mr Wyatt but that he did not agree and did not act upon the request.

That was, I would have said, the appropriate action. In my view, this report exonerated Ben Wyatt—I guess that is how we refer to him now in his post-parliamentary career; good luck to him. He was approached; he did not agree and he did not act, and that was appropriate. Possibly the one thing that he did not do that he should have done was to inform his fellow committee members that he had been approached. I would have thought that might have been an appropriate action. If a member had been approached to undertake something that was not appropriate, I would have thought that the committee would need to know. He did the right thing. He was approached, he rejected that approach and he did not act. I do not think that the same can be said of the Attorney General of Western Australia. It is interesting that when members read the Standing Committee on Procedure and Privileges' fifth report of 2008, they will notice a list of people who attended the hearings, and at the top of that list is me. As a member of that committee, I was dragged in to give my version of events on what happened when the current Attorney General, Hon John Quigley, was dragged before the Corruption and Crime Commission. Surely, members would think that the first law officer of Western Australia would have a history of supporting the role of the CCC and the commissioner in doing their job. He certainly appears to be doing so now. What did Hon John Quigley say when he was approached by the commission to suggest that potential misconduct had occurred? His defences are immensely interesting. Effectively, I quote from paragraph 43 —

> Mr Quigley complains that Commissioner Roberts-Smith and the Commission are biased against him and have prejudged the matter.

When the Attorney General was on the other side of the ledger and the CCC was investigating his behaviour, his initial response was that they were all out to get him. I would think that contrasts pretty significantly with the Attorney General's position today, as he hammers on the desk and says that we are not allowed to ask questions about his selection of CCC commissioner. Back in 2008, when he was investigated in this process, the then commissioner was out to get him! Paragraph 44 states —

> Mr Quigley complains Commissioner Roberts-Smith should have disqualified himself from this inquiry because there is a reasonable perception he is biased against Mr Quigley. He says (in brief) this is because of:
>
> - Mr Quigley's public demand that Commissioner Roberts-Smith apologise to Mr Andrew Mallard and his family as one of the judges on the Court of Criminal Appeal which dismissed Mr Mallard's appeal against conviction;
>
> …

Mr Quigley asserts that

> *I believe these public clashes with me support my claim of reasonable perception of bias*

Mr Quigley, at that point, the Attorney General-to-be, was not above besmirching the name of the CCC and suggesting that it was not aboveboard and that perhaps it exerted some bias. He was not above throwing some mud around when it was convenient to Hon John Quigley. The CCC responded in these terms, and I think members should be aware of this —

> There are numerous misstatements of fact in Mr Quigley's contentions elaborating upon the foregoing claims.

The committee decided —

> It is not necessary to deal with them here … what is notable about Mr Quigley's claim that circumstances give rise to a reasonable apprehension of bias, is that all the circumstances on which he relies are his own conduct, not that of the Commissioner.

The Attorney General was out there saying, "I said all these things about the commissioner and how the commissioner has done the wrong thing and I have demanded an apology, and therefore the commissioner's biased against me." The commissioner said nothing. The report continues —

> Mr Quigley refers to "public clashes", but points to nothing done or said by the Commissioner in response to his public criticisms, nor otherwise. None of the matters to which Mr Quigley refers could give rise to a reasonable perception that the Commissioner or the Commission is biased against him and that they have prejudged the outcome of this inquiry.

I would have thought that the Attorney General's immediate defence of, "Poor me, woe is me, the commission is against me, the teacher hates me, and mum and dad do not like me very much", was fairly pathetic, but there we go. It is not the case that the Attorney General or the Labor government hold the CCC in high esteem; it is the case that when it is convenient, they are prepared to throw their own version of mud around when needs be, without any comment from the commissioner supporting what was going on. It beggars belief that the Attorney General would now lecture us on the appropriateness of our dealings with the CCC and whether he thinks his preferred candidate is the only person who can be considered. How dare the Attorney General lecture us given the history of this report and the statements he gave to the CCC back in 2007 and 2008, and given that he himself is happy to besmirch the reputation of the commissioner when it is convenient for the Attorney General, Hon John Quigley. As Shakespeare said, "For he is an honourable man. Et tu, Brute?"

President, we should probably give due substance to the CCC investigation, because it is absolutely the case that the CCC did not recommend any action be taken against the current Attorney General and, in my view, completely exonerated Mr Ben Wyatt, who has moved on to other business. Let me explain what went on so that members can understand exactly how important the full disclosure within the committee and the confidentiality of that committee is, and how essential it is to the functioning of the Parliament, and why the motion moved by Hon Nick Goiran is such an important one. What happened? Paragraph 52 of the report states —

> In June 2005 Fehily Loaring Pty Ltd … a firm of indirect taxation consultants, approached Mr Burke with a proposal that he be retained to act on behalf of one of Fehily Loaring's clients.

There was an email between the two, including from Mr Ince of that company. The report continues —

> The email stated that the client had "an issue with OSR" —

The Office of State Revenue —

> and attached a briefing paper …
>
> The briefing paper stated that the client had been investigated by OSR in November 2000 and that the investigation related to payroll tax.

At that point in 2000, no adjustment was required, but the client was advised of a further audit in December 2004. This is about a company that, potentially quite rightly, was trying to minimise its payroll tax obligations, hopefully, in a legal sense. What went on? In June 2005, Mr Burke sent an email to Mr Grill, his business partner, and Mr Grill responded. Mr Grill's email of 13 June 2005 stated that he and Mr Burke —

> … "would be interested in taking on the case" and that the proposed retainer fee was $6000 per month plus GST.

He said that it was expected that the matter would take a couple of months. On 16 June, the clients responded with an email to Mr Burke and Mr Grill confirming that they had agreed to pay the $6 000-a-month retainer, subject to it being limited to two months at that stage, and there was a success fee of five per cent. There was obviously a pretty interesting financial reward at the end of that process. On 23 July 2005, Mr Burke sent an email to the client that he had briefed a number of members of Parliament who had made representations to the Commissioner for State Taxation. I do not know whether any of those representations occurred. I have no evidence to demonstrate that. We should not necessarily take an email of Brian Burke as verbatim and given under oath, perhaps. There might be some question marks over it. On 12 October 2005, the client sent an email to Mr Burke and Mr Grill advising that

a meeting with the Office of State Revenue had not been successful. On 12 October, in an email, Mr Burke told Mr Grill that as far as he could see, there were two courses of action. The first was to do nothing further and not charge the client anything, which I thought was quite generous. The second was to try to persuade a member of Parliament from the government and opposition to make joint personal representations to the Commissioner for State Taxation. I would have said that is not illegal. It is perhaps questionable, given that there was a direct financial reward to the lobbyists in this case but it did not necessarily go where he thought it would.

On 14 October 2005, a couple of days later, Mr Grill responded and he thought it might be worth arranging a member of the opposition to start asking questions. I do not think that happened either. Later that same day, on 14 October, Mr Grill sent an email to Mr Burke in which he stated —

> "I am more than happy to run with a joint parliamentary enquiry … if you think that we can get it up".

Where would we think we would get up a joint parliamentary inquiry into the operations of the Office of State Revenue? The Public Accounts Committee came into their view. A breakfast meeting was held between the current Attorney General, Hon John Quigley, and Mr Burke somewhere between 14 and 18 October 2015. After that last email, the now Attorney General and Mr Brian Burke, that saintly patron of the Labor Party in Western Australia, had a breakfast together. I hope it was very nice. This is the evidence of the Attorney General —

> *He came in and he said, "What are you doing on this Public Accounts?" And I said, "We're doing a very interesting thing. We're examining the audit process of local government …*

That was a very good investigation. It was instigated on my urging way back in 2005, so I am very pleased that he gave it some credit. He speaks highly of that investigation. There is then a discussion, mainly instigated by Mr Burke, about the gestapo of the state taxation system. Mr Quigley said that a guest joined them, not necessarily defined as the client, but possibly so. His evidence continues —

> *He then explains to me how he's one of these victims of the - I can remember him using the word "gestapo".*

The word "gestapo" arises several times; that the taxation commissioner and the people at the taxation office were the gestapo. This is critically important. It is on page 22 of the Corruption and Crime Commission report. The report states —

> The conversation concluded with Mr Quigley telling Mr Burke to "send me a written submission".

I would say that Mr Ben Wyatt did the honourable and good thing. When approached later—we will come to that—he rejected the approach and did nothing. In evidence concluded by the CCC, although the now Attorney General, Mr Quigley, said that he was suspicious of the intention of Brian Burke, there is an acknowledgement that he suggested to Mr Burke to "send me a written submission"—not that this was inappropriate, not that the committee should be aware, not that the high moral ground meant that this conversation should go no further, but "send me a submission". Again, that is not illegal in itself, but what does this say about the person who is pounding the desk and ranting in the Legislative Assembly of Western Australia about the Corruption and Crime Commission?

A written submission was eventually sent. This comes from the interview of Mr Quigley —

> When asked whether it was his perception that if there was an inquiry it would have the effect of being to the advantage of the people who were being assessed, Mr Quigley said that in his view "they would seek to use it in that way".

The Attorney General fully understood that this was an attempt to use party politics to influence committees to generate a benefit for a particular client. The meeting goes on. The client recalls that the end result of the meeting was that he was to make a written submission to the Public Accounts Committee, although he could not recall whose suggestion it was. The client said —

> … Mr Quigley suggested that this "was the sort of thing they'd be looking at … the inference was that it was something that the Committee would take on".

The client said that in these circumstances he was surprised when the Public Accounts Committee decided not to pursue the matter when he did send in a submission. The client's surprise stemmed from the fact —

> "John was on the Committee … he suggested that that was the sort of thing they'd be looking at".

This client has gone to the chair of the committee. The chair of the committee has not gone, "This is entirely inappropriate behaviour. The committee needs to be informed and we should progress no further." The client, who is seeking to get a financial benefit, has said that in their view the Attorney General was on the committee and was the chair of the committee. I do not mean to be disrespectful to the Attorney General; I am just quoting from the document. The finding at paragraph 79 states —

> The breakfast meeting had concluded with Mr Quigley inviting Mr Burke or his client to send a written submission to the Public Accounts Committee. Given that Mr Quigley strongly suspected that this inquiry was intended to produce a private advantage for a client of Mr Burke, it would be expected that Mr Quigley would be very cautious about acting upon such a submission. Mr Quigley, indeed, said that, in his view:
>
> ….
>
> *It's improper if I act on it or pick it up or do anything with it; so I've said, "write in."*

The defence of the Attorney General of this date in the first instance is, "The commissioner doesn't like me. He is biased against me. Boo-hoo for me." And the second is, "Well, I said I would do something, but I didn't do it. I said I would provide assistance, but I didn't do it, and that is my defence." Although potentially a legal defence, it is not a moral defence and it does not pass the pub test in Western Australia. So what happened?

This request for a committee review from the client, orchestrated through a meeting with Brian Burke and the now Attorney General, did end up in a submission to the committee and met at a time when the chair of the committee, the current Attorney General, was ill. Bless him, he had a significant cancer scare in 2006–07 and he was in Melbourne, I believe, receiving treatment when this came before the committee. He had a conversation before he left with the principal policy adviser to the committee. His evidence to the CCC is that he said to the policy adviser —

> *"I believe - I've been approached by a bloke," - I can't even tell you his name, sir, it's of no consequence to me. "I've been approached by a bloke who will be writing in seeking to have the Public Accounts Committee, one of - having me or someone propose to the Public Accounts Committee an inquiry into these tax inspectors."*

No wonder he said he could not even tell the committee his name. I would imagine if he said the name "Brian Burke" in 2006–07, he might have got an interesting reaction. If he said the name "Brian Burke" to the Public Accounts Committee I expect he would get a very interesting reaction because there were a couple of opposition members on it. He did not mention the name; he was not up-front. He said this —

> … *"it worries me, it doesn't sound like a matter for the Public Accounts Committee,"*

That is the first instance we see of what the Attorney General, Hon John Quigley, says to Brian Burke on one side, and then what he says to people on the other side—this paragon, this champion of the Corruption and Crime Commission in Western Australia. The report states —

> This conversation occurred in anticipation of any written submission being received, Mr Quigley said. In fact when a letter did arrive and was later considered by the Public Accounts Committee, Mr Quigley was not in attendance because he had been diagnosed with cancer and was undergoing chemotherapy.

I think that is right. The account of the principal policy adviser to the committee differed from that given by Attorney General Mr Quigley in a number of respects. Her evidence, according to the report, was —

> *I recall advising him that I believed that the request was outside the scope of the Public Accounts Committee and that it would be better dealt with by the Ombudsman ... Because it seemed to be concerned with administrative practices of a Government department. It wasn't really what the Public Accounts Committee is there to do.*

I think that is true, and the policy adviser said that Mr Quigley agreed with her. I think this is relevant. When asked whether Mr Quigley had given any indication that he was aware in advance that the submission was going to be made, the policy officer said no. The report states —

> When asked whether he told her that approaches had been made to him in this regard, she said "No, he didn't".

He was not up-front. He did not tell the chief policy officer of the committee that Brian Burke and Julian Grill had been knocking on the door and saying that he should conduct an investigation. He did not tell the other members of the committee. He kept that very much to himself. The committee decided not to investigate. I was a member of that committee and I was at that meeting; I agreed with the recommendation on everything, and none of that is secret because it is all written into the Corruption and Crime Commission report. Nothing that I say today is not a part of the CCC report.

The meeting of the Public Accounts Committee was on 23 November 2005; again, it is in the report so there are no issues there. It states that the meeting —

> … was attended by Mr Marlborough, Mr McRae, Mr Redman and Dr Thomas —

The staff member was also present —

> As anticipated, Mr Quigley was not present and he was … an apology.

It was resolved to respond to the client—I will not go through the details of the person again—and advise him to contact the Ombudsman and consider making a submission to the review of state taxation. The policy adviser said that there was not a lot of debate on this item.

I gave my evidence, and I will read my evidence in, except for the name of the policy officer. This is the evidence I gave to the commission as a witness —

> My recollection of it was that it was raised as a piece of correspondence and somebody—and I think it might have been the then principal research officer … suggested to the Committee, I think, I might have named her inappropriately—somebody suggested that it wasn't an appropriate investigation for the Public Accounts Committee; I think it was … but I may be wrong with that, and should be put aside and I think that that's what occurred.

From memory, that is what occurred, given it was a long time ago. However, that was not the end of the issue. There is a chapter in this report that I recommend all members read, particularly those members who are going onto an important committee. It states that there were further attempts to obtain an inquiry. The committee said to write to the Ombudsman, but there were further attempts. The report states —

> On receipt of the letter from the Public Accounts Committee —

The client —

> … sent a copy to Mr Burke and Mr Grill on 28 November 2005 —

That was about five days later. The report continues —

> Mr Grill responded in the following terms.
>
> > *I am rather surprised by this, given our discussion with the Chairman of the Committee. Brian do you know what might have happened?*

That is a different Brian, not Hon Dr Brian Walker. Do not get distressed! This is a far more infamous Brian than you, I am afraid.

It continues —

> Mr Burke responded the same day and said that the Chairman … had been absent but that he intended speaking to Mr Marlborough —

Who was at that point the deputy chair —

> about how the decision could be reviewed. In a separate email at around the same time he told —

The client —

> … not to be too concerned and that he had "renewed our representations".

I do not know what "renewed our representations" means, but he had obviously tried very hard. The report continues —

> On 1 December 2005 —

The client —

> … sent an email to Mr Burke and Mr Grill inquiring whether there had been any update on the "PAC situation". Mr Burke responded the same day saying:
>
> > *I have discussed matters with John Quigley and Norm Marlborough and am now awaiting their proposed action.*

He had put the horses into the harness and set them on the path ready to go. Mr Burke said in evidence that he could recall speaking to Mr Quigley and Mr Marlborough. The evidence of the now Attorney General is that Mr Burke and Mr Marlborough rolled up in their car in the driveway and wound down the window, and there was some reasonably robust conversation about what was going to happen. There were some accusations that he had not done anything. Both men agreed that a conversation had been had, but Mr Burke interestingly denied that the conversation as described by Mr Quigley occurred. It is pretty tough, is it not, when you are the Attorney General of Western Australia and you make a comment to the Corruption and Crime Commission and Brian Burke says, "That's not what it was like". I do not know how we measure that. How do we measure it when you are corrected by Brian Burke and told that your memory of the conversation that you had is inaccurate? That is a particularly amusing part of the process.

The report continues —

> On 20 December 2005 Mr Burke sent an email to Mr Grill in which he stated that he had spoken to Mr Quigley that day and that Mr Quigley had said that he would "bring the Public Accounts Committee inquiry back on line in the New Year".

That is not a quote from the current Attorney General; that is a quote from Mr Brian Burke. Why Mr Burke would write that to Mr Grill at that point if it was untrue, I am not sure, but possibly it was.

We know a couple of things because they were recorded in phone intercepts, which are again in the *Corruption and Crime Commission report on behalf of the Procedure and Privileges Committee of the Legislative Assembly*. There was a conversation on 3 February between Mr Burke and Mr John Quigley. Bear in mind that at this time the committee had decided not to proceed, and I think the current Attorney General recognised that not proceeding was the appropriate mechanism, but he was still dangling this thing on a hook.

Mr Burke contacted Mr Quigley asking to speak to the client. Mr Quigley's response was, "Yeah." Burke asked whether he needed the number. The report states —

> ***Quigley:*** *Give it to me now* (the number is then provided). …
>
> ***Burke:*** *Mate, I've, I've lost a lot of face over this.*
>
> ***Quigley:*** *Okay.*

Burke: *I really do need to get this Committee just to have a look at it somehow.*

Quigley: *Yeah, okay.*

Honourable members should remember that on occasions they need to show a fair bit of spine in this job; when something is not okay, they need to stand up and say that it is not okay. When it is not appropriate, sometimes members need to have the courage to say, "Well, guess what? It is not appropriate." I accept that the elder statesman of the Labor Party, Brian Burke, is probably very difficult to say no to. Certainly, lots of people struggle to say no to him, but when Burke said to the current Attorney General John Quigley, "I really do need to get this Committee just to have a look at it somehow", Quigley responded, "Yeah, okay." The conversation continued —

Burke: *Would you try and sort me out of the shit?*

Pardon my language, Madam President. It is a direct quote. It continued, and I will omit the swear word this time —

Quigley: *Cause I, I, I'm running into … problems with this Committee.*

Burke: *Yeah.*

Quigley*: I'm going to have to get Ben Wyatt on to it, I think, as soon as he gets elected.*

That did not do him any good because when Ben Wyatt got onto the committee, as the commission's report states, Ben Wyatt said that he told Brian Burke it was inappropriate and he took no action. He did not lead Brian Burke on. He said no and he did not act. He perhaps should have let the committee know of the baleful influence of Brian Burke, who was attempting to corrupt the processes of the Public Accounts Committee in Western Australia—he should have let us know that—but he had the staunch courage to say no when he was asked whether he would help. That was not the courage displayed by the current Attorney General, John Quigley, the champion in the other house and attacker of the Legislative Council in his longwinded diatribes in the Assembly, in which he talks down the work of the Legislative Council. That was the conversation; it did not work. Later that day, though, the client sent a further email to Mr Burke, in which he said —

Thanks Brian, John has spoken with me and advised me of the progress. I should be able to stall OSR issuing the assessment for a while. If it gets tight, I will let you and John know.

The defence of the Attorney General, Hon John Quigley, is that he did nothing, but he obviously had a conversation with the client and he advised of some progress, whatever that progress was. I do not think there was much, and there was not going to be, at the end of the day. But it was enough for the client to be able to stall the then Office of State Revenue issuing an assessment notice. That does not sound like a "no" to me. That does not sound like a member of Parliament saying, "This is inappropriate; no, Brian. I will not act on behalf of your clients for their personal benefit and for yours." That is not what it sounds like to me.

In a telephone call on the afternoon of 3 February between Mr Quigley and Mr Burke, Mr Quigley refers to having spoken to the client. The transcript states —

Quigley*: I've just finished speaking to Tony.*

Burke*: Oh good.*

There are repeated references to conversations that were still occurring well into 2006. In a conversation on 8 March 2006 between Mr Burke and Mr Quigley, Mr Quigley said —

Quigley*: I'll speak to —*

The client —

…this morning.

Burke*: Would you do that?*

Quigley*: Yeah.*

On 25 April Mr Burke again spoke to Mr Quigley on the phone. The topic of the payroll tax matter arose and Mr Burke was complaining about a lack of action. There was a lack of action, and that is the defence of the current Attorney General, Hon John Quigley. He has two defences: the first is that the commissioner did not like him and that he was biased; and the second is that he did not do anything. Not: he did not do anything wrong—he just did not do anything.

This was a very interesting investigation to be part of. Before we finish this debate I want to leave members with a couple of comments in relation to when people think they should report these things. The commission asked Hon John Quigley, the current Attorney General, whether he had some obligation to report his suggestions. His response was, in part —

No, because it's not improper conduct by him.

…

No, but it's a request…

This is probably the critical one —

> *I think the question really is do you consider that you're under an obligation to report the fact that you had been asked by someone to act improperly?*

Here is the answer, and this is a corker, members. Take this one to bed tonight and think on it deeply —

> *No, sir. I'm asked by—you're asked by taxpayers all of the time to act improperly. There's all—about every second person that comes in the office asks you to do something improper.*

That might happen in the offices of the Labor Party. Perhaps in the Labor Party, every second person coming in is asking you to do something improper. If that happens, particularly to new members of the Labor Party, I would suggest a very strong piece of advice: tell someone. When someone comes in and asks you to do something improper, tell someone. Do not sit there and pretend that you are going to do it and not do it. It is no defence to doing the wrong thing to say, "The commissioner doesn't like me; he's biased against me." It is no defence to doing the wrong thing to suggest that stringing someone along in these circumstances but not doing anything is adequate. I do not think it is adequate and the people of Western Australia do not think it is adequate. Most importantly, do not sit there and pontificate in the lower house like you are some sort of deity, when your history in this area is worse than that of the people you would sit in judgement of. His behaviour is a disgrace.

HON PETER COLLIER (North Metropolitan) [1.54 pm]: I just want to make a few comments on this motion. I did not intend to, but then the Leader of the House prompted and motivated me into action. As a direct result of the comments made by the Leader of the House, I am going to give a response.

I was really disappointed with the Leader of the House's comments on this motion. I have been in this place a long time and this is one of the most inoffensive motions one could ever hope to find. For the opposition to come into the house and ask it to acknowledge, note or emphasise something without condemning the government or identifying areas of special dereliction is extraordinary. Believe it or not, on most occasions in this place we all agree on things. That may be hard to believe out there in voter land; they assume we go for each other all the time, but we do not. We get on, and most legislation goes through with bipartisan support. On occasion, of course, there are motions that are offensive to one side, and that is because the motion asks the house to condemn one particular side or the other. That is pure politics.

This motion is not one such motion. This is an eminently sensible, legitimate motion. All Hon Nick Goiran is asking is for the house, through the Corruption and Crime Commission and the conventions of confidentiality and recognition of the significance of committees, to note the motion; nothing more, nothing less.

Having done that, the Leader of the House gave an extraordinarily shrill and, dare I say it, intemperate response that went on for all of five of her 45 minutes. It is unbecoming of a Leader of the House to give the government response to a motion in that manner. Quite frankly, I think it was designed more to rev up the backbench than anything; it sounded more like a three-quarter time football rev-up from a country coach in the 1970s—all that was missing was the expletives. She fundamentally lambasted Hon Nick Goiran and said what a ridiculous motion it was.

I challenge anyone on the other side to find one aspect of this five-part motion that is unreasonable. There is nothing unreasonable about it. What really got my goat was the fact that two or three times Hon Sue Ellery talked about the need to look forward, not backwards. When was the last time a minister of the Crown did not stand up and lambast the previous government? As I have said in the past, I am sure members opposite are given directions first thing every morning, and their first affirmation is the blame the Liberal Party, because they think that is good. It has traction out there in the community, so they have to keep on doing it.

I assume that from the fact that members opposite say it pretty much every time they stand up, but also from the fact that they get speaking notes after 12 months to tell them to say it; they were shoved under my door one day. We have speaking notes on everything they had to say: contentious issues briefing notes. Do not worry; I have already tabled it and members can get a copy, but for the benefit of new government members, your predecessors were told how to speak. They were told to talk about delivering strong financial management and budget repair that is fair.

Hon Nick Goiran: Things have changed; now they're not allowed to speak.

Hon PETER COLLIER: I stand corrected!

They were also told to say that they had no option but to fix the mess left behind by the Liberal–National government; that everyone would share the burden to help pay for the Liberals' and Nationals' out-of-control spending; that fixing the mess they had inherited would take time and that they would do everything possible to minimise the impact on struggling families and small businesses; and that there was no quick fix for budget repair, but that over time, they would bring the state's finances back under control, and would do it without selling Western Power.

One after another, they would stand up and we would get these lines rolled out. I would sit there as Leader of the Opposition watching them repeat those lines, word-for-word: "Bingo! You get a promotion!" The fact that speaking notes were actually delivered to all government members was obviously come in, spinner, as far as the government was concerned. Of course, it was inevitable that it would leak, and it did.

The irony of listening to Hon Sue Ellery constantly lambast Hon Nick Goiran for looking back and not looking forwards during her five-minute contribution did not escape anyone. Having said that, I looked at the motion once again and, again, I was staggered by the government's response; no other minister or government member is willing to stand and give, dare I say it, a more measured, moderate and logical response. The Leader of the House's response was unworthy of a government—it really was.

This motion deserves clarity. Over the last four years, we have watched the government decimate the conventions of this Parliament. Over the last two months, that decimation has accelerated; there will be nothing left of this place by the time we finish. Every single thing that is sacrosanct in upholding the integrity of this place is systematically being destroyed. As I have said, after every single one of us leave, Parliament will still be here; it has a long life. It is like Nero fiddling; after Rome burns, we will look back and say, "My work here is done" and there will be nothing left of Parliament. That is what is happening at the moment. I have sat here both as Leader of the Government and Leader of the Opposition and watched various conventions be systematically destroyed. This means little to members opposite; they know with a thumping majority that it means nothing. The pithy little thing called Parliament can be discarded. The people out there know that the government has a thumping majority. The government keeps on carrying on about the Libs having only two members in the Legislative Assembly and seven members in the Legislative Council—no-one else is left. The government is thumping its chest because, quite frankly, it thinks that that is all that matters but, as I have said over and again, as a former teacher and student of politics, a government's seeds of destruction are always sown in Parliament. You guys just need to look at your predecessors if you do not believe me about that. Members opposite should take note of exactly what Hon Dr Steve Thomas just said. As long as the government treats this chamber with contempt, we will see the demise of the chamber, the demise of accountability and the demise of the integrity of Parliament. Parliament has survived for more than 800 years; it will well survive the longevity of this government.

The age-old convention—I have said this over and again and I will keep on saying it—of pairs has been decimated because the Leader of the House could not get her own way. There are no pairs; "We want to win this vote so we're cancelling pairs." No standing order states that we have to adhere to pairs. For the benefit of members opposite, the opposition provides the government with pairs, not vice versa; that is the way it is. What happened, of course, is that because the numbers were so precarious, rather than the Leader of the House working with crossbench and Greens members to try to win over one vote on the gold tax, she decided to cancel pairs. That blew up in her face because she lost the vote. Two months later, the government brought up the issue of gold tax again. It could not accept the will of the house. It did not have a mandate for a gold tax but because it could not win the first time, it decided to have another go. Did the government do any work in the interim to try to work over members on the crossbench? Not on your life! I spoke to members on the crossbench and I know that the government did not speak to anyone. All of a sudden, it brought on the issue of a gold tax yet again. Pairs is a significant issue but all gloves are off now. Mind you, as long as I have air in my body, we will never compromise on any of the conventions.

The convention of Parliament is that the President is a member of the government of the day. However, because the numbers were so precarious, the Leader of the House tried to get one of the guys from this side of the chamber—I say "one of the guys" because she only spoke to the men—to take on the presidency and sacrifice Hon Kate Doust. In a way, I wish she had done that because I would have stood—in this instance, it would not have been breaking a convention because it is done all the time—and nominated Hon Kate Doust. I would have done that because that would have been appalling. Of course, no-one on this side of the chamber was going to go weak at the knees. That is exactly what happened.

Speaking about the finance bill, we keep hearing how terrible the Tories are on this side of the chamber. I can go through, right here and now, a plethora of bills from the last Parliament and see the hours upon hours of time that members opposite spent on bills that they supported. I will talk about that in a motion this afternoon because never on any occasion in the eight last years as Leader of the Government and Leader of the Opposition has Hon Sue Ellery spoken to me about reducing speaking times—never once.

Consensus is a big issue. Again, it is a convention, an unwritten rule, but it is always done by consensus. We like to think that it will be done by consensus; we talk behind the chair. The Leader of the House and I spoke constantly behind the chair, trying to get an arrangement. Now we are coming to the end of a session. At the end of a session, we always work together and decide what bills the chamber is going to get through. That was the way it was always done until last December. I have been through this before so I will not waste too much time on it. Suffice to say, we were told that the government had 18 bills to get through and we said, yes, we would get through as many as we could. We talked to everyone and held management meetings. I asked the government ad infinitum to provide a final list but it was not forthcoming. Rather than have extended sittings in the second last week, the government tapped the mat and we all went home. Then, for the next three months, all we heard the government say about every single bill, including bills that had not been heard of for two years and were all of a sudden resurrected, was "That was the terrible Libs that did that." Let me tell members right now it was not the terrible Libs; we would always facilitate the progress of bills. Was it the public sector bill?

Hon Tjorn Sibma: It was marooned on the very last day.

Hon PETER COLLIER: Was it the public sector bill?

Hon Tjorn Sibma: Yes, that was the one.

Hon PETER COLLIER: The government tapped the mat 18 months out and then apparently it was our fault. It was not brought back on nor listed for debate for over 12 months. That is what happened; that is the reality of the situation. That is fine; members opposite understand that most people do not sit glued to Parliament and most people do not read *Hansard* and, quite frankly, with an adoring media, they do not read about this in the media. There is no accountability. Members opposite know that all they have to do is bulldoze legislation through. They do not have to worry about conventions; they can trash them and this house and they will get their legislation through. That is what is happening over and again. It has not just been once or twice; it is happening constantly and that is what we have got here.

As I said, I do not see anything at all remotely unreasonable about this motion. What are members opposite afraid of? There is nothing about this motion that they should be afraid of. The motion seeks to legitimise a convention—it is not really a convention; it is a standing order—of committee secrecy provisions. Let me tell members opposite—I have been through this before—if members divulge committee information, they will lose their position. During my first term in the thirty-seventh Parliament, two members, one Labor and one Liberal, divulged committee information and they both lost their position in their party and in Parliament. Those are the repercussions; they are phenomenally powerful. Confidentiality is sacrosanct and that is what it comes down to with the Joint Standing Committee on the Corruption and Crime Commission. It is the perfect example of a committee that did the right thing. I have no absolutely no idea why that committee—I will talk about that committee because I do not know anything about its deliberations—decided not to recommend the reappointment of John McKechnie—no idea. The Liberal Party had one representative on that committee and that was Hon Jim Chown. Never once was anything discussed with anyone in the party room. The Greens had a representative on that committee, Hon Alison Xamon. When that committee refused or failed to get consensus on bipartisan support, it meant that Hon John McKechnie's nomination lapsed. That is a part of the standing orders of this Parliament. It lapsed. Not on your life! The atomic approach adopted by the government was unedifying. Relentlessly, constantly, consistently the Attorney General and the Premier were out there lambasting the Liberal Party for not appointing John McKechnie and saying that we were purportedly covering up corruption. We were terrorists; we were corrupt. These are not words I am just plucking out of the air—I have been through this so many times—they were used consistently, again, completely without foundation. All that the Liberal Party was doing in that instance was respecting the Parliament and the Joint Standing Committee on the Corruption and Crime Commission. The Attorney General was constantly lambasting Hon Liza Harvey, saying, "Why don't you pull Jim Chown into line? Tell Jim Chown what to do." We do not do that in the Liberal Party. We do not tell members what they have to do on committees. We simply do not do that; we respect the Parliament. That went on day after day, and every single time they liked to put these nice little sinister overtones about the "Black Hand Gang" and how we were protecting our mates in the Liberal Party. I find that absolutely offensive. It is completely and absolutely inaccurate, and it is highly offensive. It had nothing to do with that whatsoever. I never in a million years would have discussed with Hon Jim Chown if he made the decision, why he made it. I have great respect for him. That man and Hon Alison Xamon can hold their heads up high. They stayed resolute against constant lambasting, criticism and ridicule from the Premier and the Attorney General. They did not open their mouths, they did not pass comment and they did not respond. They were doing exactly what they should have done. They respected the Parliament and the committee system. For that they were absolutely chastised. As I said, my admiration goes to both of those members. Both have gone now. They can have left this Parliament knowing full well that they adhered to the conventions and standing orders of the Parliament.

We would like to think that everyone does the right thing—that they have similar principles and standards. What happened with the appointment of John McKechnie, and will no doubt continue tomorrow, completely blows that out of the water, because the atomic approach that has been adopted by the Premier and Attorney General is, "We're going to do it whether you like it or not." They will point to the fact that they had an emphatic win in the election and they have a mandate to put John McKechnie in. What they do not have a mandate for, and I will talk about this more tomorrow, is to change the rules when the outcomes are not what they want. It is like saying we have lost a game of football, but we are going to play again and change the rules so we win. That is exactly what we have here. Apparently someone has spoken to the Premier and the Attorney General, because they seem to know everything that happened on that joint standing committee. Somehow they seem to know what went on. As I said, I have never had a discussion with any members of that committee. All I know is that Hon John McKechnie could not get bipartisan and majority support—simple as that. That was ruled. It was a bipartisan committee, the point of that being that the appointment of the Corruption and Crime Commissioner was absolutely sacrosanct. It had to be impartial. I have said this before and I will say it again, and I will say a little bit more about John McKechnie tomorrow: I feel that because of the rantings of the Attorney General and the Premier, they made the position of John McKechnie as commissioner untenable. They made that position a political decision. It is because of them that there will now be a cloud over his head, whether he likes it or not, if tomorrow the house in its will makes that determination. I will have more to say about that tomorrow.

Getting back to this committee, it really disturbs me that the standards were there back in 2007, by which if someone breached the confidence of a committee, they were removed from that committee and would more than likely be removed from the Parliament. The Labor Party has now obviously changed its standards. What I am about to read

has been read into *Hansard* before but it is worth reading in again. Another member of that committee was a member of the Labor Party, not the chair, Margaret Quirk, but the member for Kalamunda, Matthew Hughes. Matthew Hughes evidently supported the appointment and he decided that he would put it on Facebook, no less. He decided that on social media, he would pass commentary on the joint standing committee proceedings. Do not take my word for it; I will read it through. He wrote —

> In the midst of the community's focus on responding to the COVID-19 pandemic, it is not surprising that other matters of great importance escape the notice of the public. The needless delay in the reappointment of the CCC Commissioner is one such matter.
>
> The Corruption, Crime and Misconduct Amendment Bill 2020 will be introduced into State Parliament this week. The Bill provides for the reappointment of CCC Commissioner John McKechnie QC for a period of five years commencing on April 28, 2020. Why is this necessary? You might well ask.
>
> The McGowan Government is taking the unprecedented step of introducing legislation that would reappoint Commissioner John McKechnie QC to Western Australia's premier integrity agency because the Parliament's Joint Standing Committee on the Corruption and Crime Commission failed to achieve bipartisan agreement to concur with the advice received by the Premier from the independent nominating committee chaired by the Chief Justice of Western Australia that John McKechnie QC be reappointed for a further term.
>
> These are the facts:
>
> Mr McKechnie's term as the head of the Corruption and Crime Commission (CCC) expires on April 28, 2020. Mr McKechnie is the only Commissioner to serve a full term and the first to seek reappointment.
>
> Mr McKechnie was the outstanding candidate of the three eligible nominees identified by the nominating committee, which was chaired by the Chief Justice of Western Australia, the Hon. Peter Quinlan SC.
>
> However, the parliamentary Joint Standing Committee on the Corruption and Crime Commission (JSCCCC) was unable to provide majority and bipartisan support for his reappointment.
>
> What bothers me, as a member of the JSCCCC, is that there was no requirement for the dissenting voice on the JSCCCC to provide documented justification for that dissent. In my opinion the unwillingness to concur with the recommendation of an independent nominating committee, which has been forwarded by the Premier-of-the-day as required by the Act, requires clear and rigorous justification, as much as it would have been expected of the Premier-of-the-day had he or she decided to make a recommendation for the appointment of a candidate other than the candidate recommended by the nominating committee.
>
> This unjustified dissent, and the resulting failure to achieve majority and bipartisan support, has left the re-appointment in limbo, leaving Parliament and the community to speculate why this position was arrived at. This outcome surely cannot rest simply on the solitary whim of the dissenting member. The appointment of a Commissioner of the CCC is an important affair of State.
>
> The Government will be seeking the support of the Parliament to deal with the Bill expeditiously this week.
>
> If the Bill is passed, it will ensure bipartisan and majority support of the whole of Parliament, not just the JSCCCC, for Mr McKechnie's reappointment to this important role.
>
> This is, I believe, a straight forward test of the leadership of Liza Harvey, the Leader of the Opposition. There is an incredible lack of coherent leadership on this matter by the Opposition. If the Opposition is not able to give bipartisan support to the reappointment of Mr McKechnie, then the Leader of the Opposition needs to tell Western Australians why that support was not and is not forthcoming.
>
> Beyond the current remedy, it is clear the Act needs to be amended to ensure this situation is never repeated.

The member for Kalamunda was saying to Liza Harvey, "Pull your man into line. Tell him what to do on the committee." They are the standards of the Labor Party. That is exactly what he said.

With that information, Hon Nick Goiran could have put something a little more, dare I say, robust, but he did not. He put —

> notes the comments of Mr Matthew Hughes, MLA, on 13 May 2020;

That is what he said in Parliament, which pretty much replicated that. Not only is the government just carte blanche saying, no, but also we have heard the ridiculous response of the Leader of the House.

Matthew Hughes also went to the media and spoke about the matter. The *Echo News* dated Friday, 22 May 2020, in part, because it is quite a long article, states —

> An attempt to send Mr Hughes to the Parliamentary Procedure and Privileges Committee followed, an attempt which failed.
>
> Despite this, Mr Hughes told *Echo News* he is maintaining his line that reasons should be provided.

> While he stopped short of saying this was the most stressful period of his parliamentary career, there is no doubt he has been under the spotlight.
>
> "My parliamentary career has not been a long one but this is an unusual circumstance certainly," he said.
>
> "There's no requirement under the act for the committee to provide any reasoning," he said.
>
> "He's the most outstanding candidate.
>
> "His initial appointment gained bipartisan support so I am mystified as to why this support had not continued, despite the public support both sides of politics have given him.

I just love this —

> "We can't disclose how we vote but it doesn't take much to work out which members didn't support Mr McKechnie.

Which, by design, means that he did. The article continues —

> "Unless the committee is prepared to provide a report or its minutes, we may never know what the reasons were for the dissent, the magnitude of those reasons or if they carry any weight.
>
> "My own view is that the pre-formed opinion about the unsuitability of Mr McKechnie is perversely based on the fact he has been the most effective commissioner."

Matthew Hughes can think like that all he likes, because I do not know and no-one else knows, unless someone breached the confidence of the committee. No-one knows that. All I know is that I respect Hon Jim Chown and Hon Alison Xamon and I respect the role that they played, and I respect the work of Hon Margaret Quirk who, quite frankly, performed a similar role. She respects the integrity of committees.

If that is now the new benchmark for committee deliberations that the Labor Party has set—the atomic approach: our way or the highway—members should be very, very fearful about what will happen in every committee that they sit on. The new precedent of this new administration is that if the government does not get its own way, it is okay for a committee member to go out and speak publicly. That is what it is saying. Gone are the days when a committee member who divulged information of a committee would get sacked. They are the good old days of integrity for the Labor Party. Now, if we do not deliver what the Labor Party wants, it will go public—not only that, it will change the rules so it can have another go.

What happened as a result of that? The Attorney General tried to introduce legislation. The opposition said no to that. Then the Attorney General tried to do a sweetheart deal with Hon Liza Harvey and sent her a letter saying, "What about if it is just the Liberal Party or the Labor Party?" There would be a handshake across the chamber and the two major parties would decide on who would be the Corruption and Crime Commissioner, totally alienating and ignoring the Nationals WA, the crossbench and the Greens. Of course, we gave that the single-finger salute, because it was just not going to happen. Again, the Labor Party assumed that we would lower our standards. That is just not going to happen.

As a result, of course, that brought up an enormous amount of public interest and then the Attorney General and the Premier really lost the plot. The foot stamping came in and the terrorist and corruption comments came out, but we stood firm. I say yet again—I am not speaking for all members of the Liberal Party, but I assume they have the same view—that if there has been anything untoward or any illegal actions, I hope that the people who performed those illegal acts suffer the consequences. I would like to think that within a very short space of time, once the Supreme Court action is taken, the CCC will get the laptop. I really hope it gets the laptop, but it cannot have the privileged information. That is not unreasonable. I have been through this before. As I said, every profession on this earth, and particularly the 800-year-old convention of the Parliament, is that privilege is sacrosanct. If we are moving down the road and saying that there are going to be exceptions, I would love the government to ask a doctor whether he will divulge information about a patient. I would love them to ask a doctor, "What's going on? He's looking a bit sick. Is he okay?" Of course, the doctor will not tell them anything. What would happen if we were to ask a lawyer about their client and he said, "I'll tell you on the side that I think he's guilty, but don't tell anyone." What would happen if we asked a journalist about their source? Apparently, we have got that standard now in the Labor Party. What would happen if we were to say to a journalist—none of whom bother to come here anymore; they regard us as irrelevant because they figure it all happens in the other place—to provide us with their source. Of course, they would say no.

As I have said, members of this chamber have people consistently come to them in confidence. I promise members that I have hundreds upon hundreds of them. That is why we had the Balga works revelations way back in 2006, when we found a very corrupt system was operating within our training sector. That took a special section of the estimates committee, which I joined as a member at the time. If all of that confidence is gone, no-one will come and see us. If they know that they cannot speak to us in confidence, they will not speak to us. Would members like everyone to have that information? That is all we are asking. That is all we want. If we start to chip away at the integrity of committees, that is going to happen.

I will come back to the laptop that everyone is talking about. I do not care if the CCC has the laptop; it just cannot have the privileged information. That is what the privileges committee decided. This house agreed that the CCC could have the information, but it could have it through a process whereby the privileged information would remain sacrosanct and the CCC could have the non-privileged information. How is that possibly unreasonable? It is not. It is not unreasonable. For goodness sake, that is the way in which it has been operating for 800 years very effectively. But, apparently, that is not good enough for the Labor Party. If it does not get its way, it is going to change the rules and try again.

In fact, the Joint Standing Committee on the Corruption and Crime Commission totally agrees with me on this. After Matthew Hughes, the member for Kalamunda, decided to go public and tell the whole world via his Facebook page and the *Echo News* what was going on in the deliberations of that committee, the committee decided, quite rightly, to put out a public statement, because, quite frankly, the integrity of that committee was under scrutiny. It was being lambasted by the Premier, the Attorney General and the media and being asked why it had not appointed John McKechnie. That committee had its reasons. Dare I say it, I have every reason to believe it was not political.

With that said, to its credit, the joint standing committee, just a week later, on 23 April 2020, put out a media release. Remember that this is the same committee that Hon Jim Chown, Hon Alison Xamon and Matthew Hughes sat on. The chair of that committee was Margaret Quirk from the Labor Party. The media release headed "Reappointment of the Corruption and Crime Commissioner, John McKechnie QC" states —

> The Committee met on 22 April 2020.
>
> It took into account the matters which were recently brought to the Committee's attention by the Premier.
>
> Again it was unable to reach either a bipartisan or a majority decision in support of the recommendation to reappoint the current incumbent.
>
> The Committee operates under Standing Order 270:
>
> > "Committee deliberations will be conducted in closed session."

They are confidential. That is quite legitimate. The media release continues —

> However, because of unfounded public speculation about the motives for the Committee's previous deliberations, it has resolved to unequivocally reject any suggestion that the motivation for any members not supporting the appointment recommendation was the Corruption and Crime Commission's focus on parliamentary electoral allowances.
>
> A range of reasons were canvassed at length. As has been the practice since the Committee's inception, all points of view by members were made in good faith and given respectful consideration.
>
> The nature of those discussions is not detailed because it includes information provided by third parties in confidence and matters which may impact on the operational performance of the Commission.
>
> As has been the previous practice, the Committee interviewed all persons on the list considered by the nominating committee. We note in the report of the nominating committee that, although the incumbent is described as outstanding, the observation is also made that "each of the nominees is qualified for appointment to the position of Commissioner."
>
> This Committee notes that a suggested 2016 amendment to the provisions of the Corruption, Crime and Misconduct Act 2003 dealing with the appointment of both the Commissioner and Parliamentary Inspector has never been introduced.
>
> That recommendation occurred after a similar dilemma had arisen where the previous Joint Standing Committee "recommended to the Premier that he appoint a person other than the proposed candidate due to a specific operational reason for the Commission." (See JSCCCC report: The efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the CCC, Report No. 31, tabled in November 2016)
>
> Given support for the incumbent by both the Opposition Leader and the Premier, discussion on what did, or did not, occur in the Committee, and imputing motives to individuals, does not progress a constructive way forward.

I will read that paragraph again —

> Given support for the incumbent by both the Opposition Leader and the Premier, discussion on what did, or did not, occur in the Committee, and imputing motives to individuals, does not progress a constructive way forward.
>
> The Committee further notes that the Parliamentary Inspector's position has recently become vacant and an analogous process must be followed under section 189 of the Corruption, Crime and Misconduct Act 2003. To the extent that the current process for appointments is deficient, any amendments should take into account the need to amend that section.

That media release was put out under the name of Margaret Quirk, the Labor chair of that committee. The committee felt so motivated by the false public commentary that was going on, particularly by the Premier and Attorney General, no doubt, that it felt it necessary to put out that media release. That media release pretty much says in a much more succinct form exactly what I have been saying for the past 35 minutes. There was no pushing, there was no shoving and there was no intimidation—none of that. What there was, I might add, was a committee of this Parliament coming to a reasoned judgement based upon the facts in front of it. I do not know what those facts are, but they were there. Interestingly enough, after the last Parliament and into the forty-first Parliament, a new joint standing committee was established, and guess what? It also could not get bipartisan majority support. Look out to those non–Labor Party members of the committee. I ask members to think for one second outside of the tribal party box. Perhaps there is something else there that the committee knows that we do not know. Just perhaps, we might have members of the committee who are acting with integrity and as they should within the rules and confines of the standing orders of the committee proceedings. They are not being intimidated. They are not sitting out there watching the unedifying performance of the Premier and Attorney General saying how terrible and corrupt they are; they are actually looking at the information and saying that it is the right thing to do. Perhaps they are doing that. We can only assume that. I would like to assume that, because that is what we have. Even if they have done that, it will not really matter because tomorrow we will have another trashing of the conventions and the government will bring in a bill to say "up you" to the Joint Standing Committee on the Corruption and Crime Commission; we will appoint him via legislation.

Is there nothing to see here? Why on earth is the Labor Party so intent on reappointing John McKechnie? Members cannot for a moment say that the proceedings of the CCC have stalled, because they have not. There was a public hearing—I will talk about this tomorrow—in November last year. The assistant commissioner said that the commission has been operating just fine. Not only that, but also it has been working on Operation Betelgeuse with regard to the laptop. It has not stopped anything. Nothing has been stalled or stopped. The CCC has not come to a grinding halt. It continues to work, and to work very effectively. We have had a number of reports from the CCC. Do not take my word for it, guys; go on to your laptops, look at the CCC website, look at the reports and look at the witness statements from the public hearing of November last year in which the CCC said that everything is fine and it is still operating. To assume that somehow we must have John McKechnie there for everything to wind up again is without foundation. That is why in another hour, or whenever it is, we will debate changing the speaking times so that tomorrow we can rush through the legislation to reappoint John McKechnie. That is what this is all about, and members wonder why I get incensed by this sort of stuff. That is exactly what is happening here. The government is trashing the conventions of the chamber to get its own way. I just wish it would say, "Goodness gracious, there is an issue here." Two separate committees have said that they cannot get bipartisan majority support. Please, just for one moment think outside the square and consider that there may be something else. I do not know whether there is, but I do know that I very much respect the integrity of our committee system, until we get members who go out and put the committee deliberations on Facebook and talk to the media.

Having said that, I will finish where I started. Originally, I had not intended to speak on the motion because I genuinely thought that the government might support it, or that the government would not oppose it, at least, because there is absolutely nothing at all in it that is remotely offensive. Hon Nick Goiran could quite easily have been robust with the wording of his motion, but he has not. He has been moderate and reasoned and he has provided an opportunity to do something that we need to do, which is to highlight the operations of the committee system and to highlight the sacrosanct convention of confidentiality. That is all he is doing by moving this motion, and for that reason I will most definitely be supporting it.

HON NICK GOIRAN (South Metropolitan) [2.37 pm] — in reply: There being no further speakers, I move to reply to the motion so that the debate on it can be concluded. In doing so, I remind members that the decision we make on this motion this afternoon will set the standard and the tone for this forty-first Parliament. I remind members that this is, as best as I can recall, the fourth motion on notice that has been debated in this forty-first Parliament. The first motion was a motion that I moved looking to establish a select committee into government transparency and accountability. Some members were not here for that debate, because we still had members from the previous Parliament serving in the Council. For the benefit of new members, the outcome of that particular motion was a negotiated outcome. The second motion that was moved, as I recall, was moved by the Leader of the House pertaining to certain natural disasters that had occurred in Western Australia. As I recall, that motion received the unanimous support of members. The third motion on the deaths of two Western Australians was moved by me and was unanimously supported by members. A negotiated form of words was agreed, and I again acknowledge the Parliamentary Secretary to the Attorney General and the Office of the Attorney General for working together with me to achieve that agreed form of words to identify the problem with the Coroners Act 1996 and to find a way forward.

Now the fourth motion is available for debate and consideration by members. I recount that history for the benefit of members, particularly new members, to demonstrate that there has been goodwill across the chamber on the last three motions that have been debated. This is the fourth motion. It is because of that history that I chose the form of words that are in front of us now. I would personally rather that the house agreed in a moment to a form of words that condemned the comments of the member for Kalamunda in the last Parliament, for the reasons I articulated last

week. However, my desire is to make sure that we set the right standard and the right tone for this Parliament moving forward, particularly for members of this chamber as they undertake their work in parliamentary committees. It seemed to me when drafting this motion that the only way to achieve that was to use moderate, temperate language in the motion before the house. It beggars belief that after I moved the motion and spoke on it last week, six members of this chamber have contributed to the debate. All bar one indicated support or sympathy for the motion, yet the Leader of the House has indicated, on behalf of all government members, that they will oppose the motion. I simply ask those members to consider very carefully what they are about to do. According to the riding instructions given to them by their leader, they are about to oppose an acknowledgement of the ongoing important role undertaken by the Joint Standing Committee on the Corruption and Crime Commission. If they oppose that motion, it follows that they do not think the Joint Standing Committee on the Corruption and Crime Commission is undertaking an important role. They are entitled to that view, but I find that staggering. If that is the view of the government, we should disband the committee. I do not believe that members in their heart of hearts do not acknowledge the ongoing and important role of the Joint Standing Committee on the Corruption and Crime Commission. I cannot imagine that they are being authentic and genuine in opposing that limb of the motion.

I turn to the second limb and remind members that it notes—to paraphrase it—that that joint standing committee operates under the auspices of the Legislative Assembly and its standing orders. If members do not agree with that, I encourage them to look at schedule 1 of the Legislative Council standing orders, which sets out the terms of reference for committees. Chapter 9.5 states —

> Without limiting the effect of anything contained in Assembly Standing Orders 289 to 292, the Standing Orders of the Assembly relating to standing and select committees will be followed as far as they can be applied.

This is found in our standing orders under the terms of reference for the Joint Standing Committee on the Corruption and Crime Commission. Again, I say to members that if they do not agree with the second limb of the motion, they are disagreeing with our own standing orders.

The third limb simply asks members to note the comments of Mr Matthew Hughes, MLA, on 13 May 2020. I am not asking members whether they agree or disagree with him, because I am sure that multiple members in this place strongly disagree with the comments the member for Kalamunda made last year. However, I am not asking them to commit to that process; I am simply asking them to note them. The member stands condemned for those comments. The fact that the member for Kalamunda still has not apologised on the public record to Hon Alison Xamon for referring to her as the handmaiden to the executioner on 14 May last year, more than a year ago, speaks volumes. He stands condemned for those comments. I know that fair-minded members opposite in their heart of hearts will be appalled by those comments of the member for Kalamunda. Again, I am not asking them to go as far as that. All we are asking them to do is note those comments.

We are also asking members to note the content of Legislative Assembly message 9, received on 26 May 2021. If members chose to oppose that limb of the motion, what does that say about their respect for the other place? What does that say for the message that has been delivered by the President of this place? And why is it that no member opposite has offered any reason or justification for opposing any of those first four limbs? None has been provided.

I take members to the last limb of the motion, which reads —

> emphasises its expectation that all members serving on any parliamentary committee in this forty-first Parliament will respect and adhere to the standing orders under which their committee is operating;

I ask members opposite to consider whether they really want to be standing on the side of the chamber that will record their vote permanently as a legacy, as a no vote, to expressing an expectation that they will respect and adhere to the standing orders under which committees operate. Do they really want to have their name listed there? A number of members opposite must feel very, very, uncomfortable about the decision made by the Leader of the House. I do not profess to understand the workings of the government party. However, as it has been relayed to me, once the caucus has made a decision, everyone is obliged to support that position. Nevertheless, members opposite should give serious consideration to the fact that it is their name and their vote that gets recorded. I personally have grave reservations serving on any parliamentary committee in this forty-first Parliament with any member who is unwilling to support this motion.

I say that in the context of having served on a committee with the Leader of the House in a previous Parliament. The Leader of the House and I were on an inquiry undertaken by the Standing Committee on Procedure and Privileges, and at no stage during the course of that inquiry or since have I ever felt that the Leader of the House breached committee deliberations—not once. In the last Parliament I had the opportunity to serve with the government Whip, and at no time in the last Parliament or since then have I felt that he has revealed committee deliberations—not once. In the last Parliament I served with Hon Dr Sally Talbot. She was the Chair of the Standing Committee on Legislation. Throughout that time and since I have never once felt that Hon Dr Sally Talbot has revealed committee deliberations—not once. I have served with these members, in addition to Hon Matthew Swinbourn, with whom I had the opportunity to serve on the Select Committee into Elder Abuse for a year, and never once did I find during my time on that committee, or since, that the honourable member revealed committee deliberations—never once. My

good friend Hon Kyle McGinn served with me on the Joint Select Committee on Palliative Care in Western Australia, and never once during the course of that inquiry, or since, did I find that that member revealed committee deliberations. These are members of the party opposite with whom I have had the opportunity and honour to serve. We may not have always agreed, but we did our job. Those members did so with distinction because they complied with, respected and adhered to the standing orders. I would like to think, Acting President, that if you were to ask any one of those members, they would say the same about me.

I am simply asking the 36 members of this chamber to draw a line in the sand and say that whatever may have happened in the fortieth Parliament, whatever may or may not have happened in a committee on which the member for Kalamunda did or did not serve, that is all behind us. In accordance with the pleas of the Leader of the House, we are looking forward in this forty-first Parliament and we are saying, as the 36 members of this place, that we respect the standing orders and we will adhere to them. That is what we are voting on. In less than a minute, members will have the opportunity to decide where they sit on that. I hope that members will join me in expressing our expectation that in this forty-first Parliament the people of Western Australia can have the confidence to know that the Legislative Councillors will respect and adhere to the standing orders. I hope that is the case and I hope it is unanimous. If it is not, members, it is your name that is permanently on the record as a legacy, as a member of the Legislative Council who said, "No, I do not respect the standing orders and I will not adhere to them." That is the question before the house. I ask members to provide their support for the motion.

Division

Question put and a division taken, the Acting President (Hon James Hayward) casting his vote with the ayes, with the following result —

Ayes (11)

Hon Martin Aldridge	Hon James Hayward	Hon Dr Steve Thomas	Hon Dr Brian Walker
Hon Peter Collier	Hon Steve Martin	Hon Neil Thomson	Hon Colin de Grussa *(Teller)*
Hon Nick Goiran	Hon Tjorn Sibma	Hon Wilson Tucker	

Noes (21)

Hon Klara Andric	Hon Peter Foster	Hon Shelley Payne	Hon Dr Sally Talbot
Hon Dan Caddy	Hon Lorna Harper	Hon Stephen Pratt	Hon Darren West
Hon Sandra Carr	Hon Jackie Jarvis	Hon Martin Pritchard	Hon Pierre Yang *(Teller)*
Hon Stephen Dawson	Hon Alannah MacTiernan	Hon Samantha Rowe	
Hon Kate Doust	Hon Kyle McGinn	Hon Rosie Sahanna	
Hon Sue Ellery	Hon Sophia Moermond	Hon Matthew Swinbourn	

Question thus negatived.

BUSINESS OF THE HOUSE

Standing Orders Suspension — Motion

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

That so much of standing orders be suspended so as to enable orders of the day to be taken forthwith.

TRANSPORT LEGISLATION AMENDMENT (IDENTITY MATCHING SERVICES) BILL 2021

Introduction and First Reading

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

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.59 pm]: I move —

That the bill be now read a second time.

The Transport Legislation Amendment (Identity Matching Services) Bill 2021 will implement the Intergovernmental Agreement on Identity Matching Services, which was endorsed by the Premier and other first ministers at the special meeting of the Council of Australian Governments on counterterrorism on 5 October 2017. Its content is based on legislation that was previously considered by the Parliament in the form of the Transport Legislation Amendment (Identity Matching Services) Bill 2020, which lapsed with the prorogation of Parliament in December 2020. However, a number of the bill's provisions have been amended to address recommendations of the Standing Committee on Uniform Legislation and Statutes Review in its report tabled on 11 August 2020. The committee made five recommendations for amendments to the 2020 bill. The relevant amendments are now provided for in this bill, and I will describe them in more detail in a moment.

The objective of the IGA is to facilitate the secure, automated and accountable exchange of identity information, with robust privacy safeguards, in order to prevent identity crime and promote law enforcement, national security, road safety, community safety and service delivery outcomes. One part of this work is to build the national driver

licence facial recognition solution. The solution is a technical platform that facilitates the sharing of driver's licence information between commonwealth, state and territory governments under strict access conditions. It is part of the commonwealth government's face-matching services.

Within the solution system there are secure databases which hold each Australian state and territory's driver's licence information, separate from each other. Western Australia will always maintain control over and access to its own data and can withdraw, with notice, from the solution or suspend access to WA data at any time. As host of the solution, the commonwealth Department of Home Affairs cannot see or modify identity information data that is contained within each state or territory's database.

The bill will amend Western Australian road laws: the Road Traffic (Administration) Act 2008 and the Road Traffic (Authorisation to Drive) Act 2008. It will also amend the Western Australian Photo Card Act 2014. This will allow the Department of Transport to contribute Western Australian learner's permit, driver's licence and photo card facial images, along with identifying information such as name and address, to the solution. The face-matching services will allow members of the community, with their consent, to quickly and easily have their identities verified when engaging with government—for example, when applying for a driver's licence, learner's permit or photo card—by matching their facial images with images on official government records. The face-matching services will also benefit victims of natural disasters who have lost their identity documents.

Western Australia's ability to access the face-matching services, enabled by this bill, will help deter crime, prevent identity theft and provide law enforcement agencies with a powerful investigative tool to identify people who may be associated with serious criminal activities. Identity crime is one of the most common and costly crimes in Australia, with around one in 20 Australians becoming a victim of identity crime each year, at an estimated annual cost of $2.2 billion. The face-matching services will also help Western Australians who have become victim to identity theft more easily restore their compromised identities.

The face-matching services will help prevent and detect the use of fake or stolen identities, which can be key enablers of fraud, organised crime and terrorist activity, and protect Western Australians by making it easier for law enforcement agencies to identify people who may be of interest in relation to criminal activities. The face-matching services will use sophisticated, secure facial recognition technology to streamline existing, resource-intensive manual processes for verifying known persons' identities and identifying unknown persons. This will speed up and improve the provision of customer service and law enforcement investigations.

The current document verification service, hosted by the commonwealth Department of Home Affairs, cannot detect documents such as a driver's licence that contains a fraudulent photo but a legitimate name and address; nor can it identify an unknown person from a facial image. The document verification service is currently used by WA government agencies and the private sector to verify identification information on driver's licences and other government-issued identity documents. The face-matching services will also improve road safety by increasing the detection and prosecution of driving offences by making it harder for persons to obtain a driver's licence with false identities to avoid traffic fines, demerit points, driver disqualifications and licence cancellations.

Existing WA road laws and photo card legislation provide strict conditions around how facial images and identifying information are collected, stored, used and disclosed, to ensure that the privacy of Western Australians is protected. Current legislation permits release of individual facial images upon request to the Western Australia Police Force, the Australian Security Intelligence Organisation, and, with the prior approval of the Commissioner of Police, prescribed law enforcement officials. Although the bill will expand disclosure provisions, it will provide strict conditions around how facial images and associated personal information will be disclosed via the face-matching services. Department of Transport customer information will be subject to strong safeguards through legally binding identity-matching services documents called participation agreements, and participation access arrangements. These will be signed by senior representatives of other states and territories before access is granted to Department of Transport customer identifying information.

The national driver licence facial recognition solution has been designed and built with robust privacy safeguards in mind and has been subject to detailed privacy impact assessments and data security assessments. The Department of Transport acknowledges that strict privacy controls must be in place to protect the privacy of WA customer information, and has engaged a specialist privacy consultant to undertake a privacy impact assessment on its participation in the solution and use of face-matching services. WA identifying information will be accessible only by authorised agencies and by individuals within those agencies who are also appropriately authorised and have undertaken required training. Access will be subject to a robust audit and compliance framework and independent oversight.

The face-matching services cannot be used to conduct real-time monitoring or live facial recognition of people in public spaces—sometimes referred to as mass surveillance—or identify people to investigate minor offences, such as jaywalking or littering. This will enable participating government agencies and organisations to verify a known identity with the consent of that customer through the face-verification service. Due to strict privacy protections in the commonwealth Identity-matching Services Bill 2019, only agencies with law enforcement, national security or anti-corruption functions will be able to identify an unknown person through the face-identification service.

The bill also supports this government's digital reforms, with a focus on delivering convenient, smart and secure services through central coordination and cross-sector collaboration. These build on the foundations of the of digital service delivery set out in the *Digital WA: Western Australian government information and communications technology (ICT) strategy 2016—2020*.

As mentioned previously, the Standing Committee on Uniform Legislation and Statutes Review tabled its report on the 11 August 2020, making five recommendations for amendments to the 2020 bill, with relevant amendments now provided for in this bill. These amendments are summarised as follows.

First, it is proposed that the substantive provisions of the act will now commence on the day after royal assent.

Second, noting concerns about the potential use of regulations to widen the future use of identifying information, the bill will now limit the disclosure of identifying information to the purposes set out in the intergovernmental agreement. This means that in order for the information to be used or disclosed, in addition to existing requirements for the person to be prescribed in regulations, the authorised purpose as prescribed in regulations will also need to be aligned to the purposes of the IGA. These reasons include preventing identity crime, general law enforcement, national security, protective security, community safety, road safety and identity verification.

Third, the bill now specifies that identifying information relating to driver's licences and learner's permits may not be used for civil proceedings except for named acts. This is in accordance with the original intent, but houses these provisions in the act rather than in regulations.

Fourth, aligned with the third point, the bill now specifies that identifying information relating to WA photo cards may not be used for civil proceedings except for named acts. This is in accordance with the original intent, but houses these provisions in the act rather than in regulations.

Fifth, the bill has been amended to now introduce reporting requirements for the Department of Transport to publish annual reporting regarding the use of WA records in the National Driver Licence Facial Recognition Solution. The committee called for a three-yearly review of the legislation and we believe that regular annual reporting will provide greater transparency and accountability regarding WA's support to this national work.

Sixth, although not a committee recommendation, the bill now contains a provision that the testing of computer systems will be an authorised purpose for using licensing records. Connecting the WA driver registry of 1.9 million records to the WA-controlled partition in the National Driver Licence Facial Recognition Solution is a complex undertaking with considerable lead time. The Department of Transport has been working on these systems over the past three years. Only so much can be done with dummy records, and authorising the use of real customer data in the development of computer systems means that there will be greater levels of security and efficiency in the final system. The testing does not allow for a WA record to be accessed by a participating agency for an operational purpose. It is to determine whether WA images meet requirements for photograph biometric quality, as well as ensuring that the system connection between Department of Transport systems and the solution works as it should.

Pursuant to standing order 126(1), I advise that this bill is a uniform legislation bill. It gives effect to an intergovernmental agreement to which the government of this state is a party. This bill, by reason of its subject matter, introduces a uniform scheme throughout the commonwealth.

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

[See paper 340.]

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

FAIR TRADING AMENDMENT BILL 2021

Introduction and First Reading

Bill introduced, on motion by **Hon Alannah MacTiernan (Minister for Regional Development)**, and read a first time.

Second Reading

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [3.11 pm]: I move —

That the bill be now read a second time.

The purpose of the Fair Trading Amendment Bill 2021 is to improve the operation of consumer law in Western Australia by providing a mechanism for updating the contents of the Australian Consumer Law as it applies in this state to provide for consistency with the national consumer law going forward. The amendments will enable all businesses and consumers in WA to better understand their rights and obligations and enjoy the full range of protections provided at any given time under the national law.

The bill will update the Australian Consumer Law as it applies in WA to incorporate amendments made to the commonwealth legislation between the current adoption date of 26 October 2018 and 1 June 2021. More significantly, it will reduce the time lag between future amendments being made to the Australian Consumer Law as it applies in all other Australian jurisdictions and those amendments being made to the Australian Consumer Law as it applies in WA.

The amendments made by this bill were originally included in the Western Australian Fair Trading Amendment Bill 2018, which was introduced into this house on 27 June 2018 and immediately referred to the Standing Committee on Uniform Legislation and Statutes Review for consideration and report. The committee acknowledged in its 119th report dated November 2018 the desirability of eliminating or reducing the prospect of WA being out of step with other jurisdictions in the context of the national scheme. It found, however, that the proposed disallowance mechanism made an attempt at, but fell short of, preserving the sovereignty of WA's Parliament.

During the second reading debate on the Fair Trading Amendment Bill 2018 in this house on 20 and 21 March 2019, it was agreed that in order to address the concerns of the committee, a new bill to provide a revised mechanism, drafted by Parliamentary Counsel and based on the preferred option set out in the committee's report, would be introduced. The remaining uncontroversial components of the Fair Trading Amendment Bill 2018, which primarily updated the contents of the Australian Consumer Law as it applied in WA to reflect amendments from January 2013 to October 2018, progressed through this house with unanimous support; and, following its passage in the Legislative Assembly, it became the Fair Trading Amendment Act 2018. A new bill, the Fair Trading Amendment Bill 2019, with the revised disallowance mechanism, was subsequently introduced and referred to the committee on 3 April 2019. The committee tabled its 123rd report on 20 August 2019, but the debate did not resume during the course of the fortieth Parliament and the bill lapsed. The bill has now been reintroduced as the Fair Trading Amendment Bill 2021. It is essentially the same as the 2019 bill, with minor drafting amendments to implement the recommendations of the committee in its 123rd report, which are supported by the government.

I will now provide some details about the key reforms included in this bill. The Fair Trading Act 2010 currently applies the commonwealth Australian Consumer Law as in force at a nominated point in time as the Australian Consumer Law of WA. This point in time is currently 26 October 2018, being the date on which the Fair Trading Act 2010 was last updated. The result of the interaction of commonwealth and state laws is that commonwealth amendments apply directly to constitutional corporations trading in WA—around 80 per cent of traders—but not to other forms of enterprise, such as sole traders or business partnerships. The lack of consistency between the commonwealth ACL and the ACL WA is confusing for traders and consumers, with small businesses particularly disadvantaged. This inconsistency presents a serious issue for enforcement. Under the Intergovernmental Agreement for the Australian Consumer Law, the Commissioner for Consumer Protection in WA has primary responsibility for enforcement of the state's consumer law. The commissioner draws enforcement powers from the Fair Trading Act 2010 but only in respect of the ACL WA. The commissioner has no statutory authority to deal with breaches of the commonwealth ACL by traders in WA until such time as changes to the commonwealth ACL have been inserted into the ACL WA. This effectively denies consumers and small businesses the benefit of having consumer laws operate in WA because the commissioner is powerless to address noncompliance when national consumer laws have not been incorporated into the local version.

Although updating the Fair Trading Act 2010 to incorporate a more recent version of the commonwealth ACL addresses the current inconsistencies, it does not address the ongoing issue of there being a significant time lag between the application of commonwealth ACL amendments to constitutional corporations and the enactment of legislation to incorporate those amendments into the ACL WA. Unless the WA Parliament agrees to address this issue by supporting the proposed mechanism in this bill, the number of inconsistencies and problems with unenforceability will increase because a raft of amendments recommended by the 2017 review of the Australian Consumer Law will, over the next few years, work their way through the commonwealth Parliament. These will potentially include the insertion of a general safety provision into the commonwealth ACL to compel manufacturers and traders to assess the safety of a product prior to offering it for sale; strengthening the consumer guarantees regime, particularly with regard to high-value goods that fail shortly after purchase; and ensuring that manufacturers, and not just traders, have a responsibility for the repair or replacement of defective products. For this reason, the bill will replace the current ACL WA application provisions with a new application provision that provides for the timely insertion of changes to the commonwealth ACL into the WA ACL.

The bill includes a mechanism to preserve the sovereignty of the WA Parliament that is consistent with recommendations of the Standing Committee on Uniform Legislation and Statutes Review in its 119th report. Importantly, the proposed mechanism provides that all future amendments to the commonwealth ACL must be tabled in the Parliament and may be disallowed by either house prior to coming into effect in WA.

In its 123rd report, the Standing Committee on Uniform Legislation and Statutes Review recommended that the disallowance mechanism in the bill should permit the partial disallowance of commonwealth amendments. This recommendation has not been accepted by the government. The Department of Mines, Industry Regulation and Safety has advised that partial disallowance of amendments could give rise to issues with regard to participation by WA in the national scheme. The intergovernmental agreement that supports the national operation of the Australian Consumer Law requires participating jurisdictions to maintain consistent legislation. It is important that if the WA Parliament decides that parts of the commonwealth ACL should not be incorporated into the WA ACL, that amendments are incorporated by way of an amendment bill. This will permit consideration of the potential impact of any inconsistency so that this risk can be managed through the process of drafting and implementing an adopting bill.

I also note that in its 123rd report, the committee recommended amendments to standing orders to ensure that amendments receive effective scrutiny where required, and that disallowance motions in respect of commonwealth ACL amendments receive appropriate priority in the course of parliamentary business. Parliamentary Counsel is of the strong view that the legislation should not make reference to standing orders, and that these procedural issues are a matter for separate consideration by the Parliament.

The proposed amendments will improve the operation of the WA ACL and the administration of the Fair Trading Act 2010 to the benefit of all stakeholders. As there have been a number of amendments to the commonwealth ACL since the last amendments were made in WA, clause 5 of the bill will update the Fair Trading Act 2010 to incorporate amendments to the commonwealth ACL made between 26 October 2018 and 1 June 2021 into the WA ACL. This will result in the incorporation of amendments made in three commonwealth acts. The first is the Treasury Laws Amendment (2020 Measures No. 6) Act 2020, which received royal assent on 17 December 2020. The amendments improve protections provided to consumers where there are a series of failures, such as is the case of a "lemon" motor vehicle, by providing that a series of minor failures can be treated as a major failure for the purposes of access to remedies. The second is the Competition and Consumer Amendment (Australian Consumer Law—Country of Origin Representations) Act 2020, which received assent on 10 November 2020 and provides improved access to the "Made in Australia" logo for complementary medicines encapsulated in Australia. The third is the Financial Sector Reform (Hayne Royal Commission Response) Act 2020, which received assent on 17 December 2020 and makes minor consequential amendments to update references to sections of the Corporations Act 2001.

In previous reports, the Standing Committee on Uniform Legislation and Statutes Review has confirmed that the previous bills, through the proposal of a mechanism for automatic adoption of commonwealth law, proposed to introduce a uniform scheme or uniform laws within the meaning of standing order 126(2)(b). On that basis, pursuant to standing order 126(1), I advise that this bill is a uniform legislation bill. It is a bill that, by reason of its subject matter, is a part of a uniform scheme or uniform laws throughout the commonwealth.

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

[See paper 341.]

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

TEMPORARY ORDERS

Motion

HON SUE ELLERY (South Metropolitan — Leader of the House) [3.26 pm]: I move —

> That the temporary orders set out in the attached schedule be adopted and agreed to until their expiry at the end of the forty-first Parliament.

[The schedule is as follows.]

TEMPORARY ORDER

MOTIONS ON NOTICE

1. Duration of Temporary Order

This Temporary Order applies from 1 July 2021 until the end of the 41st Parliament.

2. Definitions

For the purposes of this Temporary Order a Private Member means a member who is not:

(a) a Minister;

(b) a Parliamentary Secretary; or

(c) the President.

3. Quota

(1) Subject to (2), the number of opportunities available to members of a political group in each calendar year of sittings shall be a quota calculated as the sum of:

$$\left(\frac{\text{Number of Private Members of political group}}{\text{Total Private Members}} \times 100\right) \times \left(\frac{\text{Number of sitting weeks}}{100}\right)$$

rounded to the nearest whole number.

(2) Where the sum of quotas exceeds sitting weeks or a political group has a quota of zero, the quota of the political group comprising the greatest number of members supporting the Government shall be reduced so that as the case requires:

(a) the sum of quotas equals sitting weeks; and

(b) each other political group has a minimum quota of one.

(3) As each item of business is disposed of, the quota of the relevant political group reduces accordingly.

(4) No political group shall in any calendar year exceed its quota unless provided for in this Temporary Order or the Council otherwise orders on motion without notice.

4. Annual schedule of allocation

(1) Standing Order 66 is suspended for the duration of this Temporary Order.

(2) There shall be an Annual Schedule of Allocation of Motions on Notice for business taken under Standing Order 15(2) which sets out the pro rata allocation of dates between political groups in accordance with their respective quota.

(3) The President shall table the Annual Schedule of Allocation of Motions on Notice:

(a) following the tabling of a schedule of dates for sittings of the Council under Standing Order 6, which is to apply for the forthcoming calendar year; or

(b) following a general election when members of the Council are declared elected, which is to apply to the calendar year from when those members take their seats.

(4) The Annual Schedule of Allocation of Motions on Notice tabled under (3), and any subsequent variations to the Schedule under (5) or (6)(b), shall be published in the Weekly Bulletin.

(5) Subject to (8), the Annual Schedule of Allocation of Motions on Notice shall only be varied:

(a) to take into account any change to the Business Program ordered by the Council under Standing Order 17; or

(b) by an agreement to exchange allocated dates that is communicated in writing to the Clerk by each of the parties to the exchange by 4.00pm on the Wednesday prior to the earliest allocated date that is the subject of the exchange agreement.

(6) Subject to (7), at the time for publication of the Weekly Bulletin on the Friday preceding the sitting week, the Clerk shall publish the first mentioned notice of motion listed on the Notice Paper in the name of the Member of the political group allotted the business under SO 15(2) in the Annual Schedule of Allocation of Motions on Notice.

(7) Where multiple notices of motion in the names of Members of the political group allotted the business under SO 15(2) are listed on the Notice Paper and the leader of that political group advises the Clerk in writing by 10.00am on the Friday preceding the sitting week of an alternative listed notice of motion, the Clerk shall publish that notice of motion in the Weekly Bulletin.

(8) If no notice of motion in the name of a Member of the political group allotted the business under SO 15(2) is listed on the Notice Paper by 10.00am on the Friday prior to the allocated date, unless the Council otherwise orders on motion without notice:

(i) business to be taken under Standing Order 15(2) for the following week shall be vacated and the Council is to proceed to other business; and

(ii) the political group listed on the Annual Schedule of Allocation of Motions on Notice for the following week shall have its total quota allocation in the Schedule reduced as if the allocated session for Motions on Notice had proceeded.

(9) The consideration of notices taken under Standing Order 15(2) for the period from the opening day to when members elected at the general election take their seats shall be selected by lot drawn by the President on the adjournment of the opening day.

5. Debate on motions on notice

The total time for debate on each motion on notice and speaking times in Chapter IV are amended as follows:

(1) SO 21 Time Limits on Speeches is amended by inserting after the time limits under the heading "Bills (Second and Third Reading)", the following:

Motions on Notice (SO 15(2))

Mover	20 minutes
Responsible Minister or Parliamentary Secretary	20 minutes
Other Members	20 minutes
Mover in Reply	5 minutes
Amendments to Motions on Notice	
All Members	5 minutes

(2) SO 23 Maximum Time Limits for Certain Business Items is amended by deleting paragraph (a) in clause (1) and inserting instead:

(a) Motions on notice (SO 15(2)) 120 minutes

6. Reply and disposal of business

(1) When an item is not earlier disposed of, at 5 minutes before the end of the time provided for the consideration of the item, the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than 5 minutes. If the mover elects not to make a reply the member interrupted may continue their speech.

(2) At the close of debate or at the expiry of the maximum time limit, the President is to put every question necessary to dispose of the motion forthwith and successively without further amendment or debate, unless the motion is withdrawn as provided by the Standing Orders.

(3) When an item is disposed of prior to the expiry of the maximum time limit the period for motions on notice concludes and the Council is to proceed to other business.

Hon SUE ELLERY: For newer members, particularly the class of 2021, on the business program there is a schedule attached to the motion at order of the day 48. This is the same as a temporary standing order that applied in the previous Parliament on how the house deals with motions. In effect, it takes the current arrangements, which are that a motion is debated over two lots of two hours over two Wednesdays with speaking times that reflect a four-hour debate. Those motions are listed on the notice paper. The house has previously found that that amount

of time can get the list of motions quite bogged down and there is perhaps a lack of currency in the matters that are being debated in that Wednesday slot. The temporary standing order effectively has a motion remain live, if you like, if I can use that expression, for the two hours on a Wednesday. It is dealt with in that two hours on a Wednesday. The Clerk draws up a roster, in the same way we do for private members' business, for example. Ministers and parliamentary secretaries are excluded from that roster; otherwise, we would have all the motions. We are excluded and that reduces our numbers, and then the schedule is circulated. This motion that I ask the house to support now reflects those arrangements that would apply from the next time we deal with motions when we come back.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [3.28 pm]: I want to thank the Leader of the House for agreeing to this. This is a sensible motion. It means that we will have up-to-date debates and we will not have 67 motions sitting on the notice paper working their way through many years down the track. This is a good and sensible outcome, and I commend it to the house.

Question put and passed.

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Recommendation 1 — Adoption — Motion

Resumed from 22 June on the following motion moved by Hon Kyle McGinn (Parliamentary Secretary) —

> That recommendation 1 contained in the sixty-second report of the Standing Committee on Procedure and Privileges, *Interim report—Review of standing orders (speaking times)*, be adopted and agreed to.

HON KYLE McGINN (Mining and Pastoral — Parliamentary Secretary) [3.30 pm]: I am very happy to stand today to talk on the brilliant sixty-second report of the Standing Committee on Procedure and Privileges, *Interim report—Review of standing orders (speaking times)*. I am sure members have had an opportunity to peruse the report and will have discovered some very useful information. I believe that the committee did a good job in reporting to the house in the time that was given. I want to thank all members of the committee, including, obviously, the President, Hon Tjorn Sibma, Hon Dan Caddy and Hon Martin Aldridge. I should probably also thank myself while I am at it! As members will see, we went straight into the inquiry and the report contains some very interesting facts and information surrounding the history of the time limits for members to speak on bills, particularly within Western Australia. It was a good history lesson on the speaking times in not only the Western Australian Parliament but also houses in other Australian jurisdictions. Members will find upon reading the report some very interesting facts that they may not have been aware of prior to this inquiry.

Paragraph 1.7 of the report, under the heading "History of speaking times limits for Bills in Western Australia", sets out very briefly where we have come from and how we got to where we are today. It is interesting to see that this house started with a 30-minute limit on each member's speech in any debate before the house—that is where it originally started in the Legislative Council—and a time limit of 10 minutes for each contribution in Committee of the Whole House. It is intriguing that the original decision of this chamber was not to have unlimited speaking times but to restrict them to 30 minutes for each member. I think it is interesting that back then that was agreed to.

I move now to paragraph 1.12 of the report, which states —

> On 19 September 1989 the Council referred proposed Standing Order 63A to the Standing Orders Committee. This new Standing Order sought to permanently enshrine the speaking times under the sessional order in the Standing Orders. The Committee recommended that proposed Standing Order 63A be adopted but that unlimited speaking times should be removed and that all Members should be subject to a specified speaking time limit. The Council accepted the Committee's recommendations with the exception of the recommendation to abandon unlimited speaking times.

There has been discussion and debate on this recorded throughout the history of this chamber. What we currently have and what I found interesting is the number of lead speakers and deputed speakers who come up in this chamber. For example, within this chamber, as it states in paragraph 1.18 —

> The current effect of Standing Order 21 is that nine of thirty-six Members have unlimited speaking time on the second and third reading of a Bill:

I thought that was interesting. In my experience of serving only one term in this house and being allowed 45 minutes in which to orchestrate my argument on a bill, I have not been in the position of wanting to speak any longer to get my argument across to the chamber. The report also highlighted that there could be other motives for speaking longer, as members will understand.

Paragraph 1.20 states —

> All Members have unlimited 10 minute opportunities to make contributions during Committee of the Whole House.

I think it is important that scrutiny of a bill is not restricted by any means within the Committee of the Whole House stage. The process that everyone has seen—even in the forty-first Parliament—in which we go through a bill leaves it very open to a member to ask any question that they like about a bill and to speak as many times as they want to stand. That leads to some astoundingly long clause 1 debates, which I have been privy to in this chamber. Towards the end, the report says —

> The Committee notes the largely consistent approach of Australian Upper Houses to the Committee of the Whole process. The Committee is of the view that no change is required at this time to the existing time limits on speaking in the Council during Committee of the Whole House, which currently provide for unlimited periods of 10 minutes for all Members.

That is a really significant finding of the committee, which stipulated, as I said, that there was no view that we should change the Committee of the Whole House process.

Another interesting point was made about first readings. The report says —

> Since the new Standing Orders were adopted in 2011 there has been no debate permissible on the first reading of a Bill. Prior to this, a Member could only speak to the first reading of a Bill that the Council did not have the power to amend.

Therefore, since 2011, there has not been a debate on the first reading of a bill —

> The Committee notes the consistent approach of Australian Upper Houses to first reading debates. The Committee is of the view that no change is required to the existing practice in the Council regarding first reading debates.

Again, I think that is a really good finding by the committee. Its source was information available from other Australian parliamentary jurisdictions. Appendix 1 of the report shows a real understanding of where the rest of Australia is heading and there is a comparative analysis of speaking times. That provided a legitimate method to work through the process of coming to the recommendation in this report. According to the report —

> The experience in the Council has been for expansive second reading debates and for limited, if any, third reading debates.

That has been the history of this chamber. Paragraph 1.28 states —

> The Committee notes that two central issues arose in debate on the referral of the motion to the Committee about speaking time. The first is the existence of unlimited speaking times for some Members and the second is the time allocations for other Members and how much time is necessary to make a contribution on a second and third reading debate.

Paragraph 1.29 then states —

> The Committee notes that unlimited speaking times for all Members have been dispensed with in three jurisdictions—the Senate, New South Wales and Victoria. Two jurisdictions have unlimited speaking times for all Members—South Australia and Tasmania. The Council is the only Upper House jurisdiction that provides unlimited speaking time to some Members and limited speaking time to others.

The only place in Australia where there is inequity in speaking times is in this Council, which is interesting. Paragraph 1.30 states —

> In those Houses that have removed unlimited speaking times, the initial decision to do so was heavily debated and subject to a division.

I find it amazing that in 2021 we are talking about potentially getting rid of unlimited speaking times. If members were to guess when the Australian Senate had that debate and made that decision, I do not think anyone would guess that it was 1919. In 1919, the Senate decided that unlimited speaking times were not appropriate and it moved forward to get rid of that. For me, that was interesting. If members take a closer look at appendix 1, they will see that for the majority of proceedings in the Senate, members have 15 minutes in which to orchestrate their argument. The Senate is obviously a bigger chamber than our Legislative Council, but in turn I think the Senate itself probably wants to see legislation move through quickly to ensure that it is able to do its job.

We then move through the report to paragraph 1.35 —

> The Committee explored a range of issues relating to unlimited speaking times. The Committee notes that the Council does not routinely collect data on the length of second reading debates and speeches. That has been noted by the committee.

Paragraph 1.36 states —

> The Committee recognises there may be additional sources of data that might inform consideration of best practice. These include personal experience, the impact on the length of debate, analysis of type or content of debate on speaking times, international jurisdictions and other influences such as political imperatives.

That is an interesting point. We know that the Standing Committee on Procedure and Privileges was charged by the house as follows, as outlined in paragraph (4) of the motion —

> The Committee is to provide an Interim Report on recommendations in respect to speaking time limits by 22 June 2021.

The committee was also charged with, as outlined in paragraph (1)(b) of the motion —

> reviewing and adopting best practice from other Upper House Chambers in Australian Parliaments, including the Australian Senate.

As I said earlier, if members look at appendix 1, which is a comparative analysis of speaking times, it is legitimate, in my view, to come to the conclusion that is outlined in paragraph 1.40 of the report, which states —

> A majority of the Committee is of the view that a 45 minute time limit should replace existing unlimited time limits for second reading speeches and the second reading reply. The Committee notes that this is at the upper end of time allocations for those jurisdictions that do not have unlimited speaking times. The Committee also notes that Standing Order 22 provides that a Member can seek leave for a further 15 minutes of speaking time when a 45 minute speaking time allocation has been exhausted.

It is interesting. I am aware that there have been some conversations behind the chair and that an agreement may have been reached about a 60-minute speaking time for the lead speaker and 45 minutes for other members. My view is that with the evidence within this report, and particularly paying attention to the comparative analysis in appendix 1, there is definitely an argument about unlimited speaking times and their relevance in today's day and age within this chamber. I am happy to know that in this report, the majority of the committee was able to form the view that unlimited speaking times should be dispensed with. It will be an interesting step forward for this chamber to be able to also take on board and acknowledge what will happen from here if these changes are accepted.

Paragraph 1.38 states —

> The passage of the motion referring this matter to the Committee demonstrates the will of the Council for this Committee to explore best practice relating to speaking times. The trend in recent times is for Upper Houses to implement shorter time limits for second reading speeches.

Really, all we will be doing is following the trend in other jurisdictions within Australia. This is not new. This is not groundbreaking. In 1919, the Senate made this decision. We are not in new waters so far as breaking out and having our own little party.

The committee also touched on third reading debates. The report refers to standing order 141, "Scope of Third Reading Debate", which states —

> The debate on the third reading of a Bill —
>
> (a) shall be limited to the contents of the Bill as agreed by the Council prior to that stage; and
>
> (b) shall not introduce new arguments or otherwise expand the debate.

Paragraph 1.45 of the report states —

> Appendix 1 shows that other Upper House jurisdictions do not distinguish between speaking times for second and third reading debates.

The report goes on to say in paragraph 1.46 —

> The Committee is of the view that the Legislative Council should maintain the existing practice of having identical speaking times for second and third reading speeches depending on the type of Member.

Again, that is leading us along the path that other jurisdictions have taken. We are not changing the world here. Paragraph 1.50, under the "Committee of the Whole House" section of the report, is worthy of note. It states —

> The Committee is also aware that there may be an interrelationship between the limiting of second reading speeches and the length of the Committee of the Whole stage and the Committee will undertake to monitor this in the remaining stages of this review.

It will be interesting to see that monitored into the future, as I said before, with changes coming in, and seeing where other changes may happen within certain sections of our legislation debate.

The report states at paragraph 1.51 —

> A majority of the Committee recommends:

Obviously, there is also a minority report. The report goes on to outline recommendation 1, which states —

> That Standing Order 21 is amended by deleting the section headed "Bills (Second and Third Reading)" and inserting in its place:
>
> **Bills (Second and Third Reading)**

It goes on to say mover, 45 minutes; lead member, government or opposition, 45 minutes; party leader or member deputed, 45 minutes; other members, 30 minutes; and mover-in-reply, 45 minutes.

I state again that, to me, it is a success that we have reached the position of talking about dispensing with unlimited speaking times, because that is the trend. That is where it is heading. We have found in the analysis of speaking times a legitimate method, in my view, by which we can move forward, as the Senate did in 1919, and bring ourselves into 2021.

I will not touch too much on the minority report; it is what it is. But I feel that the difference is that the majority of the committee was looking at what I believe the committee was charged with, which was to look at other jurisdictions and find a path forward on speaking times. I feel as though the committee has done a great job in putting this report out in the time frame that it had. I look forward to listening to the rest of the debate, and once again I thank the committee members for all their support and help.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [3.46 pm]: I am a bit concerned about how much time we have left for debate, so we will see how we go, but in the brief time I have available I want to make some comments around the recommendation made in the sixty-second report of the Standing Committee on Procedure and Privileges.

It would be no surprise to members to remember that this was an incredibly rapid and rushed report. Members might remember that I moved a motion during the original debate that the reporting time for this inquiry by the Standing Committee on Procedure and Privileges be extended in order to enable it to do a fulsome report on speaking times in the Western Australian Parliament. That was noted in a couple of places in the report mentioned by the mover of the motion. I refer in particular to paragraph 1.4 of the report, which states —

> The Committee notes the short reporting deadline for this Interim Report. In this short period, the Committee has not been able to consider all 33 time limits in comparison with the other Upper Houses in Australia. Consequently, the Committee has had to carefully consider the scope of this Interim Report.

Obviously, this committee had a very targeted scope. That was mirrored in the excellent minority report put forward by Hon Martin Aldridge and Hon Tjorn Sibma, which noted in paragraph 1.9 —

> An amendment moved by the Leader of the Opposition to extend reporting timelines in relation to this inquiry was defeated along party lines, notwithstanding that there was universal support for Standing Order review.

I note that there was actually support for that across the chamber. Paragraph 1.10 states —

> The PPC was afforded just eleven business days to inquire into and report on the matter of speaking time limits.

Paragraph 1.11 states —

> The PPC, constrained by the reporting dates, did not advertise its inquiry, or seek or receive submissions prior to reporting to the Council in this interim report.

This is a reflection, honourable members, on the opinion of five members of this Parliament. I think that needs to be remembered. It has always been the tradition in this place that changes to the standing orders are done with consultation and by consensus. We would have to say that although there was no opposition to this inquiry going forward, it was an incredibly short time frame, even to the point that I was drawn to write to the President in her role as Chair of the Standing Committee on Procedure and Privileges, asking for the way in which opposition members, retired members, even retired government members, and government backbenchers, might contribute to this particular examination. I wrote on 15 June and received a reply on 17 June—last week. It was a very short letter in response. It stated that given the short reporting period for the committee to provide an interim report on speaking time, the committee resolved not to seek submissions at that time. However, the committee intended in due course to call for submissions and consult on the broader review. That is obviously the focus to get this thing done and dusted. It was an immensely hasty process. It would have been good for the committee to have the time to give due and proper consideration to speaking times as well as the broader reform of the standing orders of this house.

I note that in the *Interim report—Review of standing orders (speaking times)* of the Standing Committee on Procedure and Privileges, as mentioned by the previous member, a range of speaking times is listed in the comparative table in appendix 1 on page 7. The New South Wales Legislative Council has unlimited time on the second reading and third reading stages of bills. I note also that the Legislative Councils of South Australia and Tasmania have unlimited times for second reading and third reading stages, private members' business and the Committee of the Whole. There is an enormous amount in the comparative table to indicate there are plenty of unlimited time frames in Parliaments around Australia. For the member to suggest that this is not a significant change, there are plenty of examples around Australia where unlimited time frames remain. To some degree, the question before us is whether shortening the time frames will accelerate the passage of bills. That was a large part of the debate. As I said during my speech when the terms of reference for this inquiry were moved, in my view the Parliament of Western Australia's

Legislative Council has not been tardy in comparison. When we look in detail at the figures presented by the Leader of the House, if we take out an election year and the year in which we debated voluntary assisted dying, this Parliament, and the Council in particular, has performed fairly well. Reference is made at footnote 16 on page 5 to a report by David Blunt called *The impact of the introduction of time limits on debate on government legislation in August 2011*. It is a very good report and it states in its conclusion —

> Parliamentary time is a limited commodity and its allocation will always be subject to competing demands. The introduction of time limits on debate on government legislation appears to have had a limited impact upon proceedings in the NSW Legislative Council.

In my view, it is not the case that if we put these in place, we will suddenly change the rapidity in which legislation passes through the house. I know that those in the lower chamber love to throw rocks at us and suggest that the opposition in this house has held up legislation. Even in the last Parliament, when there were 18 opposition members in this house, which included a large crossbench, the Liberal and National Parties did not hold up legislation through numbers at any point. This is about the process by which legislation is put forward. I disagree strongly that this will make a significant difference to the progress of legislation; however, we shall see.

In my address on the motion, I spent some time on the Committee of the Whole House. I note the comments of the Leader of the House, who said in reply that she did not intend to curtail committee deliberations and, in particular, clause 1 debates. I note that the report that is before us deals with the Committee of the Whole House on page 6. The report states —

> The Committee notes that some jurisdictions limit the ability of a single member to make consecutive contributions to a single question in Committee of the Whole House.

That is an issue I raised strongly during the debate; it is incredibly important. The report continues —

> The Committee is of the view that no change is required at this time to the existing time limits …

I think that is good. However, paragraph 1.50 makes me nervous, as it states —

> The Committee is also aware that there may be an interrelationship between the limiting of second reading speeches and the length of the Committee of the Whole stage and the Committee will undertake to monitor this in the remaining stages of this review.

I think there is some degree of threat in that if the committee stages pick up the difference because people do not get the information they require in the second reading debate because their time is limited, there is a risk to the committee stage of the debate. That would be incredibly concerning.

I note that the minority report supports the continuation of the current practice until a fulsome review is completed, and in recommendation A recommends that the reporting date be extended to 3 December. It gives some details as to what that debate should look like, including having reasonable interaction. I think they are good recommendations.

The opposition is supportive of a fulsome review of speaking times and, in fact, of the standing orders of this house in general. We said so during debate on the referral of this matter to the committee. I am of the view that the time frames put forward for the original report were too tight. We need to look at a more fulsome review, and I support such a review. The opposition gives notice that that is the direction we would like to take. Having said that, if a more fulsome and proper review is unable to be generated, I have given an undertaking to the Leader of the House that we will seek to move to amend the recommendations to give a longer time frame, but not significantly longer, to speakers in the house. Obviously, that is a compromise, but it is better than what we were presented with. It is not my ideal, but the compromise would be an improvement on the recommendations of the majority of the committee. I ask all members to give serious consideration to whether that is an appropriate outcome. This process should have taken far longer and it should have been far more detailed. It is prescribed to deliver an outcome. Having said that, we will make the best of what we can in the circumstances, given the unfortunate numbers we face before us, and we will do our best to look after the interests of oppositions into the future to the best of our ability.

HON NICK GOIRAN (South Metropolitan) [3.57 pm]: I rise to speak to the sixty-second report of the Standing Committee on Procedure and Privileges, which was tabled yesterday in this forty-first Parliament. It is a report of an inquiry that has had a life span of less than three weeks. Members will recall that on 3 June we had the unprecedented, or highly irregular, situation of having two sitting days in one. That was due to the government's insistence on that day that the highest priority of the McGowan government was to see this review conducted within a truncated period. That is the report before us. One paragraph in this report piqued my interest; that is, paragraph 1.14 on page 2. It states —

> On 15 August 2002 the Leader of the House proposed to limit speaking times for all Members to 45 minutes and limit adjournment debate contributions to 10 minutes. The matter was referred to the Procedures and Privileges Committee on 21 August 2002.

It is unfortunate that Hon Kyle McGinn is away on urgent parliamentary business; otherwise, I would be keen to ask him whether he has had the opportunity to peruse and consider the debate that took place on 15 August 2002.

The honourable member was keen to take us back to the days of the Senate when members were perhaps transporting themselves by horse and carriage, but he has not felt it necessary to bring to our attention the more recent debates in this chamber—in fact, during the course of this century.

Being a keen student of history, when I looked at that debate on 15 August 2002, I noted that there was an honourable member by the name of Hon Kim Chance. He was at that time a member for the Agricultural Region and *Hansard* records him as the Leader of the House. Members will be aware that at that time the Australian Labor Party was the government of the day. I found it interesting to note that the then honourable Leader of the House made these remarks —

> We must look at the standing orders in a spirit of cooperation. The Government will keenly listen to the debate, and will contemplate amendments if they are the will of the House. However, we must look at the proposed changes in a sincere and cooperative way.

I have never met Hon Kim Chance, but it strikes me that those comments that he made on 15 August 2002 are entirely consistent with the ordinary culture of the Legislative Council. On that same day, the Leader of the Opposition was a gentleman by the name of Hon Norman Moore and he made a contribution. I will draw to members' attention one particular portion of his contribution on that day. He said —

> To try to make us like the Assembly, where everybody is constrained to what they can and cannot do by some standing order, just makes us another Legislative Assembly. That is not what we are here for. If the Government wants to make us into a pale imitation of the Legislative Assembly and then abolish us because we are irrelevant and unnecessary, then say so, because that is the ultimate scenario. If this House does not have a different role from the Assembly, it might as well not be here.
>
> …
>
> This is a different Chamber; it should have different rules to meet its particular requirements. If the Government wants to properly review legislation, the person who is charged with promoting the Bill and providing the opposition opinion on the Bill should have as much time as he needs to do that.

A week or six days later, in 2002, the debate continued. I just want to quote from one further member. This will be the last member whom I quote with respect to this debate. I am interested to know whether Hon Kyle McGinn has had the opportunity, in the less than three-week period to conduct the review, to read the transcript of the debate that took place in 2002. For his benefit, I draw to his attention the remarks of Hon George Cash. I wish to associate myself with the portion where he said —

> It has been put to me that one of the reasons some members want to see the reduced speaking times is that it will save them doing any work on issues for which they are responsible. If they are limited in time they will just come in here and speak for five or 10 minutes, or whatever the allocation might be. A speech of that length would not require too much research, but it is different when a member has responsibility for a Bill.

I pause there to make the observation that I am not sure whether Hon Kyle McGinn has had the responsibility of handling a bill. Nevertheless, I move on and note that he said —

> Right now I have responsibility for the taxation Bills that have been with the Standing Committee on Legislation for the past three or four months. That raft of Bills will take more than 45 minutes to explain and, if the House wants them explained in a proper manner, it will surely provide the time so that members will fully understand what is being proposed, first by the Government and, secondly, by the Standing Committee on Legislation. The Labor Government in the other House has sent up incomplete or incompetent legislation and has relied on the upper House to fix it and to make good the problems. We have only to read the Treasurer's comments about the taxation Bills to see that he concedes that on a number of very important clauses he expects the upper House will take various matters into account and address the questions. I believe we are doing that in a very competent way.

I think it is always instructive to be a good student of history, not a poor one. If we are going to change the current process, we have to understand why it was created in the first place. I found those remarks in the 2002 debate by Hon Kim Chance, Hon Norman Moore and Hon George Cash particularly instructive.

I will just make this final observation: I am disappointed that the Standing Committee on Procedure and Privileges failed to consult members prior to tabling the report. I say that in a respectful way. I acknowledge that the five members of that committee were constrained by the time limit imposed. That was a decision of a majority of this house, not a unanimous decision, on that peculiar day, 3 June this year, when the government invented the notion of having two sitting days in one. It was because of the decision made on that day that the committee had less than three weeks to do its work. I say this with respect to those honourable members and the hardworking staff who would have had to work in an expedited fashion. Nevertheless, I fail to see how complicated it would have been for the Standing Committee on Procedure and Privileges to pick up a pen and write a letter to the 36 members of this chamber and ask them for their views on this issue. If the government's resourcing of the Legislative Council is so poor that we no longer have any pens of a blue or black variety that can be used by the Standing Committee on

Procedure and Privileges in order to provide such consultation, I am very disappointed that the McGowan government has put its foot on the hose to the Legislative Council—if that is the reason. I do not know why members were not consulted. I go back to the comments made by Hon Kim Chance, when he said on 15 August —

> We must look at the standing orders in a spirit of cooperation.

I think that the other c-word I would use, as well as "cooperation", is "consultation". I think that they go hand in glove. I am very disappointed that the Standing Committee on Procedure and Privileges has not consulted with members. That said, I note the recommendation that has been made by the majority of the committee. As a former member of the Standing Committee on Procedure and Privileges, where work has been often done on a consensus basis, I think it is significant for members to note that this report contains not only a majority recommendation but indeed has appended to it a high-quality minority report. I thank the authors of that minority report for taking the time to do that, particularly given the circumstances they would have found themselves in. I make the observation that the minority report, as it appears to me, simply suggests that it might be worthwhile for the Standing Committee on Procedure and Privileges to have a further opportunity to consider this matter until 3 December 2021. It is not apparent to me what would be lost by that. Nevertheless, we need to be only a weak mathematician to understand what the outcome will be. If members were under any illusion, they need only to refresh themselves with the sequence of events that took place on 3 June this year.

In conclusion, I note that the majority recommendation suggests that lead members have no more than 45 minutes in which to speak on second reading and third reading debates. I note the comments made by Hon Kyle McGinn who, to the best of my recollection, has never had responsibility for a bill in his one-and-a-bit terms in this Parliament. I can speak as a member who has had to do that on multiple occasions, and I can indicate that a lot of work is done. To borrow a phrase from the Commissioner of Police, who we discussed last week, do not expect me to do my job half-baked. I will not. Regardless of the outcome of today's debate, that will not change. The McGowan government can expect to continue to have the highest level of scrutiny put upon its legislation.

I hope that in the forty-first Parliament there will be a change in culture within the McGowan government that will see members of the cabinet moving outside their silos, looking into the silos of other ministers, and asking some of the questions that need to be asked. If the cabinet ministers are unwilling to do that, I hope there will at least be some courageous members in the Labor caucus who will be prepared, within the confines and privacy of that environment, to ask the questions that need to be asked. If neither of those groups are prepared to do that, the people of Western Australia can rest assured that the alliance opposition will definitely do that, regardless of the outcome of today.

In closing, I indicate that my preference would be for the house to agree with the minority recommendation and allow further time for this to be considered. Nevertheless, I have every confidence that, regardless of the outcome today, the McGowan government can expect full scrutiny of all its legislation.

HON DAN CADDY (North Metropolitan) [4.11 pm]: I really do not know where to start. I have in my hand a consensus-agreed amendment—it has been circulated—to a recommendation of a committee report that has a minority report attached to it. These are, indeed, strange times. It is not lost on me, either, that the failure of the committee to reach consensus over two weeks stands in stark contrast with the ability of this house to reach a very quick agreement on an amendment within a couple of hours. That is disappointing.

Hon Nick Goiran pointed out that the committee was acting on a motion of the house. The motion on 3 July was a vote of the house, and the Standing Committee on Procedure and Privileges is a subcommittee of the house. The motion had several parts to it. I will not speak to all of them; Hon Kyle McGinn went through them in some detail, but I will speak to some of them and I will speak to the report as a whole, including the minority report attached to it.

I go back to contributions made by members on 3 June. Several members spoke at length about the time frame that was put on the initial interim report, and it is an interim report. As outlined at paragraph 1.1 of the report in front of us, the committee was charged with reviewing standing orders with a view to modernisation of procedures through a review of other upper houses in Australia. That is it, in a sentence; this was the task that this committee was charged to do.

Further to that, the motion from the house asked for an interim report on speaking time limits, and the committee was given a short time frame, but that was one small component of a much larger review for the committee to provide a recommendation on. The committee had two weeks, as has been discussed, to look at this element. What happened? I will tell you what happened. The honourable Chicken Littles on that side of the chamber lost their collective minds.

Withdrawal of Remark

Hon DONNA FARAGHER: I have listened to the member in silence, but I do not think the reference "honourable Chicken Littles" is appropriate for this house, and I ask the Deputy President to rule on it.

The DEPUTY PRESIDENT: Noting the time, and given that other members want to be heard on this point of order, I will leave the chair until the ringing of the bells.

Debate interrupted, pursuant to standing orders.

[Continued on page 1898.]

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

SYNERGY — GENERATION OUTPUT

340. Hon Dr STEVE THOMAS to the minister representing the Minister for Energy:

I refer to question without notice 297 asked on 17 June and answered on 22 June.

(1) Does the table presented in the answer represent all state government power generation in Western Australia?

(2) If no to (1), what does it represent?

(3) Given the question asked for the output of "each Synergy generation plant", will the minister now provide the output for each individual plant as asked?

(4) Why has renewable energy production dropped from 98 gigawatt hours in 2017–18 to fewer than six gigawatt hours in each year following?

(5) Given that coal fuel energy production has dropped by 24 per cent over two years from 2017–18 to 2019–20, what is the expected drop in production by 2025 given the announced closure of two Muja power station units?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Energy has provided the following information.

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

TIER 3 RAIL LINES — BUSINESS CASES

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

I refer to question without notice 317 asked yesterday on the government's commitment to developing three business cases for the reopening of three tier 3 grain lines in the state.

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

(2) When is the government expected to respond?

(3) When will the three businesses cases be made public?

(4) When will the final business cases be presented to the commonwealth?

Hon SUE ELLERY replied:

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

(1)–(4) As business case development is still ongoing, time frames are currently being determined.

BOYANUP SALEYARD

342. Hon COLIN de GRUSSA to the Minister for Agriculture and Food:

I refer to the minister's response to question without notice 490 asked in the Legislative Council on 20 May 2020 and the current considerations by the Shire of Capel to lease the Boyanup saleyards to the Western Australian Livestock Salesman's Association.

(1) Is government approval for the Shire of Capel to lease the saleyards to WALSA conditional on more open access arrangements being put in place?

(2) If yes to (1), what access arrangements has the government specified and what mechanisms has the government put in place to ensure that this occurs?

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

(4) Given that the current access arrangements at the saleyards are the subject of an investigation by the Australian Competition and Consumer Commission, why has the minister given approval for the leasing process to proceed?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

(1)–(4) As the member is aware, the saleyards are on state-owned land that is vested in the shire and the shire leases the land to the current lessee, WALSA. We have supported the proposal for a new lease, and we will continue to support that. Obviously, everyone would like more open access, but there has to be a degree of commerciality around business. We have emphasised the need for the facility to meet current animal welfare standards, and we understand that that will be embedded in the new arrangements. I am not sure that there is an investigation. I think the matter has certainly been referred to the Australian Competition and Consumer Commission. The act of referral alone, of course, cannot be taken as evidence of anti-competitive conduct. But if the ACCC is investigating, we will await its report.

NUMBAT HABITATS — PRESCRIBED BURNING PROGRAM

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

I refer to the tabling yesterday of an unsigned and undated document titled *Operational review of DON_100 Weinup prescribed burn*—or the review—which made no reference to the burn's impact on an endangered numbat habitat.

(1) Is the two-page document that was tabled the entire review or is it an extract from a larger document?

(2) Who will be responsible for implementing the review's recommended six follow-up actions to ensure that future burns "meet the stated objectives" of their relevant burn plans?

(3) What specific time frame for implementation applies to each of those six actions?

Hon STEPHEN DAWSON replied:

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

(1) The document is the full operational review.

(2) The Department of Biodiversity, Conservation and Attractions will be responsible for implementing the recommendations.

(3) DBCA is currently progressing the implementation of the recommendations, with the aim of this process being completed by the end of December 2021.

SEXUAL ASSAULT LAWS — RECOMMENDATIONS — COMMISSIONER FOR VICTIMS OF CRIME

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

I refer to comments from a spokesperson for the Attorney General reported in *The West Australian* of 29 May 2021 stating that the Attorney General had received recommendations in relation to sexual assault laws.

(1) On what date did the Attorney General receive the recommendations?

(2) How many recommendations were received?

(3) Who made the recommendations?

(4) Will the Attorney General table the recommendations?

(5) If no to (4), why not?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question.

(1)–(5) The article referred to did not reflect the response provided, which, according to my notes, was as follows —

> "The Office of the Commissioner for Victims of Crime is continuing to progress a report to the Attorney General which reviews the effectiveness of laws against coercive control of an intimate partner. The Commissioner for Victims of Crime has been working with the Director of Public Prosecutions on putting forward recommendations to the Attorney General in relation to sexual assault laws in WA and how to improve the experience of victims in the criminal justice system."

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE — APPOINTMENT

345. Hon DONNA FARAGHER to the Leader of the House representing the Premier:

I refer to the appointment of the next Commissioner for Children and Young People, which is being undertaken with the assistance of the Public Sector Commission. Can the Premier confirm whether the selection and appointment process for the next commissioner is as advised in the "Application and Process Guide" released as part of the recruitment process?

Hon SUE ELLERY replied:

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

Yes; the process is as advised in the guide. However, in addition to a standard selection panel, the Public Sector Commission is engaging young people in accordance with section 7(3) of the Commissioner for Children and Young People Act 2006, which requires children and young people to be involved in the selection process for the appointment of the Commissioner for Children and Young People. This has been the process for previous commissioners. The purpose of the guide is to provide general information about the process for prospective applicants. It does not prescribe a specific process.

BANKSIA HILL DETENTION CENTRE

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

I refer to the *2020 Inspection of Banksia Hill Detention Centre* report by the Office of the Inspector of Custodial Services.

(1) What changes or improvements have been made at Banksia Hill from 2017–2021 to focus on the rehabilitation of offenders?

(2) What changes or improvements have been made at Banksia Hill from 2017–2021 that have been specifically targeted toward the rehabilitation of Aboriginal offenders?

(3) How many offenders were placed at Banksia Hill in 2017, 2018, 2019 and 2020?

(4) How many of those referred to in (3) were repeat offenders?

Hon ALANNAH MacTIERNAN replied:

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

(1) Since 2017, the introduction of a new program suite with a strong focus on through care and rehabilitation has taken place. Since this time the program portfolio at Banksia Hill has continued to expand services such as the Army Cadets with the Australian Army, the Youth in Emergency program with the Department of Fire and Emergency Services, the Hip Hop program with Banksia Beats Music Studio and Banksia Beans hospitality training. The programs taught at Banksia Hill are intended to create educational and vocational pathways. Student outcomes are accredited under the department's registered training organisation, Auswest Specialist Education and Training Services. Current programs taught comply with RTO standards, are recognised nationally and align with the Australian Core Skills Framework.

Banksia Hill currently offers a range of courses, including the following: entry to general education, which focuses primarily on literacy and numeracy skills and assumes that participants have little or no prior formal education; gaining access to training and employment, GATE, which is a bridging preparatory course enabling learners to extend their knowledge and skills in the general education field prior to entering other vocational programs, employment or community participation; and the certificate of general education for adults, which is designed to improve adult literacy, basic maths and general education skills to access further study, employment or to participate in the community. The CGEA is also delivered to young people who have gaps in their educational background and is used in many CARE schools. Youth Justice Psychological Services also provides a number of evidence-based group interventions at BHDC, which addresses the criminogenic needs of young people. Suitability for these programs are based on the young person's rating on the youth level of service.

(2) In addition to the above services, which are available to all young people in detention, a culturally specific group substance use program "Who's Ya Mob" has been introduced to the centre. This program continues to be facilitated. Since 2017 four Aboriginal welfare officers have been appointed.

(3)–(4) This answer is in tabular form. I seek leave to have it incorporated into *Hansard*.

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

Year	Distinct Persons Received	Distinct Persons Received With Previous Sentenced Stay
2017	794	135
2018	761	125
2019	748	115
2020	625	104

HOUSING — RENT AND EVICTION MORATORIUM

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

I refer to the raising of the moratorium on evictions and rent increases on 29 March 2021. What is the total number of termination notices from public housing since the moratorium lifted?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of this question. The termination of a tenancy is an option of last resort when all other efforts to sustain the tenancy have failed. Ultimately, the decision to end a tenancy is a matter that is decided by the Magistrates Court. Termination notices do not represent a terminated tenancy nor an eviction. A termination notice provides the tenant with a final notice and the intent to progress the matter to the courts. From 1 April 2021 to 31 May 2021, 319 termination notices have been issued, but only two bailiff evictions have occurred.

DAYLIGHT SAVING TIME — 2006–09 TRIAL

348. Hon WILSON TUCKER to the minister representing the Minister for Health:

I refer the minister to data collected by the Department of Health on the level of physical activity, health and wellbeing of the population over the period of 2006 to 2009, when Western Australia trialled Daylight Saving Time.

(1) Can the minister outline the results of the Department of Health's evaluation of the effect of daylight saving on physical activity?

(2) Will the minister table any Department of Health publications on the effects of WA's daylight saving trial?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. It is not possible to provide the requested information in the time required and I therefore ask the honourable member to place this question on notice. Given he is looking for information from 13 or 14 years ago, it might take some time, so if he puts it on notice, we will get him an answer.

FIRST NATIONS HOMELESSNESS PROJECT

349. Hon SOPHIA MOERMOND to the parliamentary secretary representing the Minister for Community Services:

I thank the minister for her answer to my question without notice 259 on 15 June regarding commonwealth funding for the First Nations Homelessness Project. Further to her answer, I ask —

(1) Was the minister aware that this project would be decentralised to the state?

(2) Has equivalent funding been offered to the service providers that deliver the existing Thrive tenancy support program to close the gap?

Hon SAMANTHA ROWE replied:

I thank the member for some notice of the question and provide the following answer on behalf of the Minister for Community Services.

(1)–(2) Commonwealth funding decisions are a matter for the federal government. Matters regarding tenancy support programs fall under the housing portfolio. The Minister for Housing has advised that the Department of Communities has a $58 million budget for tenancy support services over five years, which has been fully allocated through a transparent and competitive tender process, in line with appropriate government procurement practices. First Nations Homelessness Project did not submit a tender proposal.

Thrive service providers work across the state and promote a culturally safe and responsive program that works with a range of organisations that have an established track record of meeting the needs of Aboriginal families.

POLICE — ROADSIDE CANNABIS TEST MACHINES

350. Hon Dr BRIAN WALKER to the minister representing the Minister for Police:

I refer the minister to the Dräger DrugTest 5000 machines used by the Western Australia Police Force in the past to conduct roadside testing for cannabis, and previously shown to have an accuracy rate as low as 67 per cent.

(1) Is this make and model of testing device still in use by WA police?

(2) If no to (1), what device has replaced it, and on what date did the replacement take effect?

(3) What is the current accuracy rate for any such device in use in Western Australia?

(4) Can the minister confirm that our accuracy rates conform to the best international standards; and, if not, why not?

Hon STEPHEN DAWSON replied:

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

(1) No.

(2) The current device is the Securetec Drugwipe II Twin Combo, gazetted on 15 Sept 2017.

(3) A rate of 98 per cent.

(4) The Western Australia Police Force seek to obtain the best available suitable equipment during procurement processes, which includes market research.

WOOROLOO BUSHFIRE

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

I refer to the Wooroloo bushfire in February that destroyed over 80 homes north-east of Perth and significantly impacted the Shire of Mundaring and the City of Swan.

(1) Given the significance of this event, will the state government commit to undertake an independent review into these fires in a similar manner to the inquiry conducted into the 2016 Waroona bushfire?

(2) Does the state government have a standard practice of conducting independent reviews following major natural disaster events, and what factors are considered when determining whether an independent review is warranted?

(3) Have any requests been made to the state government for an independent review into the Wooroloo bushfire; and, if so, please table any such correspondence?

Hon SUE ELLERY replied:

The Department of Fire and Emergency Services advises —

(1) DFES has completed an initial information-gathering phase following the 2021 Wooroloo bushfire. The state government is currently considering a draft framework for the review of the Wooroloo bushfire. An announcement on the parameters will be made in due course.

(2) DFES undertakes internal reviews of incident response performance as a matter of routine organisational policy in the context of continual improvement of emergency management. DFES also complies with the State Emergency Management Committee policy for the provision of post-operation reports.

(3) Ministerial correspondence contains personal and sensitive information and the provision of this in an appropriate format would divert departmental staff away from their normal duties. I encourage the member to contact the Minister for Emergency Services for a briefing on this matter.

Hon Martin Aldridge: I did, on 9 June.

Hon SUE ELLERY: I am happy to follow that up then.

AUSTRALIND PASSENGER SERVICE

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

I refer to the expectation of new railcars for the *Australind* passenger service.

(1) Can the minister provide a firm date for when the new railcars for the *Australind* passenger service will be delivered?

(2) Can the minister provide a firm date for when the new railcars for the *Australind* passenger service will be operational?

(3) Does the minister anticipate higher levels of punctuality and reliability for the *Australind* passenger service upon the new railcars being operational?

(4) If yes to (3), what specific service level guarantees is the minister willing to make for the *Australind* passenger service?

Hon SUE ELLERY replied:

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

The *Australind* train was introduced in 1987 and was originally planned to have an operational life of up to 30 years. This means a new *Australind* train should have been servicing Bunbury by 2017 at the latest; however, this did not occur. It remains unclear why the former government did not fund or plan for the replacement of the *Australind* despite knowing it would reach the end of its useful life by 2017.

(1)–(2) New *Australind* railcars are anticipated to be delivered in 2023 and it is expected to be operational upon delivery.

(3)–(4) It is anticipated that the new *Australind* will achieve the Public Transport Authority's on-time running key performance indicator.

BANNED DRINKERS REGISTER TRIAL — KIMBERLEY

353. Hon NEIL THOMSON to the parliamentary secretary representing the Minister for Racing and Gaming:

I refer to the banned drinkers register trial underway in the Kimberley and Pilbara.

(1) How many people are currently listed on the banned drinkers register across the Kimberley and Pilbara?

(2) How many residents from the following regions have been added to the register since the trial commenced in each location:

(a) the Kimberley; and

(b) the Pilbara?

(3) On average, how long does it take for a person identified as a potential banned drinker to be placed on the register and therefore restricted from purchasing alcohol?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide the following response on behalf of the Minister for Racing and Gaming. This answer was correct as at Tuesday, 22 June.

(1) It is 74.

(2) (a) There are 29 Kimberley residents now on the banned drinkers register compared with 13 people on 1 May 2021.

(b) There are 45 Pilbara residents now on the banned drinkers register compared with 27 people on 1 December 2020.

(3) There are three pathways for someone to be placed on the banned drinkers register —

(a) Barring notices are issued by the Commissioner of Police. This part of the question will need to be directed to the Minister for Police.

(b) Prohibition orders are issued by the director of Liquor Licensing on application by the Commissioner of Police. I am advised that the average processing time for a prohibition order to be issued by the director is 36 days from the date the application is lodged by the Commissioner of Police. This time frame includes procedural fairness processes.

(c) A person may apply to the director of Liquor Licensing to be placed on the banned drinkers register. I am advised that the Department of Local Government, Sport and Cultural Industries actions these requests within five days of the request being received.

AGRICULTURE AND FOOD — BIOSECURITY — GREAT CENTRAL ROAD

354. Hon STEVE MARTIN to the Minister for Agriculture and Food:

I refer to the increased traffic entering Western Australia via Great Central Road.

(1) Given the increased traffic on that road, what extra measures has the minister put in place to counter the increased potential for biosecurity breaches at our border?

(2) Is the minister aware of recent roadwork activity at the Great Central Road quarantine checkpoint just east of Laverton making it difficult for travellers to use the quarantine bin areas?

(3) Can the minister provide assurances that the Western Australian agricultural sector is being adequately protected by the state's biosecurity apparatus?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. I have sought photographic confirmation of the answer that I will give here and I am satisfied that it is reasonable.

(1) The Department of Primary Industries and Regional Development has four quarantine signs situated on the Great Central Road commencing at the information bay, where there is also a quarantine bin. The signage is then placed at 500 metres, five kilometres and 100-kilometre intervals from the information bay towards the state border. The signage and quarantine bin were upgraded in November 2020 to encourage compliance with the Biosecurity and Agriculture Management Act 2007.

(2) Although the information bay area is being used as a layover area, travellers still have access to the quarantine bin, which is clearly marked. The road crew provide direction to the quarantine bin to ensure occupational health and safety measures are also adhered to.

(3) Quarantine efforts to safeguard the state from biosecurity risks remain a high priority for the government. Interstate travellers at all checkpoints and border crossings are reminded of the legal requirement to dispose of quarantine risk–material in quarantine bins or declare to a quarantine inspector.

MAIN ROADS WESTERN AUSTRALIA AND PUBLIC TRANSPORT AUTHORITY — BORROWINGS

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

What have been the new borrowings for each of Main Roads Western Australia and the Public Transport Authority for each of following financial years —

(a) 2016–17;

(b) 2017–18;

(c) 2018–19;

(d) 2019–20; and

(e) 2020–21 to date?

Hon SUE ELLERY replied:

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

(a)–(d) Borrowing figures are publicly available in the Main Roads Western Australia and Public Transport Authority annual reports. I table the annual report extracts.

[See paper 342.]

(e) Borrowing figures for 2020–21 will be published in the agency's 2020–21 annual reports.

ROYAL AGRICULTURAL SOCIETY OF WESTERN AUSTRALIA

356. Hon COLIN de GRUSSA to the Minister for Agriculture and Food:

I refer to the media statement on 22 June 2021 titled "Support for events industry as 2021 Perth Royal Show goes on".

(1) Will the Royal Agricultural Society of Western Australia still receive the $4 million provided if the show is cancelled due to a snap lockdown?

(2) Has any money been provided to regional shows that were also cancelled in 2020 or earlier this year?

(3) Will regional shows also be eligible for discounted tickets?

(4) Of the 140 applicants for the Getting the Show Back on the Road program —

(a) how many of the applicants were organisers of Agricultural shows—please list; and

(b) how many of those applicants were successful?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. I am sure that he was also celebrating the announcement.

(1) The state government's funding package for the 2021 Perth Royal Show contains a portion of direct grant as well as an underwriting component in the event of any losses that may be suffered by the Royal Agricultural Society of Western Australia as a result of any unanticipated COVID restrictions.

(2) A number of regional agriculture shows that were cancelled in 2020 were eligible for the commonwealth government funding. Given this, we provided a number of small grants to support those organisations that chose to go ahead with their show.

(3) Our package announced yesterday has broadened the Getting the Show Back on the Road program. It now allows regional agricultural shows that require assistance to apply for up to 75 per cent of loss of revenue from any unanticipated COVID restrictions.

(4) The Getting the Show Back on the Road program was previously limited to performing arts and live music events. We have now broadened the scope of the program to include regional agricultural shows.

ENVIRONMENT — WASTE LEVY

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

I refer to the minister's answer of 2 June to my question on notice concerning the Department of Water and Environmental Regulation's responses to accusations of systemic waste levy avoidance.

(1) Of the 39 complaints or suspicions raised with DWER between 2017 and 2021, how many resulted in —

(a) investigations undertaken by DWER solely or jointly with other law enforcement agencies;

(b) enforcement actions undertaken in accordance with DWER's compliance and enforcement policy; or

(c) successful prosecutions?

Hon STEPHEN DAWSON replied:

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

(1) (a) Each of the 39 complaints or suspicions raised were investigated either independently by the Department of Water and Environmental Regulation or jointly with other law enforcement agencies.

(b)–(c) No offences have been identified to date as a result of these suspicions. However, some investigations are ongoing. Given the complex nature of waste levy avoidance, the department is currently undertaking consultation and development of significant reforms into the waste management sector and waste-derived materials.

WORKSAFE WESTERN AUSTRALIA — WORKSAFE INSPECTORS

358. Hon NICK GOIRAN to the Minister for Industrial Relations:

I refer to recommendation 71 of the Standing Committee on Public Administration's thirty-first report entitled *Coming home safely: WorkSafe and the workplace culture in Western Australia*.

(1) Has the minister inquired into the additional categories of high-risk works that should be notified to the WorkSafe Western Australia Commissioner so as to enable the presence onsite of WorkSafe inspectors?

(2) If yes, when was this undertaken and will the minister table the document that sets out the outcome of that inquiry?

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

Hon STEPHEN DAWSON replied:

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

(1)–(3) In line with the government's response to recommendation 71 of the Standing Committee on Public Administration's thirty-first report entitled *Coming home safely: WorkSafe and the workplace culture in Western Australia*, the government has engaged with the Boland review process through the WorkSafe Western Australia Commissioner. Recommendation 1 of the Boland review sought a review of the model Work Health and Safety Regulations and model codes, including notification provisions. On 20 May 2021, a meeting of the federal, state and territory work health and safety ministers took place, and it was agreed that Safe Work Australia would review notification provisions in the model Work Health and Safety Act 2011. This work is ongoing.

DOG AMENDMENT (STOP PUPPY FARMING) BILL 2021

Question without Notice 339 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.01 pm]: I would like to provide an answer to Hon James Hayward's question without notice 339 asked yesterday to me, the Leader of the House representing the Minister for Local Government, which I seek leave to have incorporated into *Hansard*.

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

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

(1)–(2) The Department of Local Government, Sport and Cultural Industries consulted widely, including with pet shops, on the implementation of laws. The outcome of the consultation process indicated overwhelming community support for this legislation and the report was published in December2018.

Retailers who may have sourced their animals from puppy farms would not be forthcoming with this information about the source of their dogs due to concerns about reputational damage to their business. However, there have been a number of incidences where evidence has emerged linking existing pet shops in Perth with puppy farming operations, including the September 2020 case of Strawberry the Boxer.

(3) The Dog Act 1976 provides for the management of dogs. The Animal Welfare Act 2002 provides for the welfare of animals. The Animal Welfare Act 2002 falls within the portfolio of the Minister for Agriculture and Food.

HOSPITALS — REGIONS — POSTOPERATIVE CARE

Question without Notice 314 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [5.01 pm]: I would like to provide an answer to Hon Martin Aldridge's question without notice 314, which was asked on 17 June 2021. I seek leave to have the answer incorporated into *Hansard*.

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

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

(1) The treating hospital is responsible for providing or arranging post-operative care. When patients are discharged to regional locations, based on their specific care needs and circumstances, post-operative care may be provided by WA Country Health Service (WACHS) staff at regional hospitals/health centres, private clinicians and/or general practitioners.

(2) Where a WACHS Activity-Based Funding (ABF) hospital provides post-operative care, this generates ABF funding.

(3) For patients discharged from WACHS hospitals, discharge planning is undertaken to make arrangements for continuing post-operative care in the community, if required. These arrangements may include outreach services from neighbouring towns or referral to the local General Practitioner for continuing care, if appropriate.

(4) The Minister is aware that discharge planning is undertaken by the treating hospital that takes into account the needs of the patient and services available in their home location or by Telehealth where appropriate.

CORONAVIRUS — VACCINATION CLINICS — REGIONS

Question without Notice 319 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [5.02 pm]: I would like to provide an answer to Hon Colin de Grussa's question without notice 319, which was asked on 22 June 2021. I seek leave to have the answer incorporated into *Hansard*.

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

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

(1) and (3) Permanent and in-reach/mobile clinics currently listed on VaccinateWA, and future appointment bookings as at 1.15pm 22 June 2021.

(1) Permanent Vaccination Clinics	(3) Vaccines booked to date	(1) Mobile / In reach Clinics*	(3) Vaccines booked to date**
Albany	1128	Ardyaloon	-
Broome	2066	Augusta	-

Bunbury	6854	Beverley	21
Carnarvon	666	Boddington	-
Derby	399	Boyup	-
Esperance	670	Bridgetown	-
Geraldton	1735	Bruce Rock	24
Hedland	936	Busselton	255
Kalgoorlie	1613	Collie	1
Karratha	1263	Coolgardie	15
Kununurra	358	Coral Bay	65
Narrogin	467	Corrigin	-
Newman	61	Cue	11
Northam	580	Denham	173
		Denmark	83
		Dongara	112
		Donnybrook	22
		Exmouth	502
		Fitzroy	84
		Gnowangerup	47
		Goomalling	19
		Halls Creek	-
		Harvey	13
		Jurien Bay	21
		Kalbarri	142
		Kalumburu	-
		Kambalda	23
		Katanning	66
		Kellerberrin	-
		Kojonup	24
		Kununoppin	40
		Lake Grace	-
		Laverton	45
		Leonora	63
		Lombadina	-
		Manjimup	-
		Margaret River	34
		Meekatharra	20
		Menzies	-
		Merredin	60
		Moora	72
		Morawa	15
		Mount Barker	-
		Mount Magnet	1
		Mullewa	10
		Nannup	-
		Narembeen	25
		Norseman	7
		North Midlands/Three Springs	36
		Northampton	92
		Onslow	-
		Paraburdoo	84

		Pemberton	-
		Pingelly	-
		Southern Cross	1
		Tom Price	29
		Wagin	17
		Wankatjungka	-
		Warmun	-
		Wongan	7
		Wyalkatchem	15
		Wyndham	21
		Yalgoo	-
		York	25
		Yungnora	-

*The definition of a mobile clinic is where an in-reach clinic is provided by visiting vaccination staff.

**Clinics may not have bookings for a number of reasons, including that the final appointment times have not been entered

(2) All clinics, with the exception of the Bunbury Community Vaccination Clinic, are currently operated out of existing West Australian Country Health Service facilities.

The Bunbury Community Vaccination Clinic lease and cost to date are as follows:

Site	Lease expiry	Cost to date
Bunbury	16 November 2021	$4091.66

(4) The standard staffing model includes five staff per clinic; however, staff numbers are variable dependent on the type and frequency of the clinic.

(5) This regional vaccine planning work is in progress.

SAFEWA APP — ACCESS — POLICE INVESTIGATION

Question without Notice 327 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [5.02 pm]: Yesterday, at the end of questions without notice, Hon Martin Aldridge took a point of order in relation to an answer I had given on behalf of the Minister for Police. In part (4), I referred to a number that was not used in this place. I advise that the answer to part (4) is —

Please refer to Legislative Council question without notice 323.

I apologise that the information was not provided yesterday. I am happy to provide it to the house.

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Recommendation 1 — Adoption — Motion

Resumed from an earlier stage of the sitting.

Withdrawal of Remark

The DEPUTY PRESIDENT: Members, before the break in proceedings, we were dealing with a point of order. I understood that the Leader of the Opposition wanted to be heard on the point of order.

Hon Dr STEVE THOMAS: Mr Deputy President, very quickly, I refer to standing orders 44, 45 and 46, and all imputations being considered highly disorderly. "Unparliamentary language" comes under standing order 46. I would have thought the process here, Mr Deputy President, is that the words were deliberately meant to be insulting. If that is the case, they should be withdrawn.

The DEPUTY PRESIDENT: Having reflected on the point of order during the break, I want to make a few comments. It is not uncommon for members to refer to classes or groups of members on either side of the chamber as a collective. Standing order 43 clearly states that members should refer to other members by their title of office or their name. However, it is commonplace for members to refer to others in the general course of debate. Certain words were used by Hon Dan Caddy. Having reflected on them and reflected on previous rulings with respect to the language that has been used, I rule that there is no point of order. However, I ask that when a member does raise a point of order, the standard practice of what constitutes unparliamentary language in this house comes down to context. On this occasion, I do not consider those words used to be unparliamentary. However, the practice in this place is that when a member objects to certain words used, the member is invited to withdraw those words as a courtesy. I invite the member to withdraw those words. However, I will not insist on the withdrawal.

Hon DAN CADDY: Thank you for your ruling, Mr Deputy President. I withdraw those words.

Debate Resumed

HON DAN CADDY (North Metropolitan) [5.05 pm]: The point I was making was to do with complaints from the other side about the short time frame. I must say that I was surprised. When I look at those opposite, I see a pretty accomplished lot: I see lawyers, farmers and former small business owners. A generally accepted trait of lawyers is their ability to react quickly to change, to circumstances and to new information. When it comes to farmers—I am sorry to the lawyers in the room—they are at the top of the tree; they are the ultimate in reacting quickly and keeping the show on the road. Those who have been in business for themselves, as I have, would know that we have to react quickly. If we do not, we fail. Let us be really clear on one point: was the time frame tight? Yes. Was it restrictively tight, especially given it applied only to an interim report on one aspect of a single part of the review? Not really. The committee was asked to look at only one small area. Paragraphs 1.1 to 1.6 note this. They note that the committee chose at a very early stage, as outlined in the report, that it would be considering speaking time limits only with respect to bills. The scope was even reduced, it would appear by the committee, noting in paragraph 1.6 that in the final review, all speaking times would be looked at in the wider report.

I may be labouring the point a little, especially for some members, although some members may appreciate the labouring of points, but it is critically important that it is a matter of the public record that the time provided by the house was entirely adequate to look at this one particular element. I want to be really clear on that because that is where the bulk of the criticism has landed that was directed, unjustly in my opinion, at the Leader of the House. Anyway, I will move on.

I will make just a general comment about the report. The report contains a brief history of the standing orders in Western Australia with respect to speaking times during the consideration of bills and where we have been previously and when decisions were made and not made. Although all this stuff is nice to know, it does not necessarily inform the debate on modernisation nor does it compel us in one direction or another. It is, at best, nice to know. It gives a historical context, which can be important but it is not necessarily critical when the thrust of the motion from the house was modernisation. By contrast, the table provided at appendix 1 looks like a very good resource for us, in reading the report, to refer to. I want to make two things evident when we consider this table. The first is critically important; that is, the minority report makes reference to making decisions without sufficient information. I take members back to the motion of the house, which asked specifically for an analysis based on upper houses of Australian states and the Senate. This is exactly what appendix 1 was—no more and no less. It is exactly what the motion of the house asked for. Then we look at the amendment proffered by Hon Dr Steve Thomas to the original motion. The amendment from the Leader of the Opposition sought to amend the reporting period for the initial report for part (4) of the motion. This was the entire extent of the amendment—to alter the time frame for reporting.

At no time was an amendment put that the scope of what would eventually go towards the make-up of appendix 1 be increased. At no time was an amendment moved to increase the breadth of analysis the committee was required to undertake when making its recommendation. It is a little curious when we see that the main thrust of the minority report is that the authors of the report could not make a decision, and one of the primary reasons for that was there was not enough information. Let us be completely clear: the information that the committee was given to consider, according to the report and the evidence in the report at appendix 1, was exactly the information that the motion of this house dictated the committee use when considering the motion. Let us also be completely clear that when the option was there to amend the motion—the opposition put forward an amendment—this issue was not part of the amendment. There was no question of this being an issue. The amendment was specifically about the time frames.

I think I have made the two points that I wanted to make. I will conclude with this, for all members, old and new: do not aim to be good at what you do in this place; aim to be exceptional at what you do in this place because it is an artist who can speak for 10, 20 or 30 hours on an issue in this place, but it is a maestro who can condense the essence of a good argument into just a few minutes.

HON MARTIN ALDRIDGE (Agricultural) [5.11 pm]: I rise to contribute to the motion moved by Hon Kyle McGinn. In doing so, I will probably contain my remarks to key aspects of both the majority and minority report and some of the contributions that have been made thus far today, because I think that the minority report by my colleague Hon Tjorn Sibma and me deals in greater detail with the constraints that the committee faced, the problems it encountered and the difficulty it had in forming a firm view at this time.

I will start by addressing some of the comments made so far today. Hon Kyle McGinn's contribution was interesting. I want to pick up on a couple of things he said. When reflecting on paragraph 1.7 of the majority report, he commented to the effect that paragraph 1.7 shows where we came from. He suggested to the chamber that his interpretation of paragraph 1.7 was that at that point in time members of the Council had a 30-minute speaking limit, which is not the case. It has never been the case in the Legislative Council's entire history that a member of this chamber has been restricted to 30 minutes. When members look at paragraph 1.7, they will see that it refers to a debate that occurred in 1986 when a proposal was advanced for a 30-minute limit on each member for any debate before the house and time limit of 10 minutes for each contribution in the Committee of the Whole House. I make it clear that we have not gone from unrestricted to restricted time limits and regressed to unrestricted limits. It needs to be read carefully.

I might mix the comments of Hon Dr Steve Thomas and Hon Kyle McGinn because Hon Dr Steve Thomas said that most changes to the standing orders, if not all in recent history, have been on the basis of consultation and consensus. I do not think that point is in dispute. I have not heard anyone dispute that point in their contributions today. Chapter 2 of the minority report, if I am not mistaken, sets out what has been the ordinary process of amending standing orders in recent history. Of course, the proposition before the house is not the end product of either consultation or consensus. I think Hon Dr Steve Thomas was charitable when he said it was simply the opinion of five members. I would probably define that further by saying it is more likely the opinion of three members in the majority report.

Hon Kyle McGinn said that he has never had any issue articulating his view in 45 minutes. I want to make this point, not to be disparaging of Hon Kyle McGinn's contribution to this place, but there is a different perspective on a member's right to speak depending on whether they are a government member or an opposition member, because their role and function in this place is quite different. Hon Kyle McGinn seems quite comfortable with what he has recommended based on his experience, but he has had a very limited opportunity to contribute to second reading debates because he has been a member of the government for the entire time he has been a member of this place. We have only just welcomed Hon Dan Caddy to this chamber and he has not contributed to a second reading debate in this place. I think those things are said in good faith and they need to be taken with good intention. Members' perspectives about speaking times and about what can and cannot be done differ. That is why dealing with this, I think probably the most sensitive aspect of our standing orders, in this way, was never going to be wildly successful, particularly given the time frame involved.

Another comment Hon Kyle McGinn made was that scrutiny is not being restricted by limitations on contributions to the second reading debate because members can make unlimited contributions in the Committee of the Whole. I want to make the point that second reading contributions are very different from the Committee of the Whole stage. At the second reading debate, the policy of the bill has not been settled. It is accepted that second reading contributions are much broader. They can encompass a greater range of issues. Members can suggest the ways in which members think the bill ought to be improved or matters that have been omitted, but once the second reading of the bill is settled, the policy of that matter is settled. When we get to the clauses of a bill in the Committee of the Whole stage, members will often hear the Chair of Committees and Deputy Chairs of Committees rule on and pull up members when they start to introduce matters of policy after the second reading debate has been settled. I do not accept for one moment that we should be overly restricted in the second reading stage of a bill because, do not forget, there is plenty of opportunity in the Committee of the Whole; they are not interchangeable opportunities.

Another comment from Hon Kyle McGinn's address that I want to pick up on is he said we are the only house that has inequitable speaking times. He quoted paragraph 1.29 from the report on this, which is reflected in appendix 1. Paragraph 1.29 states —

> The Council is the only Upper House jurisdiction that provides unlimited speaking time to some Members and limited speaking time to others.

That does not translate to mean we are the only house that has inequitable speaking times, because just about every other upper house chamber shown in the table of the report has inequitable speaking times among its members. It has classes of members such as ministers, shadow ministers, lead members and members deputed. No matter how it is classified, each of those jurisdictions accounts for the type of member and allocates time inequitably.

Hon Kyle McGinn: I was talking about unlimited.

Hon MARTIN ALDRIDGE: That is not what Hon Kyle McGinn said.

Hon Kyle McGinn interjected.

Hon MARTIN ALDRIDGE: The member can rise in a minute and make a personal explanation.

Hon Dan Caddy made some suggestion at the beginning of his contribution about how disappointed he was that the five members of the standing committee could not reach a consensus position when there appears to be an overwhelming consensus now in the chamber on some compromise position. That may well be his narrative, but that is certainly not mine. Whether the chamber ends up agreeing on a motion, which is foreshadowed, or some other product, this is not the way to amend the standing orders. Hon Dan Caddy also said that clearly an adequate time frame was provided. Clearly, there was not. I draw members' attention to paragraphs 1.3 to 1.6 of the majority report, in which the standing committee articulates its failure to report on speaking times by 22 June 2021. The report states —

> 1.3 The Standing Orders of the Legislative Council contain 33 individual time limits spread over thirteen different categories.

It also states —

> 1.4 The Committee notes the short reporting deadline for this Interim Report. In this short period, the Committee has not been able to consider —

I repeat: it has not been able to consider —

> all 33 time limits in comparison with the other Upper Houses in Australia. Consequently, the Committee has had to carefully consider the scope of this Interim Report.

Clearly, there was not adequate time. The committee considered three out of 33 time limits. I do not understand how anyone can stand and say that clearly we had an adequate frame time—11 business days. It is not defendable.

Hon Dan Caddy also said that no amendment was put to the house, other than the reporting time frames, on the scope of the inquiry. I do not think that matter was in dispute. A universal view was expressed in the minority report that there is nothing to be afraid of in reviewing our standing orders; it is just that the time frames involved are inadequate. I recall making repeated contributions to this place that if members want to insist on 11 business days to conduct an inquiry into 33 speaking limits, they should stand and make a contribution to allow the committee to focus its efforts in the time that it had available. I am pretty sure I made that comment; in fact, I probably repeated it on several occasions on 3 June.

Hon Dan Caddy said that no instruction was given to the committee on how to conduct the inquiry. I think this was in response to some earlier criticism about the lack of consultation. To that I would say that it would ordinarily be expected, for an inquiry like this—going back to the comments made by the Leader of the Opposition—that consultation and consensus were key to orderly standing order amendments. Keep in mind, members, that this inquiry remains active. The referral motion of the house requires the committee to report fully on the entire 240-odd standing orders in less than seven weeks! If I am not mistaken, it will be our second sitting Tuesday after the winter recess. I will say more about that in a moment.

On 3 June, we heard one contribution from the government, and that was from the Leader of the House. At that point, having listened to the Leader of the House, I reflected on her contribution. Not having researched it, I was led to believe that the Western Australian Legislative Council was some backwater that was lagging the rest of the nation in terms of having a modern set of standing orders, including speaking time limits. Paragraph 1.29 of the majority report clearly sets out that the Western Australian Legislative Council is fairly mid-range. I do not think we are either leading or lagging. I do not think we could be classed as an overly restrictive or an overly liberal jurisdiction on our speaking time limits. Paragraph 1.29 makes the point —

> … unlimited speaking times for all Members have been dispensed with in three jurisdictions—the Senate, New South Wales and Victoria. Two jurisdictions have unlimited speaking times for all Members—South Australia and Tasmania.

I make this clarifying point for members who have not read footnote 12: the New South Wales Legislative Council has not permanently enshrined its sessional orders within its standing orders. It probably sits in the middle. The Senate and Victoria have got rid of unlimited speaking times on a permanent basis, South Australia and Tasmania have retained them, and New South Wales has a rolling sessional order that is reintroduced at the start of every session of Parliament, which I think has occurred for the past 10 years.

I will not refer to paragraph 1.34 extensively. The Leader of the Opposition has pointed out that if members have more restricted speaking times, we will get more government legislation through the house. Perhaps that is not the case. The committee has not been able to analyse the available data and it has not been able to adequately communicate with other jurisdictions. All those matters are well set out in the minority report. All we have done is google the standing orders of the other places, put together a table and formed some views, or at least three members of the committee formed some views in the majority report, with some significant limitations.

Members are aware that the general time allocation applies to members who are not a leader or a deputed leader—that is, a leader of a party, the Leader of the Opposition or the Leader of the House; they are ordinary members like me. At the moment we get 45 minutes, and under standing order 22, by leave of the house, we can have a 15-minute extension. In my eight and a bit years here, I have sought that leave on one or maybe two occasions. Paragraph 1.43 states —

> A majority of the Committee is of the view that a 30 minute time limit should apply to second reading speeches by Members who do not currently have unlimited speaking times. The Committee notes that this is at the upper end of time allocations for those jurisdictions that do not have unlimited speaking times.

One thing that I think is lacking in this majority report is any consideration of the way in which standing order 22, in our little red book, is drafted. Standing order 22, "Variations to Time Limits", states —

> (1) A Member limited to 45 or 60 minutes speaking time may, by leave, be granted an extension of 15 minutes.
>
> (2) Subject to order of the Council, the time limits relating to Committee of the Whole House may be applied to other business.

It is obvious from reading this report that either it was not contemplated or it was not intended to be applied. Keep in mind that paragraph 1.18 sets out that nine members of the house—one-quarter of the house—are entitled to

unlimited speaking times. Three-quarters of the house fall under general time allocation. I can only interpret the majority report to mean that three members of the committee want a hard 30 minutes—no extension; no leave: "Thirty minutes, you've had your time, sit back down". There is nothing before us in the recommendation moved by Hon Kyle McGinn that reflects an amendment to standing order 22. Otherwise, perhaps recommendation 2, or part of recommendation 1, would have been an amendment to standing order 22, which would have said —

> A Member limited to 30, 45 or 60 minutes speaking time may, by leave, be granted an extension of 15 minutes.

That clearly was not the intention of this recommendation.

Paragraph 1.50 of the committee's majority report is interesting, and I think Hon Kyle McGinn quoted and in fact emphasised this point —

> The Committee is also aware that there may be an interrelationship between the limiting of second reading speeches and the length of the Committee of the Whole stage and the Committee will undertake to monitor this in the remaining stages of this review.

I do not have a problem with that statement. It was good of Hon Kyle McGinn to emphasise it, because it has made me now talk about it.

Hon Kyle McGinn: No problem.

Hon MARTIN ALDRIDGE: Okay; cool. The problem with this statement is that members should keep in mind that the reporting date is 10 August. If they agree with my view of the world, it should be 3 December. Hon Kyle McGinn's paragraph 1.50 is solid—I think it is a good one—but the problem is that we have to report in full by 10 August. We have one business day tomorrow, and then we go into the winter recess. When we come out of the winter recess, we will have Tuesday, Wednesday and Thursday and then we will have to report on the following Tuesday. Members should keep in mind that we will have to draft a report, deliberate on the report, prepare a report and print the report. That will not happen on the Monday night before the Tuesday. Effectively, we will have four business days of the house in which to, according to Hon Kyle McGinn's paragraph 1.50, examine the interrelationship between the limiting of second reading speeches and the length of the Committee of the Whole stage, and the committee will undertake to monitor this in the remaining stages of this review. Good luck! If he had a more reasonable time frame in which to consider this, such as by 3 December, I think that could be achieved. That is a sensible thing to do. It could be achieved by 3 December. We will probably have dealt with a dozen or 20 bills in that time as we head towards the summer recess. That would be a good time to examine and look at, say, a block of 10 bills and ask: how do these 10 bills differ from the 10 bills last year? I think members need to reflect on these things when deciding their position on this recommendation.

The recommendation of the majority of the committee sits at page 6 of the report. It recommends those effectively with unrestricted speaking times should have 45 minutes and other members—three-quarters of the chamber—should have 30 minutes. I just want to make this point at this stage. Appendix 1 starts on page 7. I want members to have a look at that. Also at appendix 1 on page 7 is a comparison with the Western Australia Legislative Assembly. Here we can see that a mover of a motion or a party leader or member deputed in the Assembly has 60 minutes to speak. Of course, under standing order 102, they have a right to a further 15-minute extension, so they can have up to 75 minutes. That is up to 75 minutes in the Assembly for a lead member—a senior member—in considering a bill. Compare that with what the majority of the committee has recommended for Council members, which is 45 plus 15 minutes with leave, so 60 minutes in total. What has been recommended here by those three members of the committee is a lesser opportunity, or a lesser speaking time—in my view, less scrutiny of bills than in the other place.

If we look at "other members", this recommendation is that we should all have a hard and fast 30 minutes—no excuses. In the other place, members can have 20 minutes, then they can get a further 10 minutes under standing order 101 and then they can have another 15 minutes under standing order 102. That takes what we would call a general member in the other place to 45 minutes in comparison with our 30 minutes, which is the recommendation of the majority.

Members, we are the house of review. I do not think it is a defendable proposition to bring a recommendation to this place that we should have a lesser opportunity to scrutinise legislation than those in the Legislative Assembly. If members think that, I look forward to them defending their position.

The other problem that exists here is that, if we look back to the thirty-ninth Parliament, when a bill was being debated, Labor Party members would all speak on the second reading debate, then the last member would get up and move a motion to refer the bill to a committee, then they would all speak on the referral motion, and then we would finally get to the end of the second reading stage and into the Committee of the Whole. That did not happen in the last Parliament—it did not happen once. The strange thing is that if the Labor tactics were to be employed, general members would have 30 minutes to speak on the second reading, but the moment my good friend here Hon James Hayward moved a motion to refer the bill to a committee, I would get 45 minutes. That is just bizarre. This is the problem with rushing inquiries like this.

I want members to reflect on a couple of things in my closing remarks. At paragraph 1.7 of the minority report, it is stated —

> In 2018 the Council referred the procedure for Motions on Notice to the PPC for inquiry and report which took four months to complete.

That four-month inquiry resulted in the temporary orders that were reinstated today. They are good temporary orders. They should have been reinstated on the first day of this Parliament. They should be under review by the Standing Committee on Procedure and Privileges.

Paragraph 1.8 states —

> That same year, the PPC took three months to report on Standing Order 6(3) relating to the provisions by which the House is recalled.

They were two very discrete sections of the standing orders that took four months and three months respectively to inquire into and report on, and the committee did it in a proper fashion. Members, 10 August is less than seven weeks away. The government has charged us with reviewing the entire standing order book, plus all the other speaking limits that we did not do. Remember, we have done three out of 33. That means we still have 30 to do. I want members to contemplate and reflect on that.

Section 2 of the minority report goes to amending standing orders. I am not going to have time to go through it, but I think it is a really important part of the minority report that particularly new members of the chamber should take two minutes to read, because it clearly sets out, in the words of the Leader of the House, how standing orders ought to be amended.

Section 3 of the report refers to all the things that the minority of the committee members felt were issues and were the reasons for not being able to form a view with the rest of our committee members that recommendation 1 and other aspects of the report ought to be supported, and therefore resulted in this minority report. They are clearly set out at paragraphs 3.1 to 3.25. We go further and refer to the things that the standing committee ought to be charged to do before making decisions on this matter. They are found at paragraphs 3.21, 3.22 and 3.23. Members should keep in mind that when we did things like reviewing the prayer of this place, it was a very involved, consultative process. We had surveys, we had submissions, we had contemplation and reflection and then we had options for the house to consider, and, ultimately, the house made a decision.

Amendment to Motion

Hon MARTIN ALDRIDGE: Recommendations A and B of the report of the minority of the committee I think are quite sound, and that is why at this point I move —

> To delete all words after "that" and insert —
>
> (1) The reporting time for the committee is extended in respect to its report into the review of standing orders from 10 August 2021 to 3 December 2021; and
>
> (2) The committee is instructed to —
>
> (a) advertise the inquiry publicly;
>
> (b) seek submissions from members of the Council and external stakeholders;
>
> (c) collect and analyse relevant data pertaining to speaking time usage over at least the last two Parliaments;
>
> (d) engage with upper house Australian jurisdictions to establish a greater understanding of their relevant standing orders and any consequence of them;
>
> (e) conduct a literature review to identify relevant articles and papers and possible solutions for consideration; and
>
> (f) consider the merits of releasing a discussion paper presenting options for change and surveying members of the Council on their preferred options.

Acting President (Hon Steve Martin), I commend that amendment to the house.

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.38 pm]: I know that a copy is going to be circulated, but, effectively, what the honourable member has done is move a motion that gives effect to recommendations A and B in the report before us, so everybody knows what we are dealing with.

The government will not be supporting this amendment. I do not think that will be of any surprise to anyone. I will just make this point. When pressure was applied, this house has before it now a recommendation and indeed an amendment that will go no small way to stopping the filibuster that occurs in second and third reading speeches. That is a good thing. I look forward to the next report. The government will not support the proposition that Hon Martin Aldridge has moved.

Division

Amendment put and a division taken, the Acting President (Hon Steve Martin) casting his vote with the ayes, with the following result —

Ayes (7)

Hon Martin Aldridge	Hon Nick Goiran	Hon Tjorn Sibma	Hon Colin de Grussa *(Teller)*
Hon Peter Collier	Hon Steve Martin	Hon Dr Steve Thomas	

Noes (19)

Hon Klara Andric	Hon Sue Ellery	Hon Sophia Moermond	Hon Dr Sally Talbot
Hon Dan Caddy	Hon Peter Foster	Hon Dr Brad Pettit	Hon Wilson Tucker
Hon Sandra Carr	Hon Lorna Harper	Hon Stephen Pratt	Hon Darren West
Hon Stephen Dawson	Hon Jackie Jarvis	Hon Martin Pritchard	Hon Pierre Yang *(Teller)*
Hon Kate Doust	Hon Kyle McGinn	Hon Samantha Rowe	

Amendment thus negatived.

Motion Resumed

HON TJORN SIBMA (North Metropolitan) [5.44 pm]: I will take my instructions, somewhat strangely, from Hon Daniel Caddy and try to make this into a maestro moment!

Hon Sue Ellery: Have faith in that.

Hon Dan Caddy: I'm sure you will succeed.

Hon TJORN SIBMA: Listen! I think it is generally unusual for the Standing Committee on Procedure and Privileges to have, effectively, a minority report as an attachment to the majority report. I am told that it is unprecedented. I would not be surprised if that is the case. I was the co-author of the minority report for a number of simple reasons—primarily, because I do not feel that the committee was provided with an adequate amount of time to conduct an inquiry worthy of the name. I think that is abundantly clear. I also cannot let go of the fact that this is a very unconventional approach to amending speaking times—absolutely unconventional. There was a complete lack of consensus. Previous contributors remarked that the opposition had an opportunity to amend the term of reference to a slightly longer horizon but that that was not taken up, and we should have considered, potentially, a shorter extension. That opportunity has now passed, with the defeat of the amendment in the terms just put.

I want to briefly identify a couple of issues; one is to pick up on the identification of an issue at appendix 1 of the majority report. There is absolutely no justification for a chamber like this, worthy of the epithet "house of review", to have speaking times that are more constrained than those of our counterparts in the other place. That is a fundamental problem with the recommendation we are now being asked to adopt that is embedded in the majority report.

I will very briefly quote from a report provided by, I think, the then Clerk of the New South Wales Legislative Council, Mr David Blunt, of 26 July 2012. There is a footnoted reference to this report within the body of the main report. I think it makes some interesting observations about some of the effects of the introduction of constrained speaking times. I will quote from page 8, on a consequence of the change —

> What has changed is that there has been a significant increase in the number of speakers on contentious bills, but with most speakers now speaking for a shorter time. The length of time contentious bills are before the parliament and subject to scrutiny has varied, but does not appear to have decreased on average. Similarly the average time contentious bills are being subjected to detailed scrutiny in committee-of-the whole does not appear to have decreased, with a similar number of amendments being moved.

This is what is interesting —

> Two further observations may be made about the impact of the introduction of time limits on debate on government bills, beyond the analyses set out in the appendices. Firstly, during debate on one of the six contentious bills analysed … a member who used the maximum time available for his speech, having further material which he would have ordinarily introduced in a longer speech, incorporated material in Hansard by leave. The material consisted of case studies from police officers who might have been affected by the legislation. One of the case studies included some extremely unparliamentary language. Had the material been read onto the record, as would have presumably occurred in the absence of time limits on debate, it is highly likely that objection would have been taken to that language. As the material was incorporated, however, the language only became apparent when the galley proof of Hansard appeared the next day.
>
> The offending words were edited out of the transcript before production of the pamphlet and bound volumes of Hansard. This is perhaps a salutary lesson that should the existence of time limits on debate lead to additional request for leave for the incorporation of material in future.

> The second observation that may be made is rather obvious, namely that the existence of time limits on debate on government legislation eliminates the filibuster as a procedural option.

All that is saying is that there are potentially unintended consequences of any limitation—that is all that that is saying. If the committee had been provided with a more appropriate time to turn its mind to these issues, these matters would have been more fully explored, as indeed would the interrelations of different standing orders and how they are presented.

That said, I will move very quickly on to what I am going to do. I acknowledge that there has been discussion behind the chair and there is broad agreement to amend the times and the recommended speaking limits as they appear on the notice paper. I like to say that I generally adopt a precautionary principle to these matters, and I think that if we want to embed change, we should proceed at a conservative rate, which is likely to foment genuine goodwill, which would achieve a superior outcome.

Amendment to Motion

Hon TJORN SIBMA: That being said, I move to amend the recommendation as follows —

To delete all words after **Bills (Second and Third Reading)** and insert —

Mover	60 minutes
Lead Member	60 minutes
(Government or Opposition)	
Party Leader and Member deputed	60 minutes
Other Members	45 minutes
Mover-in-Reply	60 minutes

That amendment is being circulated presently.

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.51 pm]: Can I just indicate that this motion has been the subject of discussion behind the chair and an unsigned version of the draft has been circulated. I do appreciate the meaningful negotiation that occurred today. I reiterate the point that I made earlier that when pressure was applied, we could actually deal with this quite quickly. I will be supporting this amendment and I encourage the house to support it.

The ACTING PRESIDENT (Hon Steve Martin): Is that paper being distributed? Thank you.

Amendment put and passed.

Motion, as Amended

Question put and passed.

House adjourned at 5.53 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTER FOR COMMERCE — PORTFOLIOS — PURCHASING CARDS

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

For each department and agency within the Minister's portfolio, could the Minister please provide information for the financial year 2019–2020, concerning the use of purchasing cards (including debit and credit cards) including:

(a) how many cards were issued to staff;

(b) what expenditure and transaction limits applied to the use of those cards;

(c) the total dollar value of transactions made via those cards;

(d) the total number of transactions made via those cards; and

(e) a breakdown of the categories of goods and services purchased via those cards?

Hon Alannah MacTiernan replied:

The Minister for Regional Development representing the Minister for Mines and Petroleum, Energy and Corrective Services provided a response on behalf of the Minister for Commerce in relation to the Department of Mines, Industry Regulation and Safety.

I would direct the Honourable Member to the response provided in answer to Question Number 130.

TOURISM — MATAGARUP BRIDGE

139. Hon Tjorn Sibma to the Leader of the House representing the Minister for Tourism:

On behalf of concerned residents, I would appreciate being granted access to a number of non-commercially sensitive documents (listed below) as they relate to the planning, approval and operation of the Matagarup Bridge zip-line. The list is not inclusive of the entire sweep of information sought by these residents, but they have made an approach to my office after being denied information that they consider has a non-trivial impact on their amenity. Accordingly, I ask for the:

(a) development application and application for the use and development of the Matagarup Bridge;

(b) Construction and Environmental Management Plan, and ancillary documents including:

  (i) fauna impact study and fauna licence; and

  (ii) noise assessment plan;

(c) Operator Agreement including any agreed code of conduct as well as other documents including:

  (i) lighting plan;

  (ii) event management framework;

  (iii) traffic study report; and

  (iv) WorkSafe companion document; and

(d) drone policy, if applicable?

Hon Sue Ellery replied:

(a)–(d) Please refer to Legislative Council question on notice 140.

TOURISM — MATAGARUP BRIDGE

140. Hon Tjorn Sibma to the Leader of the House representing the Minister for Transport:

On behalf of concerned residents, I would appreciate being granted access to a number of non-commercially sensitive documents (listed below) as they relate to the planning, approval and operation of the Matagarup Bridge zip-line. The list is not inclusive of the entire sweep of information sought by these residents, but they have made an approach to my office after being denied information that they consider has a non-trivial impact on their amenity. Accordingly, I ask for the:

(a) development application and application for the use and development of the Matagarup Bridge;

(b) Construction and Environmental Management Plan, and ancillary documents including:

  (i) fauna impact study and fauna licence; and

  (ii) noise assessment plan;

(c) Operator Agreement including any agreed code of conduct as well as other documents including:

(i) lighting plan;

(ii) event management framework;

(iii) traffic study report; and

(iv) WorkSafe companion document; and

(d) drone policy, if applicable?

Hon Sue Ellery replied:

Due to considerable volume of documents requested, it will take some time to compile and consider the contents of these documents prior to their release. The Minister will undertake to table the documents in due course.

CORONAVIRUS — VACCINATION RATE

143. Hon Wilson Tucker to the minister representing the Minister for Health:

Can the Minister please provide the current total number of COVID-19 vaccinations administered, and the current rate of vaccination for those aged 16 and over, for the following regions:

(a) North Metropolitan;

(b) South Metropolitan;

(c) East Metropolitan;

(d) Mining and Pastoral;

(e) Agricultural; and

(f) South West?

Hon Stephen Dawson replied:

(a)–(f) Please refer to Legislative Council Question without Notice 154 provided on 27 May 2021.