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(HANSARD)

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LEGISLATIVE ASSEMBLY

Tuesday, 14 June 2022

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THE SPEAKER (Mrs M.H. Roberts) took the chair at 2.00 pm, acknowledged country and read prayers.

HON ARTHUR RAYMOND TONKIN

Condolence Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [2.01 pm] — without notice: On behalf of the Premier and the Parliament, I move —

> That this house records its sincere regret at the death of Hon Arthur Raymond Tonkin and tenders its deepest sympathy to his family.

I begin by paying my respects to the family, who are in the Speaker's gallery today. Mrs Bettina Tonkin, Arthur's wife; sons, Richard and Phillip; daughter, Jasmine; and Joce and Levi are here this afternoon. Arthur Tonkin entered this Parliament in 1971 and he, along with Mal Bryce, represented Labor's new guard. They were a firebrand group of mostly teachers who entered Parliament in the 1970s and were constant agitators for change and renewal. Bruce Okely, the Clerk of the Legislative Assembly at the time, said —

> They were then very outspoken and the young men of that period behaved in ways which some of the older members of Parliament found to be somewhat extraordinary and perhaps even unpalatable.

For Arthur, politics was about devotional loyalty to an idea, rather than loyalty to a person. He demonstrated a genuine commitment to engaging in policy and the contest of ideas. But when it came to electoral equality, it was not so much a contest but a long and strident battle. Arthur proved to be a relentless fighter for electoral reform, a fight that ultimately led to Arthur sacrificing his career, rather than having to compromise on his convictions.

Arthur Raymond Tonkin was born on 21 January 1930 in Kelmscott to Norman and Florence Tonkin. Arthur was the fifth of six children. His father and three brothers all fought in the world wars and he would later tell Parliament that the only reason he did not fight was that he was too young. Arthur attended Gosnells Primary School, and then Perth Boys School until the age of 14. As a teenager, he earned money by selling newspapers, labouring at Canning Dam and working at a hardware store and as a farmhand in Wongan Hills. At 18 years of age, he travelled to Melbourne not by train or by car but, according to his son Richard, he rode 3 400 kilometres across the country on his Malvern Star pushbike alongside his brother Harold. In Melbourne, he completed his entire intermediate certificate and returned to Perth, and through self-taught night study completed two years of matriculation requirements in just one year. It was about this time, at the age of 19, Arthur proudly joined the Australian Labor Party. To him, it was an expression of his basic belief about the way in which society should be organised and governed.

After graduating from the University of Western Australia in 1953, Arthur embarked on a 17-year career in education, teaching at schools right across the state, including Armadale Senior High School and Bridgetown Junior High School, where he taught a young Barry MacKinnon, the Liberal MP he would later see across the chamber. During one debate in 1977, Arthur Tonkin in reference to a court judgement, said MacKinnon may have read it, but he could not understand it. MacKinnon responded that he should be able to understand it as it was Arthur Tonkin who taught him! Arthur responded by saying —

> Yes, I know … I see failure staring me at the face every day.

Tonkin finished his teaching career in 1970, having spent four years as senior master of history and economics at John Forrest Secondary College. At the 1971 election, the Labor Party needed just three seats to win office and defeat WA's longest serving Premier in Sir David Brand and the Liberal–Country coalition government, and that is exactly what the Labor Party did with Arthur Tonkin winning the seat of Mirrabooka with a margin of just 1.7 per cent. It was the third and final seat needed for the Labor Party to return to government after 12 years in opposition. He would represent Mirrabooka for only one term, with the seat being abolished after redistribution. Arthur would instead go on to be the member for Morley from 1974 to 1983 and the member for Morley–Swan from 1983 to 1987. His hold on his seat would strengthen at nearly every election, from holding Labor's most marginal seat to one of the strongest in the state by 1983, holding Morley–Swan on a margin of 20.9 per cent, a record he held until the current member for Morley's win at last year's election.

As an MP, education remained a passion for Arthur Tonkin. In his first Parliament, he spoke of the crisis in education that the Tonkin Labor government had inherited with overcrowded and substandard classrooms and lower-than-average learning rates. But what was extraordinary about Arthur Tonkin's first term was his eagerness to push for reform to our electoral system and our Parliament. This was a first-term government backbencher advocating for wholesale reform to our democracy. After less than a year as a member of Parliament, Arthur Tonkin was rigorously prosecuting the principle of one vote, one value. He reminded the house that members were there as —

> … representatives of the people; not of acres, or heads of stock, or income.

He said they were there for the people. Arthur's other pursuit was the establishment of a parliamentary committee system, something that would become his legacy in this place. He believed it would be the most fundamental and far-reaching step taken by Parliament since the introduction of universal franchise. It would enable greater public debate and engagement with the Parliament and more legislation to be dealt with. His leader, Premier John Tonkin, agreed to an inquiry; however, it was opposed by the then opposition. It would not be until 10 years later, when Labor returned to government, that the committee system would be established.

It was in opposition, though, that Arthur Tonkin established himself as the ultimate parliamentary brawler. A firebrand with a sharp tongue, in one debate regarding education Arthur told an opposition member the only good thing about him being a member of Parliament was that he was not teaching children! Arthur was also mischievous. In response to being called "a guttersnipe" by Arthur, the then Minister for Labour and Industry told him to take it outside, but instead of interpreting this as a threat of defamation, Arthur suggested it was something more violent. Arthur raised the issue in question time and asked —

(1) Does the Deputy Premier approve of Ministers of the Crown continually challenging other members of Parliament to a fight?

(2) Is this the normal way of settling disputes in the Cabinet?

(3) If so, on how many occasions has such a challenge been made and what were the results of the various bouts?

(4) Does the Deputy Premier provide training facilities for his Cabinet Ministers so that they can take on the Minister for Labour and Industry?

Unsurprisingly, the Deputy Premier did not respond and said —

> … it covers an area which does not come directly under my ministerial responsibility …

But it was the matter of electoral equality that elicited the most fiery and passionate responses by Arthur Tonkin. The Electoral Districts Act Amendment Bill, in short, legislated a specific number of lower house seats in the three regional districts that he said would further enshrine malapportionment. In Arthur's view, it was a divisive bill that further ripped away the principle of one vote, one value from Western Australia. In his view, it very clearly discriminated on the basis of where people happen to live, with arbitrary lines on a map. Arthur said in his second reading contribution —

> That is a horrible distortion and prostitution of anything that can be called electoral justice.

Interestingly, at that time, in 1975, the seat of Kalamunda was regarded a country seat. Arthur remarked —

> We find that the electors of Kalamunda have a greater need for the services of the flying doctor!

He said that some electorates only 16 or 17 miles away from Perth were being regarded as country areas and, as a result, were apparently—to the then government—"disadvantaged and they must be treated in a special kind of way". In his words —

> This is the kind of fraud the Government has perpetrated and brought to this House.

A week on from Arthur's ardent attack on the bill, you might have been forgiven for thinking his passion had cooled. But barely less than five minutes into the committee stage, Arthur continued with what former Clerk Bruce Okely said was fury that knew no bounds. "A corrupt government led by a corrupt leader", Arthur said. Predictably, the then Premier Sir Charles Court rose on a point of order, finding the comment objectionable. The chair asked that the unparliamentary comments be withdrawn, and Arthur responded with —

> Mr Chairman, you must be joking!
>
> …
>
> There is something more important than parliament and that is democracy and the people.

What followed was nothing short of procedural chaos, and Arthur ended up being named. He failed to raise points of order and refused to sit down. His offsider Mal Bryce leapt to his defence, only also to be named. The Premier successfully moved a motion to suspend Arthur, who defiantly remained in the chamber, continuing his attempt to raise a point of order. Arthur was eventually escorted from the chamber by the Sergeant-at-Arms. In scenes the Parliament would not see until a couple of minutes later, Mal Bryce, too, was escorted out of the chamber, saying —

> As I withdraw —
>
> …
>
> — from a toy Parliament corrupted by a vile government …

In 1977, we saw one of the most unedifying chapters of the Parliament in this state's political history. In that year's election, in the seat of Kimberley, the sitting member Alan Ridge defeated Labor's Ernie Bridge by just 93 votes. However, both sides claimed questionable tactics. What emerged during a 44-day case in the Court of Disputed

Returns was evidence of a campaign to prevent many illiterate Aboriginal people from voting. Those who could not read or write were denied the ability to present how-to-vote cards to indicate their preferences. A new election was ordered, but two days later the then government rushed in a bill that would have made it impossible for illiterate people to cast their votes. If it passed, how-to-vote cards would not be able to be used for voting. This, to Arthur, was more than a manipulation of Aboriginal people. In his words, it was an attempt to "rig the electoral laws". To him, this was about democracy—something people had given up a great deal to fight for. He said —

> … we have no hesitation in affirming, that the people of this State no matter what their colour or where they may live have a right to vote and have a right to choose any Government they wish to choose …

Throughout the debate he would constantly interject and challenge what were some the most abhorrent comments made in the chamber at the time in relation to Aboriginal people.

On 15 November 1977, the bill was put to a vote. Four National Country Party members crossed the floor, and the Independent MP Tom Dadour abstained from voting, leading to a tied vote. The bill rested on the casting vote of the Liberal Party Speaker Ian Thompson. In Thompson's view, the Court of Disputed Returns judgement should be respected and the by-election held on the same terms as the original election. The Speaker voted with the noes and the bill was defeated, and it prompted applause. When Thompson died, 32 years later, there appeared a very short death notice in *The West Australian*. It read: A tribute to a parliamentarian of the highest integrity and courage, able to rise above petty squabbles and narrow considerations. It was from Arthur Tonkin.

Arthur and his friend Mal Bryce became known as "the flying wedge" due to their enthusiastic and effective approach to policy and politics. Following Labor's loss in the 1980 state election, the young guard determined that fresh leadership was needed in order for the party to cut through. Arthur and Mal led the charge in caucus. Although both were seen as aspiring future leaders, the party opted for another young, ambitious candidate.

In 1983, Labor finally returned to government and Arthur was appointed Minister for Parliamentary and Electoral Reform and Leader of the House, as well as Minister for Water Resources and, for a short period, Minister for Consumer Affairs. He immediately went to work in trying to deliver the government's mandate for electoral reform. Within five months, Arthur introduced a bill that would ensure each voter had the right to cast a vote equal in value to each other. He said the bill would end "gross deception and wilful manipulation of the electorate" and urged those who believed in democracy to join hands to create a system of parliamentary representation of which they could be proud. He said —

> The fairness of the new electoral system will put an end to division and bitterness and will usher in a new phase of unity and political maturity—one State, one-vote-one-value.

But, in a Legislative Council in which the Liberal Party and the National Country Party held about two-thirds of the seats, the bill of course was defeated.

Despite bitter disappointment, Arthur tried again in 1984, putting forward a bill that contained some compromise, but again it was defeated in the Legislative Council. In response, Arthur said —

> The behaviour of the Opposition-dominated Legislative Council has reaffirmed its historical party political bias, noting that in the past 32 years the Legislative Council had only blocked one non–Labor government bill, in contrast to 49 bills proposed by Labor governments.

In order to address these deadlocks between the two houses, in 1985 Arthur Tonkin introduced a bill to establish a referendum that, if successful, would mirror the process adopted by the federal Parliament—that being a joint sitting held to try to resolve disagreements between the houses and, if that fails, a double dissolution election. Arthur encouraged members to treat the bill on its merits, although noting the record of obstruction in the Legislative Council. He said —

> Any parliamentarian who is afraid to place this issue before the people is not a worthy representative of the people in a nation claiming to be democratic.

The bill was defeated in the Legislative Council.

In 1986, Labor returned to government for a second term. Arthur was appointed Minister for Police and Emergency Services, and Water Resources; however, the responsibility for electoral reform was handed to his friend Mal Bryce, who took up the fight for one vote, one value. At a cabinet meeting in Geraldton, Bryce produced a draft bill embodying the promise of one vote, one value, which Labor took to the election. But what would follow was something Arthur would call "a betrayal of basic Labor principles from people whom I believed were my comrades in arms." He said —

> To hear my colleagues say, as they did in Geraldton on Sunday night, that we must make absolutely sure that the bill, which will contain the promises we made to people at the election, is defeated was to hear betrayed all that I have tried to stand for as a member of the Australian Labor Party.

Arthur Tonkin resigned from cabinet, saying his position was untenable and telling the Premier —

> Pragmatism in politics is necessary. But there is a line beyond which we should not go.

The decision to compromise on the bill was backed in caucus. Liberal MP Bill Stretch, who admired Arthur's conviction, later said —

> … they were just about calling for sawdust outside the caucus room door. The corridor had to be closed because of the shouting, screaming, yelling and the absolute vituperation that was to be heard.

Arthur gave an undertaking to the government that he would not speak publicly about his resignation. His silence, though, put him at a disadvantage when it came to issues about that matter.

Arthur Tonkin resigned from Parliament in March 1987, bringing an end to his parliamentary career. However, he would continue to remain engaged in public policy and was a frequent letter writer to *The West Australian*.

It is with pride that Arthur Tonkin lived to see one vote, one value finally achieved by this government. Fifty years after he led the fight, the party's longstanding promise was fulfilled. The Labor Party and its pursuit of electoral equality owes a lot to the late Arthur Tonkin.

Members: Hear, hear!

Mr D.A. TEMPLEMAN: I end on a quote from Arthur's contribution in 1975 to the government bill he so vehemently opposed. He said —

> It is not possible for this Government to destroy our ideals which it cannot even begin to understand.
>
> These ideals are indestructible. They will continue and we will eventually have this system of one-vote-one-value. I am not going to be so bold as to say when it will occur, or whether it will happen within the next decade. However, as surely as the sun will rise tomorrow the system of one-vote-one-value will be introduced into Western Australia. It is a principle which will endure long after present politicians, with their machinations, conniving and grabbing for power have passed from the scene.

On behalf of the Premier, who again sends his apologies for not being able to be here this afternoon but extends his condolences to all of Arthur's family, and on behalf of the state Parliamentary Labor Party and the government of Western Australia, this Parliament passes on its condolences to Arthur's family and friends and thanks him for his significant contribution to our democracy in this state.

Vale, Arthur Raymond Tonkin.

Members: Hear, hear!

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [2.21 pm]: I rise on behalf of the opposition and the Nationals WA to pay my respects and reflect on the contribution that Hon Arthur Raymond Tonkin made to this Parliament and to public life. I also acknowledge his family, including those sitting in the chamber today who have joined us—wife Bettina, Richard, Jasmine, Phillip, Joce and Levi. It is wonderful to have them here as Arthur is honoured.

Arthur was born on 21 January 1930 in Kelmscott. He left school around the age of 14. He had many jobs, from farmhand to labourer, even an orderly, before settling as a teacher from 1950. Arthur was a member of the State School Teachers' Union of WA. He joined the Australian Labor Party in 1949 and was elected to Parliament in 1971. He returned to teaching after leaving Parliament, and passed away on 5 May 2022 at the age of 92.

Arthur was first elected to the electorate of Mirrabooka. Helping win government for Labor, he successfully transferred to the seat of Morley after Mirrabooka was abolished, and again successfully transferred to the seat of Morley–Swan. He retired from politics after 16 years, both in opposition and also in government. His shadow appointments were varied and vast, focusing on industrial relations, consumer affairs, immigration, planning, tourism, local government and regional development, and he also wore a hat as manager of opposition business. In government, his ministerial portfolios included water, consumer affairs, parliamentary and electoral reform, police, emergency services and also Leader of the House.

From reading *Hansard* and listening to the Leader of the House today, it was clear that Arthur had an enduring passion for the democratic rights of people as they voted here in Western Australia and in our voting system. He also had a keen interest in agriculture, sport and mental fitness. I understand he had an enduring relationship with chess and also education. His first speech focused on agricultural tariffs, economic rationalisations, teachers' rights and cherishing those democratic rights that the Leader of the House spoke of.

I looked at Arthur's first speech. Although some of those principles have been hotly debated in this Parliament—as the Leader of the House noted—from his background as a teacher, we can see that he had an enduring passion for social sciences. He made sure that everybody understood how to participate to their fullest and ensured that they exercised that vote, understanding what we are so privileged to have in Australia. In his first speech to the house, he said —

> I will never be called upon to build a bridge; I will leave that to the engineer. I will never be called upon to diagnose a case of embolism; I will entrust that task to the physician. But each and every one of us is

> called upon to make decisions on the course society should take. Yet it is precisely this field—the field of social sciences, the field of study that will lead to progress in our understanding of man the individual and of man in society—that is most neglected; a neglect that will lead us very rapidly to our undoing.
>
> If we want our young people to understand and cherish democracy; if we are concerned that they may be lead astray by demagogues, then we should give them the tools so that they may be able to evaluate the many and varied ideas with which they will be assailed. If a student's roots go deep into the democratic processes, he will be able to withstand the seductive blandishments of extremists whether they be of the left or the right.
>
> I believe it is immoral to say to our youth: "You can have power by way of the vote, but we will do nothing to equip you with the knowledge and the wisdom that will help you to make decisions that will save mankind from disaster."

As members of Parliament engage in that democratic process every day, to hear the passion with which Arthur spoke about the importance of making sure that we educate everyone about what a privilege it is to vote and to exercise that vote, whether we agree or disagree with the policy that comes to this Parliament, he certainly sounded like an amazing individual.

Our condolences to his family and friends. We think of you often. When we speak in condolence motions like this, often the price of public life takes away from being present in family and friends' lives. It is an opportunity to also thank you for your contribution to the life in public that Arthur had.

Vale.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [2.26 pm]: I also rise, in this case on behalf of the Liberal Party, to express my condolences to Arthur Tonkin's family and friends. Arthur Tonkin was a passionate and authentic representative of the Australian Labor Party whose 1971 entry into Parliament put Labor into government. He was someone who worked to modernise the party prior to its return to government in 1983. As we have already heard, Arthur had an interesting and extensive career, certainly before he went to university and afterwards, leaving school at the age of 14 and then going on to matriculate. I was especially impressed that he did it in 12 months at the University of Western Australia. Then he went to Claremont Teachers College, where he obtained his bachelor's degree in history and a diploma in education. He taught at a number of primary schools, going from the bush into the city. I have no doubt whatsoever that that was a great background for him when he came to this Parliament.

Having joined the Australian Labor Party aged 19 in 1949 and being active in the beginnings of the environmental movement and in opposition to the Vietnam War, Arthur Tonkin was endorsed as the ALP candidate for the district of Mirrabooka at the 1971 state election. Obviously, that district is markedly different from the district that is there today, but that was then moved to the seat based on Morley, Dianella, Bedford and Yokine. At that stage, it was held by the late Doug Cash. In February 1971, Arthur won Mirrabooka with 599 votes. That was just 51.7 per cent. Over the next several elections, he substantially increased his majority. He was clearly an extremely popular local member.

As the Leader of the Opposition outlined, Arthur really spoke with conviction on the damage done to rural industries by trade protection and on the need for the education system. He stressed the importance of the humanities and, in particular, focused on making sure that youth were properly educated. From his first term, Arthur Tonkin was a strong proponent of electoral change, attacking the lower enrolments of non-metropolitan districts and Legislative Council provinces. At the 1974 election, the district of Mirrabooka was more appropriately renamed Morley. Despite the defeat of the Tonkin government, he was very comfortably re-elected, with 57 per cent of the vote. He enjoyed very strong majorities, as I said before, over the next four elections. From 1977 to 1983, he was shadow spokesman for a range of portfolios, including labour, consumer affairs, town planning, tourism and local government, and also served as manager of opposition business from September 1981.

Arthur Tonkin worked with Jeff Carr, Mal Bryce, Bob Pearce and Brian Burke to modernise and re-energise the Labor Party. After the 1983 election, he served as Leader of the House and Minister for Water Resources; Consumer Affairs; Parliamentary and Electoral Reform. However, he lost the parliamentary and electoral reform portfolio after the 1986 election, when he became Minister for Police and Emergency Services. As we heard, Arthur Tonkin disagreed with the Burke government's more pragmatic approach to electoral change after 1986, leading to his resignation from cabinet in May 1986 and from the Legislative Assembly in March 1987.

He had an extremely active retirement, teaching English, history and chess on a voluntary basis, helping to produce six state junior chess champions from Mirrabooka high school. He was president of the Chess Association of WA for many years after 1988, and supported Amnesty International and other advocacy groups. He also wrote a novel and continued to enjoy bushwalking. He was clearly both physically and mentally active after his time in Parliament.

We extend our deepest sympathies to Mrs Bettina Tonkin; his sons, Richard and Phillip; his daughter, Jasmine; his grandchildren and great-grandchildren; and his extended family.

Vale Arthur Tonkin.

MS A. SANDERSON (Morley — Minister for Health) [2.31 pm]: I rise to contribute to the motion this afternoon on the contribution made by Arthur Tonkin in this place and in our community.

In January 1930 in Kelmscott, Arthur was born to Florence and Norman. He was the fifth of six children. Norman worked as a labourer after being injured in World War I. Florence and Norman perhaps did not imagine that their son would go on to serve Western Australia as a parliamentarian for 16 years, including several years as a minister. He left his education at 14 years and worked as a farmhand, selling newspapers, in factories and a post office, and as an orderly at Royal Perth Hospital. In his twenties, Arthur returned to his education, studying through what was then known as night school to qualify for entrance to tertiary education. In 1960, aged 30, he qualified as a teacher, having taken a Bachelor of Arts in history and a diploma in education. During his career as a teacher, Tonkin taught at schools across the city and in regional Western Australia. By 1970, Arthur Tonkin had reached the level of senior master in history and economics at John Forrest Senior High School, a school that I later attended. The following year, upon his entry into the WA Parliament as the member for Mirrabooka, he stated —

> I believe it is immoral to say to our youth: "You can have power by way of the vote, but we will do nothing to equip you with the knowledge and the wisdom that will help you to make decisions that will save mankind from disaster."

Tonkin's passion for education and electoral equality converged in 1983 when he served as the inaugural Minister for Parliamentary and Electoral Reform, a role he held for three years. Although he ultimately resigned his cabinet position over the issue of electoral reform, he laid important groundwork for WA's electoral system to be shaped into something that we might recognise today. He was a true believer. He believed fervently in one vote, one value and was sad to see this part of his electoral reform agenda sacrificed to political compromise. His vision for electoral equality was eventually realised during his lifetime, with this government's Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021.

Arthur was a very committed, popular and principled local member. Many local people often tell me they knew Arthur. He was very, very highly regarded. Branch members remember branch meetings with Arthur. He made an enormous contribution locally. I thank him for that and I thank his family for that.

Arthur Tonkin retained a deep passion for education throughout his life, continuing to teach after his parliamentary career. He is survived by his wife, Bettina, three children, six grandchildren and six great-grandchildren. I acknowledge many of them in the Speaker's gallery today.

MRS J.M.C. STOJKOVSKI (Kingsley — Parliamentary Secretary) [2.34 pm]: It is a bittersweet moment to speak on a condolence motion about someone I knew and who was also a constituent. I met Arthur a number of years ago when I was first elected as the member for Kingsley. As many members have said today, he was a teacher and a Labor man right until the end. His daughter, Jasmine, mentioned at his service that it was very fitting that we were celebrating his life on the Monday after the federal election that had seen an impressive win for Labor and the formation of the Albanese government, but that it was sad that he was not there to talk about it and to revel in that stunning win. I also feel that way because I am sure that he would have loved to have had a chat about the election.

Arthur Tonkin was so dedicated to and passionate about democracy and Parliament that not one, but two of his marriages took place in the Parliament House gardens. As someone who had their wedding photos taken on the steps of Parliament House, I understand the pull of this place, especially around those major life moments.

As indicated earlier, Arthur was in the teaching profession before he entered politics. The same as most people who choose that profession, he remained a teacher his entire life. After politics, he was dedicated to teaching the craft and strategic skill of chess. I was recently told the story of a student whom Arthur taught from the age of nine who regularly visited him to play chess until about a year ago.

Arthur also had some thoughts about what my colleagues and I should be doing in government and what I should be doing as the local member. He had absolutely no qualms about schooling me on his thoughts whenever we chatted! We covered many topics in our discussions but his main advice to me was, "Be dinkum, be honest and keep doorknocking." In fact, he insisted he would come doorknocking with me before the 2021 election. As he was 90, we did not think it would be a good thing for him to do, given our elections are held during the hottest part of the year. He did not doorknock with me, but he did attend my mobile office, or meet-your-member events, in Warwick. I always took a camping chair along to my mobile office events just in case no-one showed up so that I would have somewhere to sit. Of course, people always showed up, but it meant Arthur had somewhere to sit after walking from his house down to the park. He would sit and nod approvingly at me as I spoke to constituents and then give me feedback on how I had done.

As indicated, Arthur was a strong driver of and early pusher for the implementation of one vote, one value in our Parliament. He was incredibly happy to see the electoral equality bill pass. I am sure he would be very proud of what we managed to achieve, even if it took a lot longer than he would have liked.

My condolences go to Bettina and his family on their loss. To Richard, Phillip, Jasmine, Joce and Levi, he will be missed by not just you, but also our community, and certainly my office staff and me. We will miss our chats and his passionate advice.

Vale Arthur.

THE SPEAKER (Mrs M.H. Roberts) [2.37 pm]: I would also like to add my condolences to Arthur's family. He is someone I met during my early years of involvement with the Labor Party. He is someone who commanded a lot of respect within the Labor Party. He was very much a conviction politician—someone who was here to make a difference, and he certainly made a very big difference. Back in that day, I remember I had a "Everyone's vote should be equal" sticker on my car. That sticker was on a lot of cars around Perth at that time. It was a cause that he and others like Mal Bryce and Bob Pearce really focused on at that time, and it was very engaging for those of us who were young and new members of the Labor Party.

My condolences to his family. His was a life well lived and he made an amazing contribution to Parliament and the state of Western Australia.

I request that all members rise and support this motion by observing a minute's silence.

Question passed; members and officers standing as a mark of respect.

COMMISSIONER OF POLICE — APPOINTMENT — COL BLANCH

Statement by Minister for Police

MR P. PAPALIA (Warnbro — Minister for Police) [2.39 pm]: I am pleased to advise the house of the appointment by the Governor in Executive Council of Mr Col Blanch, APM, as Western Australia's new Commissioner of Police from 15 July 2022. Mr Blanch has served as deputy commissioner for the past three years, overseeing key areas of policing, including gang crime, homicide, organised crime and state intelligence. In addition to this, Mr Blanch has acted as commissioner for extensive periods. During his time as deputy commissioner and acting commissioner, Mr Blanch has worked closely with the state government, particularly throughout the COVID-19 pandemic. Under Mr Blanch's leadership as deputy commissioner, the Western Australia Police Force has been led through a period of extensive technological reform that has seen the integration of intelligence with operations, improving the safety and efficiency of policing across the state. The Western Australia Police Force is responsible for policing the world's largest single police jurisdiction, covering Western Australia's 2.5 million square kilometres, with over 150 police stations across eight metropolitan and seven regional police districts. It is an extraordinary challenge to serve as the Commissioner of Police for our vast state. Mr Blanch has demonstrated the skills and commitment to service necessary to meet the demands of the office.

I would like to acknowledge Commissioner Chris Dawson, APM, for his tireless dedication to policing and the people of Western Australia. I wish him all the best in his new role as Governor of our great state. Finally, on behalf of the state government and all members of this place, I would like to congratulate Mr Blanch on his appointment, and state that I am looking forward to working with him and his team.

PUBLIC TRANSPORT AUTHORITY — RADIO SYSTEMS REPLACEMENT PROJECT

Statement by Minister for Transport

MS R. SAFFIOTI (West Swan — Minister for Transport) [2.41 pm]: I rise to provide an update on the Public Transport Authority's radio systems replacement project, which will deliver a modern digital radio system to be used by train drivers, security officers, customer service attendants and maintenance personnel. The project will replace the PTA's ageing analogue radio system, which has served the PTA and Transperth over the past 30 years but is incapable of providing secure conversations or additional capacity and data capability to allow trains to continue to run safely and more efficiently on our expanding rail network. It is part of the high-capacity signalling program of works that will transform the capacity of the entire network. The program has been supported by the federal government.

The PTA first tendered for a provider of the new system in 2017 and awarded a contract to a consortium comprising Huawei and UGL in July 2018. Ongoing advice on this contract was sought and received from the commonwealth, and the PTA has acted on this advice. In 2019, the United States government placed severe restrictions on Huawei that ultimately resulted in Huawei being unable to deliver the project. After significant negotiation, both parties agreed that Huawei could not fulfil its contractual obligations and the contract was terminated in September 2020. The PTA has recently reached a termination settlement of $6.6 million with the Huawei–UGL consortium.

It is extremely unfortunate that the state government's project, which is effectively a local radio network for train drivers and transit guards, was caught up in the wake of a trade dispute between the United States and China. We still need to procure a new digital radio network for our rail system, particularly as it is required to enable the rollout of the train control and signalling project, with that project currently under procurement. The high-capacity signalling program of works will replace the existing Transperth rail network signalling system with one that allows for increased service frequencies to meet the rail demand that is forecast under long-term transport planning. The full program of works includes the radio systems replacement, the public transport operations control centre and the train control and signalling projects. The PTA has now re-tendered for a new technology provider to replace Huawei. A contract was recently awarded to Nokia Solutions and Networks Australia for the construction and maintenance of the system. The contract is worth $327 million. The new digital radio system is expected to enter service in phases during 2025.

WARLIBIRRI NATIONAL PARK

Statement by Minister for Environment

MR R.R. WHITBY (Baldivis — Minister for Environment) [2.44 pm]: Today I would like to inform the house of the creation of Warlibirri National Park, which I announced on country with the Gooniyandi people and the Minister for Aboriginal Affairs on 27 April this year. I would like to thank the Gooniyandi Aboriginal Corporation and traditional owners for welcoming us on their country and hosting such a fantastic event. The park creation is part of the McGowan government's Plan for Our Parks initiative to create five million hectares in five years of new national parks, marine parks and other conservation reserves.

Warlibirri National Park spans close to 16 000 hectares and covers areas of the Margaret River east of Fitzroy Crossing on Gooniyandi country. Warlibirri National Park is WA's 109th national park and the ninth national park created by this McGowan government. Traditional owners were central to the creation of this national park and the area was co-designed with them. This collaboration and consultation with traditional owners will enable strong joint management partnerships that will benefit the environment and culture, as well as fostering jobs linked to the creation of these parks. This national park is the first step in the establishment of a series of national parks in the Fitzroy Valley that will start at the banks of Danggu National Park at Geikie Gorge and head east along the Margaret River and north along the Fitzroy River. Plan for Our Parks is continuing to deliver new conservation reserves across our state to protect its unique biodiversity and cultural values, and create on-country jobs for Aboriginal people.

PARLIAMENTARY DEPARTMENTAL SURVEYS

Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [2.46 pm]: I have a statement on member surveys. Members, at your places you will find the annual surveys for the Legislative Assembly and the Parliamentary Services Department. At the back of the Legislative Assembly member survey there is also an additional one-page COVID-19 survey. These surveys give you the opportunity to provide feedback on the services provided by the Assembly and PSD staff. The results of these surveys will appear in the departmental annual reports, and feedback is used to improve member services where possible. The surveys take only a minute or two to complete. I encourage you to fill them out and return them to the Sergeant-at-Arms. Please ensure that the surveys are returned no later than the end of next week so that they can be included in the results. The PSD survey can also be completed online via the link that has been emailed to you.

QUESTIONS WITHOUT NOTICE

CORONAVIRUS — STATE OF EMERGENCY

343. Ms M.J. DAVIES to the Premier:

I have a question for the Premier. Who am I to direct that to?

Several members interjected.

Ms M.J. DAVIES: The Leader of the House can take it; thank you.

My question was to the Premier. I refer to the rolling state of emergency, regardless of easing COVID restrictions, an open border, an advertising campaign to attract visitors and workforce and a decrease in the number of COVID infections. When will this government end the state of emergency?

Mr D.A. TEMPLEMAN replied:

Madam Speaker, I think it is important to understand the reason why the Premier and the Minister for Energy are not present in the house. As the Leader of the Opposition would know very well, there are various important times and important business for ministers and, indeed, the Premier and the Deputy Premier to be absent from the house. As we know, there was a particularly remarkable and important decision announced today in the south west, particularly around Collie. The Premier and the Minister for Energy thought, as I think is absolutely appropriate, that given the ramifications of the decision and the announcements there, they should be present personally to announce that and speak with the community. That is why the Premier is absent today. I think it is an appropriate absence. He will be absent again on Thursday because he will be attending a national cabinet meeting. These are important meetings and important matters for the Premier.

In regard to the member's question, as the member will be well aware, this government's response to COVID-19 has been reported by many throughout the world as being one of the most important and significant responses to the COVID-19 challenge. As we know, our economy is the strongest in the nation, and, indeed, one of the strongest economies of the world because of decisions made by this government. Those decisions have not only kept Western Australians safe, but also ensured that important businesses in Western Australia that employ people and support small and large enterprises, and, of course, support the livelihoods of many, many Western Australians and, indeed, the nation, have continued under this government. The government, under this Premier and under our

stewardship, will work hard to continue to keep the people of Western Australia safe and the economy strong. That is the achievement of this government, despite attempts by the opposition over an extended period of time to undermine the actions of a government that is focused on the protection of its citizens and an economy that keeps employing people and supporting strong and vibrant business.

CORONAVIRUS — STATE OF EMERGENCY

344. Ms M.J. DAVIES to the Premier:

I have a supplementary question. Are we truly in a state of emergency when the minister responsible for signing the declaration is also absent from Parliament and travelling overseas?

Mr D.A. TEMPLEMAN replied:

As is convention, there are ministers who take on an acting responsibility. That is the case currently. More importantly, our approach to the COVID-19 challenge has always been based on the health advice. That will always be the way that this government will operate, and how it has operated, and it is why we have been, and are, in such a strong position in terms of the health and wellbeing of both our population and, indeed, our Western Australian economy.

BAIL AMENDMENT BILL 2022 — VICTIMS OF CRIME — PROTECTIONS

345. Ms C.M. ROWE to the Attorney General:

I refer to the McGowan Labor government's commitment to improving justice outcomes for victims of crime. Can the Attorney General outline to the house how the Bail Amendment Bill 2022 will enhance the protection of vulnerable children at the centre of child sexual abuse allegations?

Mr J.R. QUIGLEY replied:

I thank the member for her question.

In this house, we will all remember that, tragically, 11-year-old Annaliesse Ugle took her life on 20 October 2020 following the release from bail of the man accused of perpetrating sexual abuse against her. He was admitted to bail only three weeks before Annaliesse tragically took her own life. In that regard, I offer her mother, Samantha Westacott, and her extended family my sincere sympathies and condolences for the passing of beautiful Annaliesse.

Today, after question time, I will give notice to introduce the Bail Amendment Bill 2022, which will respond to this tragedy by strengthening the responsiveness of the state's bail system to victims of alleged child abuse. I ask to table a transcript.

[See paper 1184.]

Mr J.R. QUIGLEY: This is the transcript of the hearing in the Narrogin court where Annaliesse's abuser was presented. There is not one word of concern about Annaliesse or her circumstances of living in the small country town of Boddington with her abuser—not one word! The new bill will introduce mandatory bail considerations that will apply when an accused is before the court for a sexual offence against a child victim. These new mandatory considerations will apply in the context of existing requirements under the Bail Act, with clause 1(a)(iii) of part C to require consideration of whether the accused may be a danger to the safety or welfare of the child if they are not kept in custody. In this context, and under these circumstances, the decision-maker must have regard to the following issues—none of which were addressed, as members will see from the transcript now tabled. The decision-maker must have regard to the age of the child and the age of the accused—Annaliesse was aged 11 years; her abuser was 66—and whether the child victim is in a family relationship with the accused. The accused had been the partner of Annaliesse's grandmother, who was recently deceased. The decision-maker must have regard to the living arrangements of both the child victim and the accused; the importance of community security and stability in the child victim's living arrangements and family and community relationship; and the physical and emotional wellbeing of the child victim.

Members can see that, going forward, the court will be mandated to consider these particular matters that were not addressed in that hearing, the transcript of which is now tabled in the chamber. The bill will also introduce new considerations that will apply to all offences, not just child sexual offences. Those considerations will include the accused's conduct towards the victim and family members since the alleged offence, which will allow the bail decision-maker to determine whether there is a pattern of behaviour, such as ongoing grooming, control or coercive conduct. In this particular case, Annaliesse was living in a small town where her abuser was driving around town and could be seen at liberty by Annaliesse. The court will also be required to consider the accused's conduct towards victims and their family members following any previous offending—again to examine the accused's behaviour and to assist in the development of a risk profile to inform the decision as to whether they should be released on bail. The question of bail is always a difficult one because we do not want to see everyone who is charged held on remand—there is a presumption of innocence—but we want the community and the victim's safety secured. The government is very confident and optimistic that by mandating these considerations, we will be improving community safety.

APARTMENTS — FLAMMABLE CLADDING

346. Mr R.S. LOVE to the Minister for Commerce:

I was going to ask this of the Minister for Commerce; Deputy Premier, who will not be here until after the winter break, so I seek guidance.

Several members interjected.

The SPEAKER: Order! Members, I think you have had your little bit of fun, but I would like to get on with question time. Member, I ask you to ask the question to the Minister for Commerce and the government will respond.

Ms S. Winton interjected.

The SPEAKER: Order, member for Wanneroo!

Mr R.S. LOVE: I refer to reports that the safety of residents of nine Perth apartment buildings remain at risk due to the presence of dangerously flammable cladding material similar to that which contributed to the Grenfell Tower disaster in the United Kingdom.

(1) Has the minister's department, or the government, briefed the minister on how the government might assist the owners of these apartments to ensure their properties are made safe?

(2) Where the companies that carry the liability no longer exist, will the government step in to make sure that Western Australian families are safe in their own apartment homes?

Ms R. SAFFIOTI replied:

(1)–(2) The government has a program for government-owned buildings in relation to the cladding system, and that program is being rolled out. If the member really wanted to take this issue seriously, he would have known that the minister was not here and is out there promoting Western Australia, attracting workers to WA, because that is what they called for!

Mr R.S. Love interjected.

Ms R. SAFFIOTI: No, listen! The opposition called for us to promote WA around the world, so the Minister for State Development, Jobs and Trade; Tourism is doing that. The member comes in here trying to play politics with the Deputy Premier up there promoting Western Australia. When you have an acting minister, look it up! That is what we used to do. We used to get the *Government Gazette* and see who the acting minister was. It was called research. If you wanted detailed answers, you would give some notice. That is parliamentary practice. That is what we did when we were in opposition. There will be ministers who will be away. There will be acting ministers. We give notice, so do not come in here and play the victim. Where has your leader gone? She could not even last here for one question, members. Do not come in here and play politics with the fact that we have a Premier and minister undertaking significant projects on behalf of WA. It is pathetic! You have a couple of questions—use your parliamentary time wisely.

Several members interjected.

Ms R. SAFFIOTI: As I said, ministers are sometimes absent from the Parliament on ministerial business, and there are acting ministers. When I sat over there for eight and a half years and the Minister for Culture and the Arts was the opposition Whip, we had a process. We knew that if the relevant minister was not there, there would be an acting minister, and if the question required detail, we would provide notice. That is simple. I have been around politics for 25 years and I have never seen such a stupid stunt being played because the Premier and a minister are out there undertaking essential business on behalf of the state.

APARTMENTS — FLAMMABLE CLADDING

347. Mr R.S. LOVE to the Minister for Commerce:

I have a supplementary question. Does the government take responsibility for this ticking time bomb or will it wait until someone is hurt?

Several members interjected.

The SPEAKER: The minister and only the minister, thank you.

Ms R. SAFFIOTI replied:

Again, detailed questions of a portfolio area are with the acting minister. Honestly, opposition members rarely turn up and now they are playing politics about who is and is not here in the chamber. This is the laziest opposition we have ever seen. It cannot even keep six members in the Parliament for more than an hour. If the member for Moore wants further details, I ask him to give me some notice and tomorrow I will provide him with a very detailed answer. That is what happens in Parliament, member for Moore. The member is trying to play politics. All these other ministers are here ready to answer questions, yet he comes in here and tries to play a political stunt.

Mr R.S. Love interjected.

Ms R. SAFFIOTI: You are trying to play politics on some —

Several members interjected.

The SPEAKER: Order please, members.

Ms R. SAFFIOTI: This demonstrates how lazy you guys are because you cannot develop a strategy of how to deal with Parliament when a couple of members are not here.

That shows that they are inept, do not understand Parliament and are too lazy to change their strategies.

Point of Order

Several members interjected.

The SPEAKER: Order, please! Points of order are heard in silence, thank you.

Dr D.J. HONEY: The minister's answer has nothing whatsoever to do with the question that was asked by the member.

Several members interjected.

The SPEAKER: Order, please!

Dr A.D. Buti interjected.

The SPEAKER: Minister for Finance, I am not sure what you had for lunch, but although you may be entertained by your contribution, it is delaying us from getting on with question time.

Members, I rule on points of order and that is not a point of order. If the member had been listening closely, he might have realised that the minister was just concluding her answer. I believe she has concluded.

METRONET PROJECTS

348. MR S.J. PRICE to the Minister for Transport:

Fortunately, my question is to the Minister for Transport, who is here!

I refer to the McGowan Labor government's record investment in job-creating public transport infrastructure, such as Metronet.

(1) Can the minister update the house on the delivery of Metronet and outline what it will mean for public transport users and the local community?

(2) Can the minister advise whether there are any threats to the delivery of Metronet in the local jobs and local businesses that this investment is supporting?

Ms R. SAFFIOTI replied:

I thank the member for Forrestfield. Of course, the Forrestfield–Airport Link is currently in the testing phase. It is a very exciting project for the people in the member's community.

(1)–(2) As part of the recent federal election, the federal Labor Party committed to the new High Wycombe community hub, which will be an exciting new community facility for everyone in the Forrestfield–High Wycombe areas. There are now more than 18 Metronet projects, members. We started with just under nine projects and now there are 18 because a lot of people —

Mr R.S. Love interjected.

Ms R. SAFFIOTI: Members should note that when we started question time 15 minutes ago, the opposition had six members and now it is down to three—no, it is back to four. Given that the opposition wants to make parliamentary attendance an issue, opposition members should stick to their seats during question time.

Ms S. Winton interjected.

The SPEAKER: Member for Wanneroo, I do not need a further contribution from you. Minister, if I can ask you to return to the answer. Thank you.

Ms R. SAFFIOTI: The projects include the Forrestfield–Airport Link, the Thornlie–Cockburn Link, the Yanchep rail extension, the Morley–Ellenbrook line, the Byford rail extension, the Victoria Park–Canning level crossings and new projects, such as the one on Morrison Road. We have completed the Denny Avenue project and the Mandurah train station. Of course, we also have the Bellevue rail car manufacturing facility. The good thing is that it is all in the budget; all the information is in the budget. The latest shadow minister for Metronet—I think he is a member for North Metropolitan Region in the upper house—is out there claiming that he does not know where all the numbers are, that he does not know what the cost of Metronet is and that he does not know what the operating cost of Metronet is. I tell you what; it is called the state budget, members. When members open the budget papers, they can find the information. Again, now that we no longer have a federal Morrison government, the state opposition is ready to walk away from Metronet. That is what the state Liberal Party wants to do—it wants to walk away from Metronet, which is saying that people in the suburbs do not deserve world-class public transport.

We heard about the secret Liberal Party meeting at the WA Italian Club recently, did we not? As members know, I go to the Italian Club a bit. I was there recently, and I thought, "I'm going to try to find out where they held the secret Liberal Party meeting." I went to the ballroom, which holds 500 people, but, no, there was no sign of them there. I went to the restaurant, which holds a couple of hundred people, to see whether that is where they had the Liberal Party meeting, but, no, it was a bit too big. I went down to the bar, which holds a couple of hundred people, to see whether that is where they held their Liberal Party meeting but, no, that was a bit too much. I found a little card room where my father used to play cards, which had a couple of tables and an espresso machine, and I realised that that is where they held the Liberal Party meeting. Fortunately, on the whiteboard that was still there, were the three key strategies of how to win the next election. The first was to not mention "The Clan": "Whatever you do, don't mention "The Clan". The second strategy was "Keep committing to the Perth Freight Link. "Honk for Roe 8" days have to come back." The third was, "Who's got Justin Langer's phone number?"

Several members interjected.

The SPEAKER: Order, please!

ELECTIVE SURGERY

349. Ms L. METTAM to the Minister for Health:

I refer to the elective surgery monthly report for May 2022, which shows that 33 206 Western Australians are waiting for their surgery. Given that the number of people who are waiting has risen by 11 per cent in the last 12 months and an astounding 67 per cent since 2017, when will the minister take responsibility for this issue and allow Western Australians to have the surgery they need when they need it?

Ms A. SANDERSON replied:

The member for Vasse may be aware that we are certainly still experiencing a significant COVID surge in our community. The number of people waiting for elective surgery is certainly being worked through by every hospital around the state that can perform elective surgery. Western Australia has some of the best waiting times for elective surgery around the country. The average number of days before a category 1 patient is seen has risen by one day in the last two or three years, and they are still being seen within the clinically appropriate time. It is not how many people are on the waiting list, it is how long they wait that matters. There was a temporary, short pause when we experienced our COVID surge. If members compare that to what happened in Victoria, in particular, over the last 18 months, it will have years of catch up to do, but Western Australia is in a good position to manage its elective surgery waitlists. We are seeing priority 1 patients within the recommended time. There have been significant furloughing issues across the system. The reality is that the system is still experiencing significant furloughing.

Having said that, our response to managing COVID in the community has been so strong that we have been able to bring elective surgery back on during the COVID surge. We are doing elective surgery now, while other states completely stopped it. Theatre nurses are on furlough. Surgeons are on furlough. Lists are changing every day. I take full responsibility for what happens, because that is the system that we work in. We watch all those lists carefully. We work regularly with hospitals and health service providers on the plans for those lists. The member said that the hospitals are not lifting; they are lifting and people are getting through. We are in a very good position to manage those lists.

ELECTIVE SURGERY

350. Ms L. METTAM to the Minister for Health:

I have a supplementary question. Given that the numbers have risen month on month for five years, is this simply another indication of the government's failure to properly invest in our health system?

Ms A. SANDERSON replied:

I will say it again: it is not the number of people on the list that matters; it is the time that they wait —

Ms L. Mettam: Yes, three years for Michelle.

Ms A. SANDERSON: — particularly when it is urgent surgery. That is what matters. The number is increasing because our population is ageing, our population is increasing and people are requiring more complex surgeries. That is happening around the world. The member needs to look at the data. We are meeting the majority of our targets for category 1 and those most urgent surgeries. I may need to correct the record, but the last time I looked, the average waiting period had risen from 12 days to 13 days. It has increased by one day. It is still within the clinically recommended time. The member for Vasse should stop misleading people and spreading fear. Her only strategy is to scare people and spread fear.

FLU SEASON

351. Mr K.J.J. MICHEL to the Minister for Health:

I refer to the McGowan Labor government's response to mitigate the impacts of COVID-19 on our state's health system. Can the minister update the house on the government's efforts to ensure Western Australians are prepared for the confluence of COVID-19 and influenza cases this flu season?

Ms A. SANDERSON replied:

I thank the member for Pilbara for the question.

The house will be familiar with Dry July and Movember. We have renamed this month as "Jabby June"! Just like COVID-19, the flu can make people very, very sick. There has been a significant spike in cases on the east coast. For June this year, the state government is providing free flu vaccinations for everyone in Western Australia, and I want to thank participating general practitioners and pharmacists for their support in delivering this important vaccination program. Vaccinations are available from state-run clinics, general practitioners and pharmacists. Normally, only vulnerable cohorts—people aged under five or over 65; people of Aboriginal descent; or people living in aged care or communal living circumstances, like disability care homes—would be eligible to receive a free vaccination, but this year we are making sure that everyone has access. Since the first of this month, we have delivered 120 000 flu vaccinations, so people are taking it up. We have reached 26 per cent of the population, which is a good number to reach by this time, but we need to get that number higher. Our hospital staff are going above and beyond in supporting our community in the face of staff being on furlough and taking up extra shifts—they are working hard and with increasing demand. As we get further into winter, we expect things to get harder and harder. I urge all Western Australians to get vaccinated against the flu for their own sake, for their family's sake and for the benefit of healthcare workers. People should make sure that they and their families are protected.

MIDWIVES — REGIONS

352. Ms L. METTAM to the Minister for Health:

I refer to the shortage of midwives across the state, which is causing the cancellation of some midwifery services in regional communities.

(1) What does the minister say to mothers, like Carnarvon's Bronwyn Brankovic, who cannot deliver their babies in their community?

(2) How are Western Australians meant to reconcile the government's $5.7 billion surplus when regional women are forced to undertake a 1 000-kilometre round trip to give birth?

Ms A. SANDERSON replied:

(1)–(2) First, I need to correct the member's question. The member said that some midwifery services have been cancelled. One area has been paused; one service has been paused. The member was misleading the house again. The hallmark of this opposition is to mislead, mislead, mislead.

Ms L. Mettam: Oh, just one region!

Ms A. SANDERSON: One region. I do not make light of that in any way.

Ms L. Mettam: You just did.

Ms A. SANDERSON: No, I am correcting the misleading information that the member gave to the house. I am correcting her. I do not make light of that at all. That is challenging for those women. This is not a matter of money or funding, because those positions are fully funded. No-one took them out of the budget.

Ms L. Mettam: Where's the incentives, then?

Ms A. SANDERSON: There are generous incentives for midwives, nurses and medical staff to work in the regions. There is a global midwifery shortage. It is happening around the world.

Ms L. Mettam: Bury your head, then!

Ms A. SANDERSON: This is a serious challenge. Do not make light of it! There is a global midwifery shortage. That is exceptionally challenging. I have heard the opposition trot out a whole bunch of lies around this issue. Rather than making claims about these women, they should send those women to us and we will support them and work with them to manage their births. Women work with the WA Country Health Service and their midwifery group practice on their birth plan, so it does not come as a surprise to them. There is lots of information and support. We are absolutely committed to reinstating this service. We are working incredibly hard to make sure that we can have midwives in that area. I understand that people want to birth closer to home. There is no question that this is a region that we have struggled to staff because of the national shortage of midwives.

We are reimbursing 100 per cent of the costs for women and their families to have their babies in Geraldton or Perth. That was more misinformation from opposition members—they said in the media that women are paying out of their own pockets and that the patient assisted travel scheme does not cover it. If that is the case, they should send them to us and we will ensure that they are reimbursed. I have said it in the Parliament, I have written a letter to the member for North West Central and I will say it again: we will reimburse 100 per cent of those costs because we recognise that it is a challenge to be far away from home and that there are costs associated with that. I acknowledge that this is a challenging situation for women and their families in Carnarvon. We are working incredibly hard to fill this gap. It is one gap in excellent obstetric services across our very wide state. The most important thing for these women is to have a safe birth supported by excellent health professionals. They will get that in the Western Australian health system.

MIDWIVES — REGIONS

353. Ms L. METTAM to the Minister for Health:

I have a supplementary question. Given the minister's recognition of this issue, how many pregnant mums have been turned away from the Carnarvon hospital because the services are not up to scratch?

Ms A. SANDERSON replied:

No-one is turned away. Let us just think about it. No-one says, "I'm sorry; we're not going to deal with you." We have a universal public health system and we are proud of it. No-one is turned away. We work with those women around their birthing plan, their due date, where they need to have their baby—whether that is in Perth or Geraldton—and who they need around them. No-one is turned away; they are all supported.

Ms L. Mettam: They're going elsewhere, aren't they!

Ms A. SANDERSON: They cannot have their babies in Carnarvon because there is not a midwife there.

Ms L. Mettam: That's turned away.

Ms A. SANDERSON: No-one is turned away. You expose yourself as such a lightweight in this area with your lack of understanding. Do you seriously think that the WA health system is turning women away? It is not true. The member should stop spreading misinformation.

PERTH CULTURAL CENTRE PRECINCT

354. Ms J.J. SHAW to the Minister for Culture and the Arts:

I refer to the McGowan Labor government's investment in revitalising and rejuvenating the Perth Cultural Centre. Can the minister update the house on how this investment will increase the vibrancy of the city, improve safety and deliver more activation?

Mr D.A. TEMPLEMAN replied:

I thank the member for Swan Hills. It is a very important question.

As members would be aware, the Perth Cultural Centre Precinct is the beating heart of our cultural life in Perth. The precinct contains our significant monuments and cultural institutions such as the State Library of Western Australia, the Western Australian Museum Boola Bardip, the State Theatre Centre of WA, the Art Gallery of Western Australia and the Perth Institute of Contemporary Arts. It is a very important centre for Perth. For the cultural centre to deliver the cultural aspirations of Western Australians, it needs to be upgraded and revitalised. I want to thank the members for Swan Hills and Perth, who both chaired the Perth Cultural Precinct Taskforce that was established to create the plan to oversee the transformation of the Perth Cultural Centre. I thank them both for that. As my parliamentary secretary last year, I very much appreciated the member for Swan Hills' stewardship in completing the strategy.

I was very pleased that this project initially attracted $10 million each from the federal government and the state government as part of the Perth City Deal, securing a total of $20 million. As the member for Swan Hills is aware, in the 2022–23 budget that was recently announced by the Treasurer; Premier, the securing of an additional $15 million means that for $35 million we will transform the Perth Cultural Centre. I know that the member worked hard with a number of stakeholders on that task force to develop the plan and that she essentially advocated strongly for the total build.

I want to paint a picture for members. Artworks will be commissioned for the northern and western side of the main gallery that will transform the visitor passage entry to the gallery. A new, shady central space will be developed, which will look quite spectacular. The central aspect of the cultural precinct will be a centre of activity for people entering the cultural precinct. It will include a new focal point and the creation of a new children's play space. That means that children will again be front and centre of attraction to the cultural precinct. The interesting amphitheatre will be the demolished and a more accessible greater streetscape will be developed. People who know the history of James Street know of the historical photographs. James Street was a street at that point at one stage, but was changed. The amphitheatre will go. At the eastern end of the cultural centre the Art Gallery of WA car park will be demolished and a better connection from Beaufort Street will be introduced. Enhanced lighting, security wayfinding and the opening up of underused spaces will create a better environment for families and visitors. We want the Perth Cultural Centre to be a beacon and the beating heart of the Perth city centre that emanates to Yagan Square in nearby Northbridge and beyond.

This is a great opportunity to transform and enhance the cultural precinct and underpin the importance of our cultural institutions to Western Australian life and to our heritage. This is being done in very close consultation with the First Nations people, the Whadjuk Noongar people, through reference groups and direct consultation, because that place was a very special place, particularly for Indigenous women.

Point of Order

Mr R.S. LOVE: This is a very lengthy answer. We have some other important questions that we would like to ask.

Several members interjected.

The DEPUTY SPEAKER: Order, members! Order, member for Swan Hills and minister! Minister, just wait two seconds. There is no point of order. The minister is getting to his concluding remarks, I am sure.

Questions without Notice Resumed

Mr D.A. TEMPLEMAN: I will conclude my remarks, but it is disappointing that the member for Moore does not understand the importance of our cultural institutions or culture and arts to the lifeblood of Western Australia. It is sad that he does not support that. I pity him and think perhaps that the member for Swan Hills' description is not far off the mark.

We are proud that this government delivered not only Boola Bardip—the new Museum for Western Australia—enhanced the rooftop of the Art Gallery of Western Australia and completely revamped its interior, but also we believe in and value the importance of culture and arts infrastructure, activity and projects to the life of Western Australia throughout Western Australia, be it in regional WA or in the Perth metropolitan area. We are proud of this project, unlike the member for Moore, and we will continue to highlight why there is a vast cultural difference, among other things, between members on this side of the house and those on the other side.

FIREARMS OWNERSHIP — ASSAULT

355. Mr P.J. RUNDLE to the Minister for Police:

I refer to the shocking break-in and violent assault of a registered firearms owner, which included the victim being doused with methylated spirits and set alight last month.

(1) What contact has the minister had with the victim, and can the minister update us on the victim's condition?

(2) Is this truly shocking criminal act what the minister expected to happen when he produced a treasure map for gun thieves and had it published by the news media?

Several members interjected.

The DEPUTY SPEAKER: Order, members! The minister will respond. No-one else needs to.

Mr P. PAPALIA replied:

(1)–(2) Member, no map was published that gave addresses of gun licence owners. That is a ridiculous, juvenile, ill-informed and, frankly, offensive suggestion. What was published was a map that was produced by the Western Australia Police Force and modified to enable publication. It did not give addresses of firearms licence holders, and it certainly did not give the address of the firearms licence holder to whom the member referred. That is a ridiculous claim. I can only think the member garnered that from social media. He has gone to a Facebook post and assumed that something was factual because some clown had put it on Facebook. That is the only thing I can assume. That the member would grace such a ridiculous claim with a question in Parliament is embarrassing for the member and for the opposition, and it makes no positive contribution to the discussion.

The theft of firearms happens regularly. The whole intent of some of the most recent amendments to the Firearms Act, which included about 15 recommendations from the 2016 Law Reform Commission report, was to increase penalties for the theft of firearms. The member stood in this place and suggested that he supported the legislation, but in the other place some embarrassing debate took place and some embarrassing delaying tactics were employed by the member's colleagues that actually delayed the implementation of the laws to address the problem the member is referring to. It was embarrassing and shameful. It is a disgrace that members should have conducted themselves in that way. I know there is no collaboration between the opposition parties in this place and the other place, let alone between the two members who are sitting together, but it is really dangerous when the other place disrupts legislation purely as a delaying tactic and enjoys the opportunity to delay actions and changes to the law to address dangerous situations like the one to which the member referred.

FIREARMS OWNERSHIP — ASSAULT

356. Mr P.J. RUNDLE to the Minister for Police:

I have a supplementary question. The incident happened in High Wycombe, which was within the map. The minister has not answered whether he has had contact with the victim. Can the minister update us on the victim's condition, and will the minister apologise to both him and any future victims?

Mr P. PAPALIA replied:

I do not know whether my office has received contact from the victim—one of many—of gun theft that the member is referring to. I can again address the stupid claim that the member just repeated: there was no map and no possibility at all of that individual's address being revealed by the maps that were published in *The West Australian* that were provided by the Western Australia Police Force. It is disgraceful, it is shameful and it is embarrassing that he should continue to repeat that stupid suggestion. Do not do it again, member. As a bit of advice, the member is directly attacking the Western Australia Police Force and the member is suggesting that they have provided the

address of this individual. If that person was subject to the theft of a firearm, it is because there are many firearms across the state. They are in many different locations and they are very attractive to criminals. They are regularly stolen. That is why we most recently amended the act to increase penalties for that very crime, and we are intending to rewrite the entire Firearms Act. Right now we are in the process of rewriting the entire act to make it far more challenging for criminals to get their hands on firearms.

I just cannot understand why the member sees any political gain or profit out of pursuing this stupid line of questioning and encouraging ridiculous claims that suggest somehow a dot about the size of three suburbs near High Wycombe somehow led to an individual stealing these particular firearms. Understand this: if a criminal went to any street in the metropolitan area, odds on they will get at least one firearms owner, possibly as many as three, in that street. That is a fact. Virtually every single street in the metropolitan area has a licensed firearms owner resident within the street. People do not have to search very hard to find firearms owners.

SOCIAL HOUSING — REGIONS

357. Ms A.E. KENT to the Minister for Housing:

I refer to the McGowan Labor government's commitment to delivering more social housing, particularly in regional Western Australia. Can the minister update the house on changes to the policy settings for Government Regional Officers' Housing and outline how this has helped to increase the supply of public housing?

Mr J.N. CAREY replied:

I thank the member for her question.

As I have said repeatedly in this chamber, we face significant challenges in delivering housing and social housing in Western Australia. As we know, as a result of a range of factors that have come out of the global pandemic, we have a very tight construction market. We have seen supply chain issues and labour shortages, and even the war in Europe. The feedback from builders is that these factors have seen cost escalations. Of course, all of that creates hurdles in our delivery of social housing. But this government is committed to using every lever possible, and we have been driving reform in our existing programs and in new programs. I have already said in this chamber that in response to these issues we created the modular program to deliver 200 modular homes, including 150 in the regions. We also have the social housing economic recovery package, which is funding community housing all across Western Australia, including in the regions, to maintain and refurbish and also to build social housing stock. We have the $116 million Regional Land Booster program to unlock potential and get more land to make it available in regional Western Australia, and to date that has seen around 400 lots released to the market. Of course, we are investing around $200 million in Government Regional Officers' Housing for spot purchasing, new builds and refurbishments.

Given the pressures we face, we also have to look at the existing stock in the system. As the minister, one of the reforms that I have pursued is to look at how we manage GROH. How do we look at the vacant stock in the system? Can we have greater flexibility in how we transfer stock that might not be needed for the GROH scheme? I am pleased to say that as part of our ongoing review of that stock, we are adding back into the social housing system. We are also supporting local government and not-for-profits. We are using vacant GROH housing stock that is surplus to needs for other purposes. We have, to date, transferred 38 dwellings from GROH to social housing. These are across several regions, including two in Tambellup in the great southern, two in Lake Grace in the wheatbelt, two in Derby in the West Kimberley, another six in the midwest, 13 in the Pilbara and eight in the south west.

I want to assure all Western Australians, as the Minister for Housing, that this government is constantly seeking and driving reforms to pivot delivery so that in the heated construction market, we can deliver and add more social housing to the system any which way we can to provide a roof for vulnerable Western Australians during these times.

The DEPUTY SPEAKER: That concludes question time.

LEGISLATIVE ASSEMBLY ESTIMATES COMMITTEE B

Correction of Answer — Division 24

MR T.J. HEALY (Southern River — Parliamentary Secretary) [3.36 pm]: I rise under standing order 82A to make the following corrections to information provided during the Estimates Committee B hearing on division 24 on 25 May 2022.

At *Hansard* page E203, I stated, "that in 2021, 6 397 staff undertook classroom management strategies". I would like to clarify that this includes positive behaviour support training.

At page E207, I stated —

> … in the midwest was 2 319 in 2019, 2 116 in 2020 and 2 187 in 2021. The number of students suspended in the south west was 3 976 in 2019, 3 581 in 2020 and 3 876 in 2021.

I would like to clarify that this data is the number of suspensions, not the number of students suspended.

Please hold—there are about seven of these!

On page E212, I stated, "each school and each principal have worked out their own". I would like to clarify that each school was assessed and guidelines were provided for schools to follow for their classrooms based on the assessment. This included placing air purifiers in classrooms identified as requiring one. The contingency allocation of air purifiers referenced in Mr Peckitt's statement, on page E214, may be used by schools according to their particular needs.

On page E214, I spoke about the ventilation strategy. It should say those schools that required air purifiers as part of their ventilation strategy were given them. I also stated that we are doing a current assessment now. I would like to clarify that all schools should have been assessed and distribution of the air purifiers for winter conditions is underway.

On page E214, I referred to ventilators in schools. I would like to clarify that this means air purifiers.

On page E214, I stated —

> As we have said, the department is doing a winter assessment now of schools.

I would like to clarify that the department is still delivering air purifiers allocated for the cooler weather, but the ventilation protocols, including for cooler weather, have already been distributed to schools.

Finally, on page E215, I stated, "I can confirm that 13 staff are in the category"; I should have said 15.

I lay a copy of that on the table.

[See paper 1185.]

MINISTERS OF THE CROWN — TRANSPARENCY

Standing Orders Suspension — Motion

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [3.37 pm] — without notice: I move —

> That so much of standing orders be suspended as is necessary to allow the following motion to be debated forthwith —
>
> > That this house condemns the Premier and his senior ministers for their disrespect of this Parliament by avoiding the scrutiny of this house and abandoning their promise to govern with "gold-standard transparency".

There has been discussion and —

Several members interjected.

The DEPUTY SPEAKER: Members! Just hold on, deputy leader. Members, thank you.

Mr R.S. LOVE: I understand that there is an agreement with the government to allow this to happen, so I will sit and let the Leader of the House speak.

Standing Orders Suspension — Amendment to Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [3.38 pm]: I move —

> To insert after "forthwith" the following —
>
> > , subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

The DEPUTY SPEAKER: As this is a motion without notice to suspend standing orders, it will need an absolute majority for it to proceed. If I hear a dissentient voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [3.39 pm]: I move the motion. I rise to condemn this government and the Premier and senior ministers for their disrespect.

We are assembled in this Parliament, and the purposes of a Parliament are to pass legislation, form budgets and enable the opposition of the day to hold the government to account. It is particularly important that the government supplies the Premier, the Deputy Premier and ministers in this house so that they can be interrogated about the actions and policies of their government. I point out to the house that missing today are the Premier, the Deputy Premier and the Minister for Energy. The Minister for Emergency Services in the other place is jetsetting across to America in the middle of a supposed state of emergency. The Minister for Fisheries was not here at question time. The Minister for Finance has declared that he will not be here tomorrow. The Minister for Environment will not be here tomorrow or for the rest of the week. We know that the Minister for Commerce, the Deputy Premier, is taking a two-week absence, just before we rise for the winter break.

I draw the attention of members to the parliamentary sitting calendar. All the areas marked in purple are the sitting days. Ministers should put these in their diaries, come along to Parliament and be interrogated—take part in the process of democracy. That is what they are paid to do, along with running their ministerial positions. They should come to Parliament and be interrogated and put forward their views. This chamber sits for 20 weeks of the year, although one of those weeks is for estimates hearings, which are not sitting days as such. This Parliament actually sits for 19 weeks, and one would think that ministers of the Crown could make themselves available in that time. They have 305 other days of the year to make their announcements. The Minister for Energy could have gone to Collie last week or at the end of this week. He did not have to go to Collie on a sitting day and take the Premier with him. There is absolutely no need for that. It should not be the default position that ministers avoid the scrutiny of Parliament by tripping off around the countryside whenever they feel like it. They are actually here as part of a process. We need to ask them questions and find out what the government has been doing to enable the people of Western Australia to feel that their government is being held to account and is able to explain itself to the appropriate authority—that is, Parliament.

Another practice this government has adopted with great abandon, especially since the last election, is to send a letter that supposedly tells us what is going to happen in Parliament throughout the week, and then we find that cabinet sits on the Monday with a whole different list of priorities, and suddenly all these urgent bills get dropped on Parliament without any notice and without any opportunity for the opposition to get fully briefed and to interrogate these matters and bring an understanding to Parliament about what it is being asked to pass. This has happened 11 times since the last election. The government has introduced legislation that is supposedly urgent. I remember one occasion on which legislation was introduced and had to be passed here so that it could get to the other place. Then we found the other place did not even intend to examine it until the following sitting block. That was known, yet the legislation was still forced through this house without an opportunity for members sitting in this chamber to fully interrogate the situation.

I had a question today for the Minister for Commerce on a very important issue. People were in potentially life-threatening circumstances. I am not going to wait until after the winter break to ask that question. Why is the decision-maker not in the room? It is such an important issue, and no-one is here to give a decent answer on it. I can put the question on notice, and not get an answer for a month. I am trying to draw attention to the fact that Western Australians are living in dangerous circumstances, and this government is doing nothing to protect them. That is a very important issue, and I am fully entitled to come in here today and ask that question, just like the Leader of the Opposition, when she asked her question of the Premier, who was not here to answer. The Premier, as we know, sits at the top of the government, and we have this rolling situation of states of emergency. Parliament was forced to accept an extension to the Emergency Management Act provisions to allow the government to continue to govern as though it were in a state of emergency, yet its ministers are tootling across the world on jaunts, and are not actually here in Parliament on scheduled sitting days. They could go after Parliament rises.

Ms S. Winton interjected.

Point of Order

Mr P.J. RUNDLE: The member for Wanneroo is doing her usual interrupting, and I cannot understand what the member for Moore is saying.

The DEPUTY SPEAKER: There is no point of order, but if the member for Wanneroo would curtail her remarks, that would be appreciated.

Debate Resumed

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [3.45 pm]: I join this debate and support the Deputy Leader of the Opposition. I hear a lot of interjections from the other side. We have just had a two-week break.

Ms S. Winton: I wasn't on a break; I was working.

The DEPUTY SPEAKER: Member for Wanneroo, I call you to order for the first time.

Dr D.J. HONEY: We have two weeks of Parliament, and then we head into the extended winter break from Parliament. Those are the times when people can go away, but today neither the Premier nor the Deputy Premier are present in the house. We understand that there may be times when one or the other has to be away, but both are away at the same time. The Deputy Premier, who has an extended break coming up, instead takes two weeks of parliamentary time away from this place. Western Australia is apparently in a state of emergency—a situation so dire that we need extraordinary powers that limit the scrutiny that the opposition can apply to the government. This means the opposition cannot get answers to questions it has on decisions made under the state of emergency. Yet the minister responsible for emergency services is not in this state. Again, that minister had two weeks when Parliament was not sitting to go away, and there will be an extended five-week break when Parliament is not sitting, but now he is not in Parliament. The Minister for Energy is away to make the announcement about Collie, as was well pointed out by the Deputy Leader of the Opposition. That minister could have done that on any other day, but chooses not to be here in Parliament.

This government has absolute contempt for this place, its own responsibilities and the role of the opposition. We see it continuously. We see the Minister for Planning—I could not be here for part of her session because I had a prior commitment, and given that question time went well over, I could not be in here for a moment—making false claims about a meeting that was held in the Italian Club by the Liberal Party and false claims about what was written on a whiteboard in this place. The minister thinks this is very humorous, but she is a senior member of the government who is treating this place as a joke, and the government is treating this place with contempt. We see on the other side an utterly dismissive and arrogant government. We know the government has the numbers in both places, but that has clearly gone to its head.

Ms S. Winton interjected.

The DEPUTY SPEAKER: Member for Wanneroo!

Dr D.J. HONEY: The government thinks it can do or say anything. It does not answer questions in good faith. Ministers give ridiculing responses to try to humiliate members on this side, but they do not do their own job, which is being open with not just the opposition, but also the public of Western Australia. We are asking the questions on behalf of the people of Western Australia. As I said, the Premier, the Deputy Premier and other senior ministers are out of this chamber on the few days—the one in six days of the year—on which Parliament is sitting.

We have seen this in relation to freedom of information. I received an answer to a freedom of information request recently. The memorandum that came with it was about five times longer than the information that was provided. It was so redacted that no information was provided to me. Parliament is at the core of our democracy and we have an ascendant government that has total control of Parliament. We are seeing the Premier, the Deputy Premier and senior ministers treating this Parliament and the public of Western Australia with contempt by not answering questions and not being open, direct and honest, but simply trying to ridicule the opposition.

MS R. SAFFIOTI (West Swan — Minister for Transport) [3.49 pm]: I want to start by reflecting on what is happening here. The opposition has put forward a motion that condemns the Premier and ministers for their disrespect of Parliament. Even though there were about five opposition members in the chamber and about 40 government members, we voted to support their right to have the debate. Let us reflect on that. There were five opposition members and 40 government members, yet to waste the time of this place, they put forward a motion that condemns us and we voted to let them present their debate. Is that being disrespectful of Parliament? I think that is being too kind. There have been many instances when the good Leader of the House, who is not here at the moment, agreed to suspend standing orders to deal with matters that are not urgent. Members may know that I have been watching —

Several members interjected.

The DEPUTY SPEAKER: Members!

Ms R. SAFFIOTI: I have been around for about 25 years and I have watched a lot of parliamentary debates. The side of politics that has 40 members has supported the other side that has five members to allow those members 20 minutes to try to condemn us. The motion seeks to condemn us for our disrespect of Parliament, even though we have granted members opposite the time to debate that motion.

On the point that the member for Mirrabooka has just raised—I think it is a good point—when members opposite did not have five people to stand in this place to support a matter of public interest that condemned the government, we gave them two members to support the motion. I can tell members that that would never have happened under Colin Barnett or Richard Court—a government lending its members to the opposition so that it had the right to condemn the government. I can tell members about disrespect of Parliament. I sat there when the Premier of the day shouted hysterically at me. I was seven months pregnant and I brought in a bottle of water and the Premier took a point of order and tried to get me kicked out, so do not talk to me about respect of Parliament and parliamentary members.

The first point is that we lent the opposition our members to give it the numbers to move a motion to condemn us.

Ms A. Sanderson: Shall we stop?

Ms R. SAFFIOTI: If members opposite want us to stop—if this is what they will do in return and this is their level of appreciation—we will. It is about respect. Members opposite think that they can say whatever and we will not get offended. They think they can do whatever and we will not get offended. Frankly, I am offended that they have come in here and tried to make a political point about the Premier being in Collie and the Minister for State Development, Jobs and Trade; Tourism being overseas. We are offended. The idea that we should just sit here and accept what they throw at us is wrong. My first point is that we lent our members to the opposition so that it could condemn us.

The second point is that members opposite were told at 9.45 this morning who was not going to be in this chamber. This is a pathetic stunt. Members ran off to 6PR and said, “Oh, my god, we’re such victims.” I have never seen a group of people focus so much on themselves. Do members know why no-one is listening to them? It is because they focus just on themselves; it is about them being victims. They are not victims. Grow up!

There is also the *Government Gazette*, which outlines the acting ministers. Do members opposite know what they should do? I was involved in writing parliamentary questions when I was in opposition. I was an opposition spokesperson. Members need to find out who is available, draft a question and, Deputy Leader of the National Party, give notice. That does not mean that they put it on notice. Do I have to stand here and tell members opposite how to conduct themselves in this place? If members want detailed information, they need to provide some notice, and that means that they give notice approximately two hours before question time. That is what it is. The Deputy Leader of the National Party said that if he puts something on notice, it will take weeks. No; it is providing notice of a question. When there is an acting minister, that is what a member should do—provide notice.

Mr R.S. Love interjected.

Ms R. SAFFIOTI: I am sorry, but the member has no idea. His point is completely wrong. Do I have to stand here and tell him how to provide notice? I am an acting minister.

Mr R.S. Love interjected.

Ms R. SAFFIOTI: Could you be quiet!

I am an acting minister. If the member wants information about that portfolio, he should give me two hours' notice, as has always been the practice in this place. He should not say, "If I have to give notice, I'll get it in two weeks." That is absolutely wrong. The *Government Gazette* outlines the acting ministers. That is our Parliament.

The fourth point is that the member has said that cladding is very important. I just went through the *Hansard* of the estimates hearing held on 26 May. It was an important day. Not only was it my birthday, but also it was the day on which the Deputy Premier; Minister for Commerce appeared at the estimates hearing. The member for Moore was here. How many questions did he ask about cladding during that estimates hearing?

Mr R.S. Love interjected.

Ms R. SAFFIOTI: The member said that he ran out of time. Something else that people need to educate themselves about is that the opposition called for a reduced estimates timetable.

Several members interjected.

The DEPUTY SPEAKER: Members! Members of the opposition, you have had your say.

Ms R. SAFFIOTI: Normally, we go until 10 o'clock, but the opposition wanted a shorter estimates timetable. I think the member had hours to ask questions of the Minister for Commerce, but he did not ask one question. In fact, another member in this place has done some quick research and found that it has been over 125 days since the member asked a question about cladding in this place. He was at that estimates hearing three weeks ago with the minister, but he did not ask one question, yet today there is some sort of urgency.

Mr R.S. Love interjected.

Ms R. SAFFIOTI: No. Just because the member is lazy —

Mr R.S. Love interjected.

The DEPUTY SPEAKER: Deputy Leader of the Opposition!

Ms R. SAFFIOTI: He has asked about the state of emergency. Again, there is an acting minister. There is this idea that everyone in Western Australia is worried about the state of emergency. I do not know about you guys, but I have been out and about a bit. I went to the WA Day celebration and there were tens of thousands of people there. Do members think they were all saying, "Oh, my goodness; there's a state of emergency. I can't do anything"? Why do we have a state of emergency? Members should know by now. It underpins our ability to require masks to be worn in aged-care facilities and hospitals.

Several members interjected.

The DEPUTY SPEAKER: Deputy leader! Members!

Ms R. SAFFIOTI: No-one out there is in fear of the state of emergency. Everyone is travelling, going to festivals and nightclubs, and having parties. The whole place is going really well. No-one has said to me, "Why do you still have a state of emergency?" No-one is asking that; they are just going about their business, because it is very much a free society. Of course we need the state of emergency for quarantine and isolation requirements should people get COVID-19, mask wearing and some of the precautions that are still in place.

The moving of this motion was a disgraceful, pathetic act. It demonstrates to me how members opposite focus on themselves. It is always about being the victim. It is always about themselves; they are offended. They manufacture offence somehow, saying "Oh, my goodness, it's terrible that the Premier was not here at question time." For goodness sakes! I have been in this place long enough to know that this Premier is in this Parliament more than anyone I have ever seen.

Division

Question put and a division taken, the Acting Speaker (Ms A.E. Kent) casting her vote with the noes, with the following result —

Ayes (5)

Mr V.A. Catania	Mr R.S. Love	Mr P.J. Rundle *(Teller)*
Dr D.J. Honey	Ms L. Mettam	

Noes (41)

Mr S.N. Aubrey	Mr M. Hughes	Mr Y. Mubarakai	Dr K. Stratton
Mr G. Baker	Mr H.T. Jones	Ms L.A. Munday	Mr C.J. Tallentire
Ms L.L. Baker	Mr D.J. Kelly	Mrs L.M. O'Malley	Mr D.A. Templeman
Dr A.D. Buti	Ms E.J. Kelsbie	Mr P. Papalia	Mr P.C. Tinley
Mr J.N. Carey	Ms A.E. Kent	Mr S.J. Price	Ms C.M. Tonkin
Ms C.M. Collins	Dr J. Krishnan	Mr J.R. Quigley	Mr R.R. Whitby
Ms L. Dalton	Mr P. Lilburne	Ms R. Saffioti	Ms S.E. Winton
Ms D.G. D'Anna	Ms S.F. McGurk	Ms A. Sanderson	Ms C.M. Rowe *(Teller)*
Ms E.L. Hamilton	Mr D.R. Michael	Mr D.A.E. Scaife	
Ms M.J. Hammat	Mr K.J.J. Michel	Ms J.J. Shaw	
Mr T.J. Healy	Mr S.A. Millman	Mrs J.M.C. Stojkovski	

Question thus negatived.

DUTIES AMENDMENT BILL 2022

Returned

Bill returned from the Council without amendment.

BILLS

Assent

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

1. COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022.
2. Duties Amendment Bill 2022.

PAPERS TABLED

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

JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION

Third Report — 'A good year': The work of the Parliamentary Inspector of the Corruption and Crime Commission — Government Response — Statement by Acting Speaker

THE ACTING SPEAKER (Ms A.E. Kent) [4.11 pm]: Members, I advise that in relation to the recommendations contained in the third report of the Joint Standing Committee on the Corruption and Crime Commission, which was tabled on 24 February 2022, no response has been received from the government by the required time.

MEMBER FOR KWINANA

Leave of Absence — Notice of Motion

Mr D.A. Templeman (Leader of the House) gave notice that at the next sitting of the house he would move —

> That the Deputy Premier be given leave of absence from the Legislative Assembly up to and including 23 June 2022 on account of international ministerial business.

ELECTRICITY SUPPLY — REGIONS

Notice of Motion

Dr D.J. Honey (Leader of the Liberal Party) gave notice that at the next sitting of the house he would move —

> That this house condemns the Labor state government for failing to deliver reliable and affordable energy to regional WA customers, leaving households, businesses and entire communities in the dark.

BAIL AMENDMENT BILL 2022

Notice of Motion to Introduce

Notice of motion given by **Mr J.R. Quigley (Attorney General)**.

LIVE EXPORT

Notice of Motion

Mr P.J. Rundle gave notice that at the next sitting of the house he would move —

> That this house condemns the Premier and his Labor state government for failing to "stand up for WA" against direct attacks by the federal government against the state's $136 million live sheep trade.

STATE ECONOMY — TRADE

Removal of Notice — Statement by Acting Speaker

THE ACTING SPEAKER (Ms A.E. Kent) [4.14 pm]: I advise members that private members' business notice of motion 1, given on 15 June 2021 and renewed for a further 30 sitting days on 9 November 2021, will be removed and will not appear on the next notice paper.

MINISTER FOR HEALTH — PERFORMANCE
IRON ORE ROYALTIES — COMMUNITY DIVIDEND

Removal of Order — Statement by Acting Speaker

THE ACTING SPEAKER (Ms A.E. Kent) [4.14 pm]: I inform members that, in accordance with standing order 144A, the private members' business orders of the day that appeared on the last notice paper as "Minister for Health Leadership" and "Iron Ore Royalties Community Dividend" have not been debated for more than 12 calendar months and have been removed from the notice paper.

MIDWIVES — REGIONS

Matter of Public Interest

THE ACTING SPEAKER (Ms A.E. Kent) informed the Assembly that she was in receipt within the prescribed time of a letter from the member for Vasse for seeking to debate a matter of public interest.

[In compliance with standing orders, at least five members rose in their places.]

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [4.16 pm]: I move —

> That this house condemns the McGowan government for failing to deliver the services and appropriate levels of specialist staff to ensure all expectant Western Australian mothers can deliver their babies safely and close to home.

It is incredible that we have to bring this debate to the house. It is extraordinary, in a state as wealthy as ours and under a government that promised to ensure that our hospital system would be battle-ready for COVID, that we are seeing such an extraordinary shortage of midwives, leading to a situation whereby services are effectively being cut. Although in question time today the minister played down this cut in services, there is simply no way of spinning the fact that mothers in Carnarvon, in the important North West Central region, have no choice but to make a 1 000-kilometre round trip to Geraldton, or go to Perth, for something that should be an essential service. It is also extraordinary that the minister was unable to state how many pregnant mothers have been affected by this. I know that the member for North West Central will certainly be highlighting the issue as it relates to his electorate as part of this debate. We raised the situation of Bronwyn in question time today. It must be so stressful for mothers like Bronwyn, who, at 36 weeks pregnant, had to make such a trip and then find accommodation, which I understand was particularly challenging.

As I said, it is incredible that we are having to bring such a debate to this place, while the Premier gloats about a $5.7 billion surplus and talks about other states being green with envy at our state's position. The McGowan government should be condemned for not acting with more urgency, not providing incentives and not taking this issue seriously enough. Mothers in regional areas having to make a 10-hour round trip to give birth is simply inexcusable.

We have asked questions in this place and in the upper house as well, and many questions have been put on notice. As the minister stated in estimates, this is a situation that is impacting all health service providers across the state. There was a significant number of maternity bypasses at our metropolitan hospitals last year. In winter last year, there were 62 maternity bypasses at our metropolitan hospitals because of a shortage of midwives. Midwives have consistently been asked to do more with less. We hear this feedback from midwives, as well. They have raised real concerns about being constantly asked to do double shifts—up to 16 hours on occasion. I will read a quote from one midwife who recently sent an email. According to my notes, the midwife said —

> I have now worked in 3 different states across Australia. WA has to be THE most ridiculous health system I have ever worked in. In 2022 they still use volunteers to provide primary emergency response? After 2 years of locking us in to keep us safe to 'prepare', it is even MORE dysfunctional than it was pre pandemic …
>
> Many of my older colleagues have retired in the last 18mths well before due. We have had enough. The government use smoke and mirrors to deflect and none of us are allowed to say anything.

It goes on. This midwife raised real concerns about patient and health worker safety, as well as burnout. These are very real issues. We can reflect on the numbers. In 2021, there were 34 300 births in WA. That was five per cent up from the year before, when there were 32 677 births. There were an extra 1 600 births, yet the number of midwives has not kept pace with the obvious signs that demand is growing. From July 2020 to June 2021, there was a loss of 40 FTE. We heard through answers to questions that the government had managed to recruit just four FTEs by the end of September last year. This was during the international advertising blitz, which, quite clearly, was not much of a blitz. As I have stated, I asked the minister questions that I thought could have been answered, given the government told us in the estimates hearings that it recognised that this is an issue and what the shortages are, but we have been unable to obtain the current vacancy rate. But the feedback from that midwife and many others who are frightened of speaking up is that they are under extraordinary pressure. It is very concerning that this midwife stated that it is significantly more challenging than they have ever experienced, in comparison with other states.

As I said, last year there were 62 maternity bypasses across metropolitan hospitals alone. We know that in October last year, the community midwifery program was also put on hold. I understand that it is running again, which is good news, but we have had feedback on this. A member of the doula community, Anaya Watts, was recently quoted in the media saying that some women are choosing free birthing because they cannot get into the community midwifery program's home birthing programs and cannot afford the services of a private midwife. This is deeply concerning, and that incident was certainly very concerning from a safety point of view.

Several members interjected.

The ACTING SPEAKER: Order!

Ms L. METTAM: I am just making a comment. This shortage situation has not suddenly popped up. On 18 August last year, in an article on PerthNow, Mark Olson, state secretary of the Australian Nursing Federation, was quoted as saying —

> "They saw this shortage coming. They've been on a COVID holiday …
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> "They sat back behind the border—they knew back then that we were short. They also knew that around 30 to 40 per cent of our nurses and midwives, according to the survey we do with the nurses board every year, obtained their initial qualification either interstate or overseas.

What has the government done about this shortage? We know that for the first 12 months of the pandemic, it did very little. It actually did nothing. The McGowan government blamed the federal government for the national border closure and imposed restrictions on our health workers that were so onerous that many gave up on coming to WA. We heard about the international recruitment blitz, but that took several months to be delivered, because apparently it takes a while for the creatives to do their thing. It is quite extraordinary that it was not delivered until late last year, which raises the real question of why there was such a lacklustre response to this important issue, given we are talking about supporting women and midwives, and our health system as well. The Refresher Pathway Connect program also took a long time. It was initially paused. There was some support for that program, but it was significantly held up until there was advocacy from the Australian Medical Association and the ANF.

As I said, in the recent estimates hearings the Minister for Health stated that every health service provider is struggling with the shortage of midwives, and that every single midwife graduate has been offered a job, but we did not hear how many jobs have been accepted, what is the state of the problem and how many positions need to be filled. At the weekend, the Australian Nursing Federation highlighted real concerns about attracting and retaining current staff from a patient safety point of view. The midwife who sent that email also raised that concern and pointed to what other states are doing. New South Wales and Victoria are both now offering lucrative $3 000 bonuses for their midwives, as well as three to 3.5 per cent wage rises. The Premier has stated that our staff should be happy with the free rapid antigen tests and electricity rebate that is offered to all residents. Despite being the wealthiest state in Australia—a state that is apparently worth gloating and boasting about—somehow, the McGowan government does not feel that it is appropriate to better support our health workers and midwives. Despite the fact that our health workers and midwives have done the heavy lifting over the last two years and that, according to the Australian Nursing Federation, our nurses and health workers are the second-lowest paid of any jurisdiction, the McGowan government somehow does not feel that there is any urgency in trying to address this issue. We believe that there is. The overwhelming feedback that we are receiving is that the government needs to do more to incentivise health workers to be attracted to this state and not leave to go to other states. That is why we certainly support better incentives for our healthcare workers.

Finally, before other members speak, I will touch on the women's and babies' hospital. On this issue, the government will say that we are not to worry because it is building a new hospital, despite the fact it was announced 18 months ago, and, in the budget, there is just funding for a business case. There will be 28 new neonatal beds and an increase of 60 inpatient beds, which is wonderful, but the budget funds only a business case. There is no time frame, no idea on when the works will begin—possibly the end of 2023—no start date and no completion date, so it is effectively a plan for a plan at this stage. How extraordinary that the Minister for Health is unable to confirm whether our flagship maternity hospital will have a family birthing centre sitting alongside it, because apparently it might not be the vibe. What is important? I have heard rumours that the North Metropolitan Health Service has made some

comments that the birthing centre might be at Osborne Park Hospital. Given the demand and the need for choice for women, why would our flagship hospital not have a family birthing centre? Why can the Minister for Health not confirm that there will be a family birthing centre there, and that choice will be available for women wanting to birth at the state's flagship maternity hospital as well? There is a family birthing centre at King Edward Memorial Hospital for Women. Why would that choice not be available at the new hospital? Somehow that option may not be available. It is quite extraordinary to consider the significant gap between the platitudes we hear about birthing choice and the reality on the ground, which is that the issue is still in question. I will leave my comments there as we have other members who would like to speak.

MR V.A. CATANIA (North West Central) [4.31 pm]: I will highlight the state of the health system in North West Central and the trials and tribulations facing people in the north west wanting to have their children in hospital, as the member for Vasse brought up in this house. I will give members some of the distances involved in the area where women are not able to have a child. It is from Geraldton to Port Hedland. They are the two towns.

Mr S.A. Millman: They are not having children?

Mr V.A. CATANIA: That is the impression that members on the government side like to give—women living between Geraldton and Port Hedland do not have children! We do have children in those towns.

Mr S.A. Millman interjected.

Point of Order

Mr R.S. LOVE: I cannot hear the member for North West Central for the interjections from the member for Mount Lawley, and I ask that you ask him to desist.

The ACTING SPEAKER (Ms A.E. Kent): There is no point of order.

Debate Resumed

Mr V.A. CATANIA: I am trying to give a snapshot of my electorate and other electorates, such as that of the member for Pilbara, where women cannot have a child in hospital—Karratha, Newman, Exmouth, Carnarvon, Onslow or Shark Bay. A woman who lives in Carnarvon has to travel either 470 kilometres south or 900 kilometres south and spend many weeks away. Exmouth is 360 kilometres away from Carnarvon. Members can do the math on that. It is nearly 720 kilometres to Geraldton. Those are the distances I am talking about. I appreciate what the minister said about 100 per cent cost recovery, but it is hard to explain the costs, for example, to a mother with two children who is going to give birth to her third child and has to move down to Geraldton for three or four weeks when her husband works in Carnarvon and her family networks are in Carnarvon, having been born and bred there. Yes, she will get covered for one room, with one bed, but when the family has other kids who need to come down and see their mother, that is not covered. A family should be able to negotiate and have a room that can have a few extra beds. That is what the patient assisted travel scheme covers. It does not cover a two-bedroom apartment, which is needed when a family has kids who need their own bed, or any support network, whether it be the woman's mother, father, aunty, sister, brother, or whomever it may be. They are not covered to have their support network with them, which is the point. A woman may be 100 per cent covered for a room, but if a woman is down in Geraldton or Perth, the accommodation is expensive, unless they can negotiate something that will be covered by the money they are given. It is not 100 per cent covered; if the family needs accommodation that has a kitchenette, a dining room or a lounge that can be as much as possible like home for the next three to four weeks, it will cost them.

The minister is right that it is hard to attract midwives to the north west. We understand that, but the competition for staff in regional WA is great and one of the biggest issues in Carnarvon is being able to attract and retain staff—absolutely! Among the reasons told to me by nurses and the administration in the Department of Health are not only the lack of quality housing but the fear of crime. This is all the way from the Kimberley to Carnarvon, where crime is a big deal. It will be interesting to see how much money the government spends on security patrols to protect the houses that nurses live in. Accommodation is one of the big issues. The Minister for Housing advised that the department will build six new houses in the midwest. Members, the midwest goes from Geraldton to Exmouth across to Gascoyne Junction, Meekatharra, Sandstone and Yalgoo. It is a large area, and only six houses will be built for close to 20 towns in that area! That is the trouble. When it comes to getting police, nurses and teachers, the investment in housing has not been made, hence, it is difficult to attract and retain workers. Carnarvon is in competition with Geraldton and other towns that have new housing, such as Albany, Bunbury and Busselton. The competition is too great; therefore, it is hard to attract and retain workers. That is the real reason that we do not have services so that women can have a child in Carnarvon. The health service goes on. I hope we can fix this. I hope the new member for North West Central can put pressure on the government to deliver more than one nurse each for Yalgoo, Cue, Coral Bay and Sandstone because, to attract and retain staff, those areas need at least two nurses so one person does not have to work 24/7. I know the government says that it is hard and it is offering money to attract staff, but if it offers incentives to staff, it will be easier to attract and retain nurses. The Western Australia Police Force moved away from having one police officer per station for similar reasons—safety, mental health, ability to speak to someone else in the profession and not having to work 24/7. That is a snapshot of the distances and some of the issues we face in what is a health crisis in the electorate of North West Central.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [4.38 pm]: I reiterate the words of the member for North West Central about the underlying problems that are causing difficulty in recruitment and retention of staff in his electorate and many other parts of the state—crime, worker burnout, housing and working conditions. This situation has not suddenly manifested; it is the result of a number of years of neglect by this government to ensure an appropriate workforce to properly staff the centres that members have outlined that are not able to provide services. What we have heard is that from Geraldton to Port Hedland, it is not possible for women to safely give birth. They have to move to other places with great consequence to their family in not only money, but also the distance they have to travel, which pulls families apart for weeks at a time. It also has great consequences on young families because it causes a lot of problems in how parents are to look after the remaining siblings, where they will be accommodated and how the parents can work together to ensure that their family is safe and whole. These situations have manifested in Carnarvon quite recently, but we have known that there has been a workforce shortage problem throughout the midwest for years and years. In fact, Hon Martin Aldridge, our regional health spokesperson in the other place, has highlighted how he tried to get the government to address this issue some time ago. There is an ability to train staff in Geraldton. There are hospitals and excellent training facilities in Geraldton, and it was Hon Martin Aldridge's proposal that people be trained to provide regional midwifery services because, as we know, people who come from the regions are more likely to stay in the regions. I know that all the medical workforces in the midwest have been stretched for years because there has not been a serious attempt to address the real problem, which is shortages in the workforces.

Hon Martin Aldridge wrote to the then Minister for Health. This matter of public interest is not just about condemning the Minister for Health, who is quite new. It is about the series of events that have been rolling along for the five years of this government that has led to this situation. Hon Martin Aldridge wrote to the former Minister for Health, the member for Kwinana, imploring him to back a plan by Geraldton University Centre to train regional midwifery students in the regions. He wrote that 75 per cent of midwives work in the metropolitan and south west regions, leaving the vast remainder of the state with the rest. He said in a press release put out earlier this month —

> The GUC plan was sound, training country students for country jobs.
>
> The plan never got off the ground because the McGowan Government never supported the training places that were needed for students to gain experience in public hospitals across WA. Minister Cook went further and advised me that in 2018, there was 102 students who applied for 46 graduate places, demonstrating that we were in fact training too many midwives in WA.

Funny about that; there do not seem to be too many midwives in Western Australia at the moment. How short-sighted of the government to offer only 46 places when 102 potential students came forward. The press release continues —

> Fast-forward three years and we are now telling mums … to travel almost 500 kilometres from their family, their home, their support network and their community because we have a crisis in our health system.

That is the situation in Carnarvon.

Over the years, we have seen a retraction in the number of places that can offer midwifery services in local communities. Clinical practices have changed and there is more of a tendency for women to go to larger hospitals. I understand that. But in the case of Carnarvon, that is a bridge too far. Where I come from, it has been the norm for many years for women in the wheatbelt areas and the lower parts of the midwest to go to Perth to have their children. My eldest child is now 30 years old. It was about the time of his generation that they stopped offering obstetrics at Moora Hospital. Pretty well every generation since then has been born in Perth. We understand that when an area is reasonably close to a large centre like that, it is probably the appropriate thing to do. But, again, demonstrating a lack of concern about the community and services for women in this position in country WA, when this government first came to office, it cut what was a carefully considered program that the WA Country Health Service had put together to provide "hospitals without walls" throughout the expansive area of the coastal wheatbelt that I represent—areas that do not have many facilities and services that are available in many other more traditional wheatbelt areas.

That program, which had $22 million attached to it, was called the Turquoise Coast Health Initiative. One of the first acts of this government was to can that program. I can advise members that the program was going to provide a community-based midwife who would provide comprehensive antenatal and postnatal care locally to decrease the need for women to travel long distances to access services, thereby reducing the risk of missed appointments, decreasing travel costs and minimising time away from home, work and family. It accepted that women would probably have to go to Perth or Geraldton to give birth, but they would not necessarily be without a service in their home community. The model was designed to ensure continuity of care across the antenatal and postnatal stages of a woman's pregnancy, shared care with a GP, linkages with metropolitan hospitals to enable early discharge and face-to-face clinical and education services via telehealth, leading to safer planned birthing and postnatal outcomes. On the face of it, one would think that that is a valuable thing to do, but this government did not seem to have any concern about cutting that program and a plethora of services that would have served those communities well, because that was one of the first acts it undertook when it came to office.

MS A. SANDERSON (Morley — Minister for Health) [4.46 pm]: I rise to respond to the motion moved by the opposition on the provision of maternity services in Western Australia. I will address some of the misinformation that has again come from the other side. I will start by calling out one of the most disgraceful and disgusting things I have seen in this place—that is, the attempt by the member for Vasse to politicise the death of a baby during a homebirth. That is what she did and it was absolutely disgraceful.

Withdrawal of Remark

Ms L. METTAM: The minister is clearly misrepresenting my comments and I ask her to withdraw.

The ACTING SPEAKER (Ms A.E. Kent): The debate will proceed but everyone needs to be mindful about the sensitivities of this discussion.

Debate Resumed

Ms A. SANDERSON: I completely agree; we have to be mindful of the sensitivities. I stand by my comments about the member for Vasse's conduct in this place in that particular circumstance in trying to somehow link it to the performance of the government, which is exactly what she did. If you want to debate me on birth choices, member for Vasse, bring it on—bring it! There has never been a health minister more passionate about birthing choices in Western Australia than I am. I can hand on heart tell you that there has never been a health minister who cares more deeply about this issue than I do. The reasons that women make particular choices are not about funding. That is a whole other debate, and I will take you on any day in that debate with no hesitation whatsoever. It is a far more fundamental issue around how women are treated in the medical system—that is what that is—and you do a great disservice to the women and midwives who feel strongly and passionately about that issue and who campaign and advocate for greater choices every single day. You do a great disservice to them.

The nonsense campaign that the member for Vasse is trying to confect around the fact that there will not be a family birthing centre is completely dishonest as well. Let us just lay out the facts, which I know the member does not like to appreciate often. When the family birthing centre was developed 30 years ago, it was cutting edge and a fantastic birthing option for Western Australian women. We had only one main maternity hospital Perth, and that was King Edward Memorial Hospital for Women in Subiaco. To have a family birthing centre next to an obstetric hospital in Perth, we did not get to choose where it went. It went in Subiaco. Is that where the growth and the need is now? It is western suburbs focused. The reality is that the growth is in the northern corridor.

What we will do as a government is talk to midwives and women, as we want to know from women what they want. What do the numbers say? What does the data say? What are the barriers to women accessing the family birthing centre? They are far more fundamental than the funding as outlined by the member for Vasse. They are around medical exclusions. Women get caught up in a range of medical politics when accessing those services. The member for Vasse should be very careful about the words that she uses and how she works through this issue. We will talk to the women of Western Australia and ask them where they want it and what they want. What a fantastic and incredible opportunity. I am so excited about this women's and newborns' hospital and putting women at the forefront of decision-making at that hospital. My commitment as minister is to put women at the forefront of the decision-making on that hospital, such as where it goes and the services it provides. That is the most exciting project that I will work on in my time as minister, and it is a fantastic project of this state. That is exactly what we will do. The member should not be confecting campaigns and pretending she knows about something when she exposes her ignorance with her politicisation and her comments on issues that are fundamental to the way women are treated in the medical system.

On the matter of Carnarvon and birthing services and country health, there has been a consolidation of birthing services in Carnarvon. Post-natal and prenatal care are still occurring in Carnarvon. An enormous amount of support is provided for the midwifery and obstetrics emergency telehealth service as well. There are four FTE midwives in Carnarvon. In order to provide a midwifery group practice 24 hours a day, we need a lot of midwives to fill that practice because women obviously give birth at all times in the night and day; people have to work shifts and it has to be safe. We need a lot of midwives. We also need a GP who is trained in obstetrics. They are like hens' teeth right now. They are in high demand. People are not choosing GP as a practice and they are certainly not choosing what is called procedural GP—that is anaesthetists and obstetrics. They are critical to the work that we do and certainly to delivering safe birthing choices closer to home.

This problem is not new; the member for Moore is quite correct in that sense. It is not new, and we absolutely understand that whittling down of the rural speciality pathways has been years in the making; it operates on a thin model. Because of that, WA Country Health Service developed the real generalist pathway program to provide ongoing support and GP monitoring so that we can deliver more GP obstetricians and anaesthetists in the regions. It will take around five years for that to bring enough GPs and obstetricians to make a big difference in those communities, but those places are funded and supported and they are absolutely part of the provision of health care in the regions.

We are also looking at additional strategies to support increased exposure to rural settings of GPs wishing to complete their advanced training, and to provide incentives. We advertise vacancies consistently and constantly.

There are very significant incentives for medical professionals, clinicians, midwives, nurses and GPs to work in the regions. In Carnarvon specifically, there are around 100 births a year. It is very difficult for midwives to maintain their currency of practice with that number of births. A midwife has to deliver a certain number of births to maintain their currency of practice and to continue to practise the kind of midwifery they want to do. It is just a reality of the numbers. If we have a genuine commitment to continuity of midwifery care, then we need a certain number of births to have a stable workforce in the midwifery pool. That is just the reality so that they can maintain their practice and they can continue to be safe in the work that they do.

This government is absolutely committed to midwifery group practice. It provides a very high quality and cost-effective midwifery model, and we are working through increasing the midwifery group practice across the state. We just introduced one into Margaret River. We just introduced the Aboriginal midwifery group practice at King Edward and we are very committed—I am very committed—to working with Aboriginal Medical Services, which has superbly trained midwives, and supporting their women, but they do not have access to the state hospitals when women go in and give birth. I think a very sensible step forward is to work with those midwives and look at giving them admitting rights, so that they can support those women all the way through their births. That is a genuine continuity-of-care model that would be culturally safe for Aboriginal women. There are a lot of opportunities and challenges in that rural obstetric healthcare area.

The operational plan for the Carnarvon midwifery group practice has 24-hour cover with midwives, a medical officer of obstetrics, a medical officer of anaesthetics and theatre nursing staff, all of whom are incredibly difficult to source at the moment despite ongoing advertising and incentives. We are also upskilling nursing staff to theatre roles to enable them to fill those roles, and we continue to work to fill those gaps around obstetrics and anaesthesia.

It absolutely has an impact on women's family. Women want to give birth close to home, close to their family and close to the midwives. There are around 39 bookings from June to September—10 are high-risk and six are moderate risk. The midwifery group practice will work with all those women on their birthing plan, who they need with them and whether there is suitable accommodation. They are not lobbed into Geraldton with no planning, as the member for Moore has intimated. If that is the case, we certainly want to hear about it. But WACHS is absolutely committed to providing important services to these women and their support networks, importantly.

During the interim measure, 26 women were transferred and have been fully recompensed—100 per cent—for travel and accommodation expenses. To say that they were covered only by the patient assisted travel scheme is not right; they were covered well outside PATS. One hundred per cent of their expenses were covered. The opposition has claimed in the media and in this place, all sorts of things, such as that women are out of pocket and they are having to pay. WACHS is going back to every woman who has given birth in Geraldton or Perth since that scale-down to check whether they have any outstanding costs. It is going back to the women to make sure that they have any outstanding costs covered. That is an outstanding service from the WA Country Health Service under exceptionally difficult circumstances.

The opposition say that somehow the government has ignored the staffing crisis. We have a global healthcare workforce shortage. Health care was already the expanding area of employment for the future. We throw on top of that a pandemic with the dislocation of families and people due to closed borders. It has exacerbated what is a global issue and one that we are absolutely grappling with. Every single midwifery graduate in Western Australia was offered a job. I think most of them went to King Edward because that is the flagship maternity hospital. That has frustrated other hospitals, but the reality is that that is where they chose to go. We are recruiting. We have the $2 million Belong campaign. We are absolutely recruiting through that campaign. Our overall WA Health FTE has increased by around 10 per cent overall and clinical staff by 15 per cent. There is no other public sector agency that has seen an increase like that. I have a lot of frustrated cabinet colleagues who would also like to see their public sector agencies' staff numbers increase by that amount. We are absolutely focused on recruiting into the WA health system. We do it with good salaries and generous incentives in the regions.

This idea that we put onerous restrictions on healthcare workers coming into Western Australia from overseas is I think referring to the quarantine requirements that kept everyone safe. It is a bizarre criticism to make that we would make people quarantine before coming into Western Australia.

Ms L. Mettam interjected.

The ACTING SPEAKER: Minister, are you accepting interjections?

Ms A. SANDERSON: I am not—they are not worth responding to.

The ACTING SPEAKER: Member for Vasse, you have had your opportunity. Let the minister continue.

Ms A. SANDERSON: A range of strategies is also in place in the department for the rapid deployment of healthcare teams into regional areas to make sure that there is continuity of healthcare services in those areas. There is also the rapid deployment pool for the health service providers. The Department of Health has coordinated with other HSPs to draw from their workforce and put them out into country areas where they are required to ensure continuity of service. That is the most important thing, along with the safety of the health care that is being provided. I have

no question about the challenges that birthing a long way from home brings, but the most important thing is that everyone is safe, and if the safest place to give birth is Geraldton, that is exactly what needs to happen until we can fill those gaps.

The WA Country Health Service works very closely with expectant mothers on their birth plan, their requirements, their costs and how we can help to support them. Geraldton Health Campus is an outstanding hospital. It stepped up when St John of God Geraldton Hospital temporarily suspended its maternity services. It is not a failure of planning; it is a lack of adequate staffing. St John of God could not secure enough midwives in the midwest. To say that this is entirely the fault of the public health system is absolute nonsense. I want to address the material that has been put out by the opposition, particularly in the media. The Leader of the Opposition went on ABC Pilbara and spread misinformation that birthing mothers are required to pay for travel and accommodation at their own expense. This is not true. I can see that the campaign for the seat of North West Central has already started, and the body is not even cold! The Leader of the Opposition needs to get her facts straight. It is just absolutely not true.

There is no question that there are barriers to international recruitment that are outside of the state's control. The federal government has not taken any notice whatsoever of the work that is required to develop the national healthcare workforce. We saw that in aged care. The workforce was whittled down until the sector was in crisis. No work has been done nationally around what we need to do to incentivise and make it easier for healthcare workers to come through the system. We are absolutely committed to training and supporting our own workers, but we have an urgent need right now. Instead, the federal Liberal–National government pitted states against each other. That is where we are at now—we are competing with Victoria, Queensland and South Australia—when we need the federal government to bring everyone together with a plan to streamline immigration and national registration. The barrier that I hear about from people trying to come in is around registration. It is not that the state is throwing up onerous hurdles and challenges; the problem is that the registration process for doctors, nurses and midwives is really tough. Other countries are doing it better. They are being proactive. They are setting up one-stop shops for registration and immigration papers. We need some creative thinking and ideas, and cooperation with the commonwealth. I am looking forward to sitting down with the commonwealth.

The member for North West Central mentioned a range of remote nursing posts that need two nurses. We have two nurses at each one, except Yalgoo. The WA Country Health Service is providing two nurses at all those nursing posts, except Yalgoo, where it has not been able to do that, but it is working through how that can be done. I make the point that the National–Liberal government failed in its eight and a half years in office to provide two nurses, but this government is providing two nurses at those nursing posts. We agree that there are health and safety issues and that it is more attractive when a nurse has a partner there and can take leave. We have done that. To say that somehow the service in Carnarvon has been cut is wrong. The funding is there. The will is there, and the work is going on to fill that role. The reality is that it is absolutely challenging to fill those roles.

The McGowan government has an absolute commitment to maternity services in Western Australia. I am making it a personal mission to expand the birthing choices for women in Western Australia. I am trying to find evidence of the shutdown of the community midwifery programs that has apparently happened. I have asked my office to find evidence of that, and we are struggling to find that evidence. We will support the expansion of those programs, but we need to get through the challenges that we have with a global workforce shortage in midwifery. We urge members opposite to, for once in their lives, be constructive, stop spreading misinformation, stop frightening women who are about to give birth, and stop spreading lies about the family birth centre. Member for Vasse, just do not talk about things that you do not know about.

MS L. DALTON (Geraldton) [5.06 pm]: I also wish to speak in strong opposition to this motion, and concur with a few of the things that the minister has raised. We know that there are wideranging initiatives and major investments over the next four years, which highlight how big Western Australia's footprint is and reflect the far-reaching healthcare services delivered to Western Australians each and every day. I want to go over a couple of points about a few of those investments. There is $30.1 million for 18 additional paid paramedics and six additional ambulances in regional WA, delivering on the election commitment. There is $18.5 million to expand the WA Country Health Service child and adolescent mental health service frontline workforce across seven regions. We have $10 million to expand the Pilbara Health Initiative to deliver specialist paediatric, cancer, haematology, stroke and neurology services at Karratha Health Campus and surrounding sites. A sum of $11 million from a total $55.8 million investment is allocated to ensure that there is a registered nurse 24/7 at a major regional emergency department. To say that there is very little investment in regional health is a stretch.

One of the main things that I want to talk about is the fabulous investment that the McGowan Labor government has made into the Geraldton Health Campus, which includes an additional $49.4 million to meet the rising costs of labour and materials needed to progress stage 2 of the regional health campus upgrade. This will take expenditure on the whole project to $122.7 million, which is a great investment in the health and wellbeing of Geraldton, midwest and Gascoyne residents and in support for our crucial healthcare workforce. This is one of the single biggest investments into this facility since the Gallop government. So far, we have seen completed the $10.2 million step-up, step-down facility that opened in 2021, enabling works for engineering services, utilities and car parking, and

a reconfigured main entry and ambulance bay. Part of the next stage of the redevelopment will include an expanded emergency department, a new intensive care unit, a co-located and redeveloped high-dependency unit, and a new integrated mental health service inclusive of the adult mental health inpatient unit and mental health short-stay unit.

Along with three generations of my family, I live in Geraldton. I love our lifestyle, and I wish to see our population thrive. To do so, we need to be assured that services supporting our health and wellbeing are of top standard, and fit the needs of our growing population. This is what our government is committed to doing. I have presented at and used our regional hospital many times. I had my babies there and I have to say that I, along with other people from Geraldton and the midwest, received exceptional care from our midwives and the midwifery unit. I want to commend the midwives who stepped up when St John of God closed its midwifery service. They and the whole WA Country Health Service team stepped up and took on extra patients openheartedly and welcomingly.

Many promises were made prior to 2017 about Geraldton hospital by past and current Liberal and Nationals members. I am really proud that I am a member of the government that is finally going to deliver on those promises. It is important to remember that Geraldton Health Campus continues to deliver an excellent level of care and that the construction works have been designed to minimise disruption to patients, the staff and the community. Geraldton has, and will have into the future, a regional health system with terrific doctors, nurses and allied health staff, as well as many other staff who work there, delivering quality care for regional people. I am proud to stand here as a member of the McGowan government that continues to deliver for the regions, particularly my electorate of Geraldton.

MS M.J. HAMMAT (Mirrabooka) [5.11 pm]: I also rise to speak in opposition to the motion that the opposition parties have moved today. When I saw it, I thought it may be good to have a discussion about women's health issues, because I, for one, would welcome that. I know that the minister is a passionate supporter of women's health issues, as she has already outlined. To be honest, I was somewhat surprised, because it is not as though the Liberal–National opposition has any kind of track record on women's issues broadly. It seemed surprising to me that it would want to go hard on this.

Several members interjected.

Ms M.J. HAMMAT: I am not taking interjections because there is so little time.

I was surprised, but I thought it was great, because there should be much more focus on women's health issues. Once again I was disappointed by the contributions that came from the corner this evening. I reflect that the member for North West Central is not going to be with us for much longer, but instead of talking about women's health issues, unfortunately, he took the opportunity in this debate to once again run down the town of Carnarvon by reflecting on crime and security and generally casting that town in a very poor light. I hope that the next member who comes to this place from that community is a strong and passionate advocate for the town of Carnarvon and the whole electorate because those good people deserve much better from their representation in this place.

Time is limited and I know that others want to speak, but I want to make a few comments. First of all, I want to say how proud I am to be part of a government that has made a real commitment to delivering a wide variety of solutions and opportunities on the matter of women's health. I commend the minister for her excellent work in this area. The McGowan government takes the matter of women's health seriously. It was the McGowan government that was committed to making sure that women had access to the full range of services at Midland Health Campus—an issue that is important to women in this state. The Liberal–National government not only locked out certain services at Midland hospital for women who want and need them, but also did nothing to address it. The McGowan government is investing $1.8 billion in a new women's and babies' hospital. It will be a fantastic new facility that will make an incredible difference to women and their families in this state who are looking for a range of options for giving birth.

As we have talked a bit about staffing issues in this debate, it is important to reflect on the performance of the Liberals and Nationals when they were in government. I remember when they were last in government. I know that they cut staff. That was the track record of the opposition parties when they were in government. There were big cuts right across the public service, including in the health area. The McGowan Labor government is investing in increased staffing in our health system. The minister outlined that there will be a 10 per cent increase. There have been many other debates in which we have outlined the whole range of new initiatives being taken through our commitment to increasing necessary staff and targeting where and how we find them. There is a $2 million advertising campaign to find the staff we need. There will be an increase in the number of staff. I think there were 1 100 new graduates in 2021, and 1 200 are due to be recruited in 2022. This is a government with a commitment to increasing staffing numbers in our health system, unlike the previous Liberal–National government, which took the opportunity only to make cuts in our health sector.

The motion we are dealing with tonight is a bit rich and, frankly, a bit disappointing. Let us think about the performance of the Liberals and Nationals on hospitals more broadly. It was the Liberal–National government that brought us lead in the water at the children's hospital. What a disgraceful outcome.

Several members interjected.

The ACTING SPEAKER: Order!

Ms M.J. HAMMAT: Let us not forget the asbestos in the roof. What an absolute disgrace. What a mismanagement of our health system. They could not implement the project and could not build a safe hospital for our children.

Several members interjected.

The ACTING SPEAKER: Member for Cottesloe!

Ms M.J. HAMMAT: There is too much noise from the corner.

The ACTING SPEAKER: The member for Mirrabooka has the call.

Ms M.J. HAMMAT: That is right, and precious little time, member for Mount Lawley.

They could not build a hospital and they cut the staff in hospitals. They could not open that hospital because of the manifest problems in that organisation. This is a government that is committed to our health system and to women's health and is taking a number of steps to deliver in that area, unlike when this lot was last in government. It is no surprise to me that they have been reduced to the rump in the corner in this place. The people of Western Australia understand that too. They want a government that is committed to health.

Western Australia is a very large state and I think the minister made an excellent contribution tonight in outlining the steps that are being taken to ensure that women in our regional areas have access to the services they need. Recruitment is a challenge not just in the health sector, but also, in fact, in many industries and in many places, not just in regional areas around Western Australia. We have one of the lowest unemployment rates we have ever had. Recruitment of staff is a challenge at the moment. It is a good problem in that we have record low unemployment.

Division

Question put and a division taken, the Acting Speaker (Mr D.A.E. Scaife) casting his vote with the noes, with the following result —

Ayes (4)

Dr D.J. Honey	Mr R.S. Love	Ms L. Mettam	Mr P.J. Rundle *(Teller)*

Noes (41)

Mr S.N. Aubrey	Mr M. Hughes	Ms L.A. Munday	Dr K. Stratton
Mr G. Baker	Mr H.T. Jones	Mrs L.M. O'Malley	Mr C.J. Tallentire
Ms L.L. Baker	Ms E.J. Kelsbie	Mr P. Papalia	Mr D.A. Templeman
Dr A.D. Buti	Ms A.E. Kent	Mr S.J. Price	Mr P.C. Tinley
Mr J.N. Carey	Dr J. Krishnan	Mr D.T. Punch	Ms C.M. Tonkin
Ms C.M. Collins	Mr P. Lilburne	Mr J.R. Quigley	Mr R.R. Whitby
Ms L. Dalton	Ms S.F. McGurk	Ms R. Saffioti	Ms S.E. Winton
Ms D.G. D'Anna	Mr D.R. Michael	Ms A. Sanderson	Ms C.M. Rowe *(Teller)*
Ms E.L. Hamilton	Mr K.J.J. Michel	Mr D.A.E. Scaife	
Ms M.J. Hammat	Mr S.A. Millman	Ms J.J. Shaw	
Mr T.J. Healy	Mr Y. Mubarakai	Mrs J.M.C. Stojkovski	

Question thus negatived.

APPROPRIATION (RECURRENT 2022–23) BILL 2022
APPROPRIATION (CAPITAL 2022–23) BILL 2022

Estimates Committees A and B Reports and Minutes — Presentation

MR S.J. PRICE (Forrestfield — Deputy Speaker) [5.22 pm]: I present to the house the reports and minutes of Estimates Committees A and B.

[See papers 1186 and 1187.]

Estimates Committee A Report — Adoption

THE ACTING SPEAKER (Mr D.A.E. Scaife) [5.22 pm]: The question is —

That the report of Estimates Committee A be adopted.

MR S.J. PRICE (Forrestfield — Deputy Speaker) [5.22 pm]: I have the ability to talk on both estimates committees separately, so I will talk on Estimates Committee A first and then move on to Estimates Committee B after we put the question that the report of Estimates Committee A be adopted.

Estimates committee hearings this year were slightly different. Members will remember that we had a reduced time frame over the three days. I will provide some statistics on what happened during those three days. In all, 613 questions were asked during Estimates Committee A. The opposition asked 206 questions and then a further 387 questions. The government asked 17 questions and then three further questions. The opposition asked 97 per cent of the questions while the government asked three per cent. Interestingly, the following divisions and off-budget

authorities were not examined: division 12, Office of the Auditor General; Metronet projects under development; division 43, Department of Planning, Lands and Heritage, service 1, planning; division 44, Western Australian Planning Commission; Bunbury Water Corporation; Busselton Water Corporation; division 42, Department of Biodiversity, Conservation and Attractions, service 2, tourism; and division 32, Chemistry Centre.

Estimates Committee A sat for three days—from 9.00 am until 7.00 pm, as I mentioned earlier—and the examination took place over a total of 24 hours and 45 minutes.

I would like to thank the Acting Speakers who chaired both Estimates Committees A and B; the clerks; the chamber staff; the ministers; the ministers' staff; the committee members; our Whip, the member for Belmont; and the Whip's assistant, Ryan Harte, for all the great work they did, making sure that we had people in the right place; and of course the Parliament House staff who made sure we were fed and watered throughout the day.

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [5.25 pm]: I will be very brief. I thank the Deputy Speaker and acknowledge his work in coordinating the estimates hearings. The estimates committee process is a very important procedure of the house, particularly in its scrutiny of the budget. As members would be aware, as was the case last year, due to the number of members in the house, particularly opposition members, a proposal was devised to allow both Estimates Committee A and Estimates Committee B to function effectively with two members on either side, plus the chair and the minister. That arrangement was agreed to by the opposition and the government for the effective operation of the estimates committees. I congratulate the committees. I understand from the statistics that the number of questions asked was significant. I understand that the opposition was able to ask a significant number of questions compared with government members.

The only other point I would like to make is that because of numbers, the various divisions and the fact that a number of portfolios are held by ministers in the other place, there was discussion, which I think the Speaker was involved in, about reducing the time available to consider the divisions. As members would be aware, that is why Estimates Committees A and B commenced at 9.00 am and concluded at 7.00 pm on Tuesday, Wednesday and Thursday. As members would be aware, in the past, estimates usually commenced at 9.00 am, there was a lunch break, usually a dinner break at 6.00 pm and then the committees reconvened from 7.00 pm to 10.00 pm. It is probably not appropriate to debate it in the report phase but I think the opposition and the government are happy to have a conversation about how that arrangement effectively worked and whether we need to take any other considerations into account in preparation for next year's estimates. Obviously, given the number of divisions, it still meant that all divisions had to be voted on by the committee, which is part of the process. We also aimed to give more time to scrutinise the portfolios held by ministers in this place. As members would be aware, members in the other place through their estimates process will have the capacity to examine and scrutinise the budget with the ministers who represent the government.

I will finish by quickly thanking the manager of opposition business and the opposition Whip. Of course, I thank the government Whip, the member for Belmont, for her outstanding stewardship of the estimates committee process this year. I thank them for their work. I will also highlight that we had the unusual situation in which a number of ministers were COVID-positive, including me. It was an interesting experience and I struggle to remember a similar situation during estimates. I was COVID-positive and I think so was the Minister for Child Protection; Community Services; Prevention of Family and Domestic Violence. The Minister for Housing was COVID-positive late in the piece. I thank the ministers who stepped in. I thank the Minister for Police stepping in for the Minister for Housing.

Mr P. Papalia: I stepped in for Simone McGurk.

Mr D.A. TEMPLEMAN: I heard that was the most interesting session of all!

I want to thank the ministers who stepped in at short notice to respond to questions during the estimates process. It was an interesting estimates this year, given those factors that I highlighted. Again, I thank those responsible and the chamber staff for their ongoing advice and guidance during the estimates process.

MR P.J. RUNDLE (Roe) [5.31 pm]: I also have a few comments on the estimates committee process. Estimates Committees A and B sat for three days, with approximately 51 hours of hearings. In fact, we spent nearly as much time in hearings as last year. We saw about 115 agencies and subsections of agencies, such as the Department of the Premier and Cabinet and federal–state relations, and heard from various departmental and sub-departmental staff. We questioned 15 ministers, including the Speaker and the Parliamentary Secretary to the Minister for Education and Training, and many witnesses along the way. The number of questions asked was close to 1 100. As members well know, the opposition, due to our limited numbers, attended all day, every day. The leader on the number of questions asked was the member for Moore, with 271 questions. He was followed by me, with 190 questions. The member for North West Central asked 182 questions. The member for Vasse asked 169 questions and the Leader of the Opposition asked 151. Of course, the member for Cottesloe was unfortunately afflicted with COVID but managed to ask 48 questions remotely.

Mr R.S. Love: Well done!

Mr P.J. RUNDLE: Well done to the member for Cottesloe.

I have a few other comments. Firstly, I am glad to see that the Leader of the House, who conveniently avoided my searching questions on sport and recreation and agriculture by retiring to Mandurah for the week, is back on track. The Parliamentary Secretary to the Minister for Education and Training, the member for Southern River, had a problem with traffic and was a few minutes late. The member for North West Central moved a point of order and made fair bit of noise about it, and just as the member for Swan Hills quickly moved to take the empty chair, the member for Southern River turned up! I want to point out that the opposition asked 97 per cent of the questions. For argument's sake, in that particular session, the opposition members were able to ask all the questions, even though we did not have the full time. We appreciated having the opportunity to ask 97 per cent of the questions and to enlighten ministers on various issues over the time.

I have found one of the more interesting facts. The Minister for Environment enlightened us about the amount of carbon emitted into the atmosphere. I think it is something in the order of 91 million tonnes. The minister managed on the day to draw out that answer from his wealth of knowledge. That was a very interesting fact.

I would like to thank all our parliamentary staff, whether that be the house staff or the parliamentary staff in committees A and B. I especially thank members of the estimates committees: the Leader of the House, the Deputy Speaker, the government Whip and of course the manager of opposition business, who is sitting in front of me, the member for Moore. I thank the clerks and anyone else who helped out with putting together the schedule. I especially thank the chief of staff to the Leader of the House and our LOOP staff who did quite a bit of the background work on preparing the schedule. On behalf of the opposition, I express our thanks to all the staff and people who helped during the estimates hearings. Thank you.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [5.37 pm]: I will make a very brief contribution. I wish to particularly thank the staff of Parliament House for facilitating online examination during the estimates hearings. I think I have the distinction of being the first ever parliamentarian in Western Australia to do estimates online. I actually found the process to be very good. In feedback to the Speaker, the chairs of hearings were excellent in facilitating the process and I found that extremely helpful. I think it is worth noting and I am very grateful that the government for the last two years has had a strong focus on allowing the opposition to ask the great majority of questions. I am grateful for that and it certainly gives us an opportunity that we would not otherwise have to examine in detail what the government is doing. Thank you.

MS C.M. ROWE (Belmont) [5.38 pm]: I rise tonight to also make a few remarks about the estimates committee report. Principally, like many other members, I want to thank a number of people who helped coordinate and effectively shepherd the process through what has been a pretty challenging time for Parliament this year. I think COVID presented some additional challenges. We just heard from the member for Cottesloe about how our remarkable staff at Parliament helped to facilitate his participation in the estimates process of examination while isolating at home—a big congratulations to all the staff. I would like to thank the clerks, the Speaker and the Deputy Speaker, the Department of the Premier and Cabinet, the Leader of the House and the manager of opposition business for agreeing on, putting together and coordinating the estimates timetable. Thank goodness it was a shortened timetable this year. I think that finishing at seven o'clock was much more palatable for members on all sides. I thank them for shepherding us through the estimates process for another year in the Legislative Assembly. I also take the opportunity to thank the opposition Whip, the member for Roe.

In addition, I take this opportunity to get on the record my thanks and gratitude to my incredibly dedicated and hardworking Whip assistant, Ryan Harte, for the long hours and diligence that he gives to all his duties. I also note my appreciation and gratitude to the chairs; the Department of the Legislative Assembly, including all chamber staff and clerks; the audiovisual team; the ever-patient Hansard team; the caterers and cleaning staff; maintenance and security; of course, the police, who have to stand outside in the cold; and all those people who have made the process run smoothly and made it comfortable for all us members here, and ensured our safety and comfort over that period. I also acknowledge the hard work of the countless public servants and the ministerial staff for their tireless work in preparing their ministers for their sessions, and the efforts of the opposition staff for the forensic work that was no doubt involved in poring over budget documents to assist their shadow ministers. I am sure that this work is not glamorous and oftentimes is fairly thankless.

As we have already said, estimates looked a little different this year. I and the Leader of the House were both afflicted with COVID, so sadly I was not able to participate either, but I hear that, from all accounts, people appreciated the shortened timetable, with the hearings adjourning at 7.00 pm rather than at 10.00 pm. That did not mean that there was not adequate time for due diligence and scrutiny of the budget documents. I think we have already heard from members that in Estimates Committee A alone, 613 questions were asked, and in Estimates Committee B, 829 questions were asked. In total, over 50 hours of time was dedicated to going through the budget in great detail. I think that is a really important parliamentary process and one that provides the opposition that opportunity for scrutiny and oversight. I think that opportunity was certainly demonstrated in the hours that were provided and the number of questions asked.

It would be remiss of me not to take the opportunity to thank the Premier; Treasurer and his team for presenting a fantastic budget, which I think we should all be proud of, certainly on the government side. Thank you very much.

Question put and passed.

Estimates Committee B Report — Adoption

THE ACTING SPEAKER (Ms C.M. Collins) [5.42 pm]: The question is —

That the report of Estimates Committee B be adopted.

MR S.J. PRICE (Forrestfield — Deputy Speaker) [5.42 pm]: I rise to speak briefly on Estimates Committee B. This committee also sat for three days from 9.00 am to 7.00 pm, for a total of 24 hours and 50 minutes. There were 829 questions asked in total, 797 by the opposition and 32 by the government, which means that 96.1 per cent were opposition questions and 3.9 per cent were government member questions. As in Estimates Committee A, a number of divisions or off-budget authorities were not examined, and they were division 23, Health and Disability Services Complaints Office; division 47, National Trust of Australia (WA); division 30, Office of the Director of Public Prosecutions; division 31, Corruption and Crime Commission; division 34, the Parliamentary Inspector of the Corruption and Crime Commission; the Building and Construction Industry Training Board; and Keystart Housing Scheme Trust.

In addition to those I thanked previously, I would also add my thanks to the AV people who provided the Leader of the Liberal Party in opposition the ability to participate in estimates this year. I also thank the opposition members for their time and effort this year. It is always a hard gig. We do what we can to give members opposite as much opportunity as possible. It certainly was an interesting estimates in both chambers, so I thank them for their effort. I also thank the Whip for making sure that we had the right people in the right places and the correct numbers to maintain quorum everywhere. That helped the process, as well. Thank you very much to everyone who took part. It is great that we were able to get through it again this year, and I cannot wait until next year!

Question put and passed.

CHARITABLE TRUSTS BILL 2022

Second Reading

Resumed from 7 April.

MR D.A.E. SCAIFE (Cockburn) [5.45 pm]: I rise this evening to speak on the Charitable Trusts Bill 2022, which is being led through this chamber by the Attorney General. This bill is significant because charitable trusts play a very significant role in the Western Australian community and economy. Hundreds of millions of dollars go through charitable trusts in Western Australia, and, in fact, they are the primary vehicle for the distribution of native title settlements. Much of the money that goes through charitable trusts is distributed to worthy causes, but it is particularly distributed to causes for the advancement and empowerment of our traditional owners. However, we have not updated the legislative framework around charitable trusts for many years, and, over those years, community expectations of the governance of charitable trusts, the purposes for which the money can be used, the commercial pressures that are applied to charitable trusts and their ways of doing business have all evolved. Because of the evolution of those administration aspects of charitable trusts, it is appropriate that the legislation that governs charitable trusts also be updated.

I went back into *Hansard* to find some speeches on the introduction of the bill that became the Charitable Trusts Act 1962, and I found that that original legislation was introduced for much the same reason that I have just outlined for modernising that act through this bill. I read from *Hansard* from the Legislative Council on 26 September 1962, when Hon Frank Wise spoke about the Charitable Trusts Bill. He said —

> The Law Reform Subcommittee of the Law Society said that it is designed particularly for the purpose of keeping trusts in a healthy condition. In applying it to the statute law of Western Australia it is not, in our case, intended to cure anything in particular—anything of an unpleasant or unsavoury nature that so far has been experienced—but to prevent unhealthy happenings that have taken place under other jurisdictions in regard to charitable trusts. The Law Reform Subcommittee of the Law Society stated in the text of its report that all the provisions are designed to prevent charitable trusts falling into disuse and decay, as so frequently they have done in the United Kingdom.

We can see there that the original Charitable Trusts Bill was enacted by this Parliament because it wanted to prevent anything bad happening through the administration of charitable trusts. That is really the reason that we are here today to debate this bill—to ensure that charitable trusts are properly administered and that there is proper oversight of the administration of charitable trusts into the future.

Unfortunately, unlike the introduction of the original bill, we are here today partly because of an inquiry that uncovered some concerns about the administration of charitable trusts, particularly the Njamal People's Trust. The need to modernise the act arises in many ways from the Njamal report, which was authored by Mr Alan Sefton, who was appointed Senior Counsel after this report was handed down. I congratulate Mr Sefton on that appointment. It is clear, if members read the Njamal report, that Mr Sefton took great care and was extremely diligent in the preparation of that report. It runs to well over 600 pages and deals with very complex issues. The inquiry reported on the operations of the trust distributing native title benefits to the Njamal people.

As the Attorney General said, following the introduction of the original act, native title has delivered many benefits to Aboriginal people in this country. The Native Title Act is a great legacy of the Keating Labor government spurred on by the decision of the High Court in Mabo v Queensland (No 2). I note it was recently the thirtieth anniversary of Mabo No 2, which was a landmark decision in the High Court that established the concept of native title in Australia, which was then regulated and codified by the Keating government through the Native Title Act. Despite the benefits delivered by native title, many Aboriginal communities still suffer significant disadvantage. The Njamal report uncovered the complexity of reasons for that disadvantage persisting despite significant benefits flowing to many communities as a result of native title settlements. I say very clearly that I am a member in this place who is always committed to the self-determination of Aboriginal people, as I know are many members of this chamber. That commitment to the self-determination of Aboriginal people means this Parliament taking a proactive stance on governance and regulation to make sure that we have legislative instruments that support the distribution of native title benefits to the communities that should rightly be the beneficiaries of activities like mining that take place on their traditional lands. That is what this bill will do.

The bill modernises the act in a number of important ways. Part 4, for example, gives the Ombudsman the power to carry out audits of trustees of charitable trusts. That is a slight departure from the recommendations in the Njamal report, which recommended that this power be given to the Auditor General, but I think it is appropriate that that power be given to the Ombudsman. The Ombudsman is an institution that is very well respected by members of this place. The Ombudsman is an officer of the Parliament and, because of that, is independent of the government of the day. The Ombudsman also has significant experience, through their other functions, to inquire into complex issues and assist people from backgrounds in which they speak a language other than English at home, as many people in Aboriginal communities do; and the Ombudsman has a reputation as an institution that conducts frank and fearless inquiries. Although that part of the bill is a departure from the agency that the Njamal report recommended be given for the power to inquire into charitable trusts, it is a departure that is justified and should be welcomed.

Clause 45 of the bill will allow the Attorney General to remove a trustee from a charitable trust. It is really important to give the Attorney General, acting as the chief law officer of Western Australia acting in the public interest, the power to intervene in extreme cases to ensure that the trustee is an appropriate person to administer a charitable trust. Clause 46 essentially pre-empts that intervention from the Attorney General by prohibiting certain people from being involved in the administration of a trust in the first place. The idea of that, of course, is preventive. The purpose of the clause is to make sure that people who have perhaps been disqualified by the Australian Securities and Investments Commission from being a director of a company do not then refashion themselves into somebody who is associated with the administration of a trust. Unfortunately, that was uncovered in the Njamal report. Members of this place would agree that there should really be significant concerns about someone being involved in the administration of a trust when they have been found by the federal regulator to be an inappropriate person to be a director of an incorporated entity. This is a very good bill for a variety of reasons and goes to a very important and complex issue.

On the topic of charities and charitable trusts, I take this opportunity to congratulate my friend and constituent Jean Bruce on being awarded the Medal of the Order of Australia in yesterday's Queen's Birthday honours. Jean received the award for service to the community through charitable organisations. It was Jean's great work through charitable organisations, many of them relying on charitable trusts, that led to her being awarded the Order of Australia.

Since moving to Cockburn in 1999, Jean has volunteered countless hours without expectation of personal gain and throughout her ongoing battles with cancer, making her service to the community worthy of particular recognition. Between 2000 and 2017, Jean volunteered for the Salvation Army at its stores in South Lake and Cockburn Central. Jean carried out sorting and pricing tasks as well as customer service, always going above and beyond to provide a comfortable experience for visitors. She would also go out of her way to collect donation items from homes. In 2015, Jean received a certificate from the Salvation Army recognising her 15 years of volunteer service. Since about 2010, Jean has personally collected clothing, blankets, food, toys, nappies and sanitary items for a range of homelessness and community outreach organisations in the City of Cockburn. Those organisations include Little Things for Tiny Tots, the South Lake Ottey Family and Neighbourhood Centre, Perth Homeless Support Group, Homelessness We Care and St Patrick's Community Support Centre. Jean has also collected and donated pet supplies to WISH Animal Rescue Team Perth and to Native Ark, which is now known as WA Wildlife.

In February 2020, Jean was diagnosed with cancer. Over the following five weeks, Jean underwent aggressive chemotherapy and despite the effects of treatment Jean continued to organise collections and donations for these charities by using her house as a delivery and collection point. Jean collected and delivered pet supplies, and food and clothing on a monthly basis for Perth Homeless Support Group throughout the time she was undergoing chemotherapy. While she was undergoing chemotherapy, Jean also participated in a program at St John of God Murdoch Hospital cancer ward where patients knit beanies to donate to other patients and those facing homelessness. Jean knitted seven beanies during her treatment. St John of God staff were inspired by Jean to begin collecting clothing for Perth Homeless Support Group, and they continue to be regular supporters of the organisation.

I encounter many volunteers in my role as a member of Parliament. Although I value all volunteers, very few of them share Jean's dedication. For more than 20 years, Jean has demonstrated personal dedication to people who are

homeless and disadvantaged in our community. Her work is conducted quietly, at the street level, and is focused on making a practical difference in the lives of people who are struggling. Jean represents the very best of our Cockburn community. During National Volunteer Week in 2013 and 2020, Jean was recognised by Volunteering Australia with a certificate of appreciation. On Australia Day 2021, Jean was recognised for her service by being named the City of Cockburn's community senior citizen of the year. I was proud to nominate Jean for the Medal of the Order of Australia and even prouder yesterday when her award was confirmed. I thank Josh Wilson, MP, federal member for Fremantle; Logan Howlett, JP, Mayor of the City of Cockburn; and Michael Piu, chief executive officer of St Patrick's Community Support Centre for supporting Jean's nomination. Jean, everyone in Cockburn is lucky to have you in our community. Your selflessness, kindness and generosity of spirit are legendary. Thank you for everything you do and congratulations again on receiving the Medal of the Order of Australia.

With that, I say that it is people like Jean who are advocates in the charity movement whose work is dependent on charitable trusts being administered properly. This bill will mean that the work of volunteers like Jean and charities like those I have just mentioned will be able to continue doing important work. I commend the bill to the house.

Sitting suspended from 6.00 to 7.00 pm

MR S.A. MILLMAN (Mount Lawley — Parliamentary Secretary) [7.00 pm]: I rise to make a brief contribution to the debate on the Charitable Trusts Bill 2022 and I commend the Attorney General for bringing this legislation before the Parliament. It speaks to his diligence in making sure that the regulatory framework that pertains to the Western Australian jurisdiction is up to date, fit for purpose, modern and well designed.

I want to talk about two things in particular. I want to talk about the nature of trusts—in particular, charitable trusts and the role that this legislation plays in the regulation of charitable trusts. As the member for Cockburn mentioned, 11 days ago was the thirtieth anniversary of the Mabo decision, and I want to talk about native title and the negotiation of Indigenous Land Use Agreements under the commonwealth Native Title Act, and how that has given rise to an increased prevalence of charitable trusts. I then want to bring those two points together with the matter of the Njamal inquiry, which was conducted by Alan Sefton and commenced on 3 May 2017, pursuant to an instrument signed by the Attorney General immediately after he was sworn in. Once I have finished talking about the review, I want to talk about the recommendations that have been made in the review and the fact that those recommendations have been picked up in this legislation, which will bring me back to the point I started on: that the Attorney General has brought before the Parliament legislation that is designed to modernise and update the charitable trusts legislation.

Let us start with the nature and classification of trusts. Members, I am referring here to the sixth edition of Heydon and Loughlan's *Cases and Materials on Equity and Trusts*. It states —

> A trust imposes an equitable obligation on the holder of property in favour of another (or for a charitable purpose enforceable by the Attorney-General). The significance of the obligation being equitable …

That was a function of decisions of the English Court of Chancery in the fifteenth and sixteenth centuries. Charitable trusts derive, originally, from the definition of charity in what is called the Statute of Elizabeth, but I will come to that shortly. For trusts to come into existence there needs to be a beneficiary principle. It continues —

> The 'beneficiary principle', as it is known in the law of trusts, requires that a trust be for the benefit of either persons or charitable purposes.

Again, we can see the distinction between persons and charitable purposes —

> A non-charitable purpose trust is accordingly void.

Ordinarily, members, the trust would be established by a trustee for the benefit of beneficiaries—usually for the disposition of property. A good example of a trust being established is the equivalent of a will, whereby people would seek ways in which their property could be disposed. The trouble was that, over time, people wanted to leave their money to organisations and endeavours for the purposes of charity, and that was defined to include things like education, relief from poverty and religion. The trouble was that without a beneficiary, or a particular person to whom the trust would provide a benefit, any legal debate around the nature and characters of the trust was unlikely to be brought because there was not a person who had the standing to bring those proceedings in the Court of Chancery. The responsibility for charitable trusts became the preserve of the Attorney General, standing in the shoes of the state and the community. The Attorney General is the person who oversees charitable trusts. Because trusts are creatures of equity rather than creatures of statute or common law, the Supreme Court has jurisdiction over determining disputes pertaining to trusts. The Supreme Court is the only jurisdiction for determining disputes relating to equity and trusts because it has retained that jurisdiction from the Judicature Act. We have the charitable trusts and we have the Attorney General as the person responsible for looking over charitable trusts, and I will come back to why that is important when I talk about the review that was undertaken by Mr Sefton.

I will be very brief in my contribution. The next thing I want to talk about is native title because last week was the thirtieth anniversary of the High Court of Australia's decision in the Mabo case, which recognised for the first time in Australian legal history the fallacy of the doctrine of terra nullius and Indigenous Australians' right to native title. The policy problem that created for the commonwealth government was how to codify and legislate the new set

of rights and entitlements that the High Court had just identified. If the commonwealth had not put that legislation in place, there would not be a system for determining disputes between parties about whether native title exists and, if it exists, what the nature of the native titles rights might be. Native title is not a simple right; it is actually a whole bundle of rights that are identified in connection with the customary use of the land by the native title claim group. The commonwealth government instituted the Native Title Act, which created a regime whereby disputes around native title can be resolved through negotiation and agreement making. What we saw over the course of the late 1990s and more so into the early 2000s was what was known as Indigenous Land Use Agreements. The maturation and the development of this agreement making, in the context of the native title area, is well captured by my friend David Ritter. He has written two books that I would like to recommend to the members: *The Native Title Market* and *Contesting Native Title*. The reason I recommend —

A government member: Are they light reads?

Mr S.A. MILLMAN: They are light reads!

The Native Title Market is actually a speech that David gave to the Australian Mining and Petroleum Law Association in 2006. These books relate to the way in which, over time, Aboriginal groups who have a claim to native title have been able to enter into negotiations to determine what is going to happen on their traditional land. A good example is the Yindjibarndi Aboriginal Corporation, which is an Aboriginal corporation in the Pilbara. The Yindjibarndi Aboriginal Corporation actually brought two native title claims to the Federal Court. The Yindjibarndi people brought their first claim with their neighbours the Ngarluma people; the Ngarluma and the Yindjibarndi peoples brought a claim together as the Ngarluma and Yindjibarndi claim. The Federal Court determined that those two groups had established a traditional connection with country that would entitle them to assert their native title rights, as against the whole world. Consequent upon that, the Ngarluma Aboriginal Corporation and the Yindjibarndi Aboriginal Corporation came into existence.

I understand more about what happened with Yindjibarndi than with Ngarluma. Over time, Yindjibarndi has been able, for the most part—there is one recalcitrant—to negotiate agreements with mining companies that have sought access to their land or with the state government or other proponents that have looked to do work or perform activities on their land. Part of the consideration for the settlement of those negotiations has been the payment of sums. What happens is that that money is disbursed into the Yindjibarndi community as the holders of those native title rights. One way in which it is disbursed is to the Juluwarlu Group Aboriginal Corporation, which is an associated entity. The Juluwarlu Group Aboriginal Corporation is responsible for protecting and preserving language and culture, so it does oral histories, stories and map making, and promotes and encourages law and culture for the Yindjibarndi people. Yindjibarndi is an incredibly well-run organisation; I hold it up as a terrific standard of a native title claim group that has been able to negotiate successfully and in a mature and sophisticated way with Mining Act proponents. Once it resolved its first claim—the Ngarluma/Yindjibarndi native title claim—the Yindjibarndi Aboriginal Corporation was able to completely delineate its traditional lands, being the whole area over which it had native title, and came back to the Federal Court with a second claim, which was called the Yindjibarndi #1 claim. It was able to do that on its own; it did not have to do it in concert with the Ngarluma people.

These organisations are strongly grounded in the principles of self-determination and negotiating in the best interests of their communities, but what we unfortunately saw with Njamal was the collision of the ancient British law of charitable trusts on the one hand with the brand new Australian law, following the Mabo decision in the High Court, of the Native Title Act. This charitable trust was generating a number of complaints, which I will summarise. Nick Butterly, a journalist at *The West Australian*, summarised the complaints very well in an article dated 8 May 2017. The article states —

> The WA Attorney-General has taken the unusual step of ordering a wide-ranging inquiry into the management of an Aboriginal trust with claims to large areas of mineral rich land in the Pilbara.
>
> John Quigley has appointed Deputy State Counsel Alan Sefton to probe the Njamal People's Trust, a charity representing an Aboriginal community in and around Port Hedland.

The article went on to say —

> Those paying royalties —

To the Njamal People's Trust —

> include Atlas Iron, Millennium Minerals and Pilbara Minerals. Fortescue Metals Group has a project on Njamal land but is not yet producing.
>
> Documents lodged with the Australian Charities and Not-for-profits Commission show the trust had income of $3.5 million last year and had assets of more than $5 million.
>
> The inquiry will give Mr Sefton broad powers to question anyone associated with the management of the Njamal trust and to examine financial records and company documents.
>
> While not commenting directly on Njamal, Mr Quigley said large sums of money were being paid by mining companies into charitable trusts that were supposed to be for the betterment of indigenous communities.

Hopefully, my hodgepodge explanation of the way in which the native title system works picked up that point. The article continued —

> "We are aware from time to time people are coming forward and complaining about the operation of these trusts, but with the internal politics of how this money should be spent is a bit mystifying and that's why we are appointing a formal inquiry," he said.
>
> "I don't want to at this stage canvass myself what the complaints are and what the concerns are, but suffice to say I have taken advice from the Solicitor-General of WA and they are of such sufficient import to justify the initiation of this inquiry."

The reason the Attorney General had the power to make that inquiry was that since the 1960s, WA has had the Charitable Trusts Act. As I said earlier, when it comes to the law of trusts, it is not a beneficiary who has standing to institute proceedings to inquire into the way in which trusts are dealt with; that power resides in the Attorney General as parens patriae—the father or parent of the nation—who is responsible for the wellbeing of the community through the oversight of charitable trusts. The inquiry conducted by Alan Sefton was absolutely comprehensive and thorough. The instrument of appointment was made on 3 May 2017, just after the Attorney General had literally walked into the office after being re-elected as the member for Butler about five weeks before. He had been sworn in as Attorney General, but he had not yet been re-sworn in as the member for Butler in the Legislative Assembly. Straightaway, he got down to work on this important issue for which he had a duty. The instrument of appointment states —

> I, John Quigley MLA, Attorney General for the State of Western Australia, hereby appoint Alan John Sefton, Deputy State Counsel, to examine and inquire into the Njamal People's Trust and to examine and inquire into the nature and objects, administration, management and results thereof, and the value, condition, management and application of the property and income belonging thereto.

It was a very sensitive inquiry, because it was coming up against the principles of autonomy and self-determination. Aboriginal people should be able to decide the way in which the revenue they receive as a result of the native title rights that have been established are distributed for the benefit of their community. One thing I was impressed with was the work Mr Sefton did and some of the acknowledgements he made. As I said, he was thorough and comprehensive in his inquiry. The report stretches to 681 pages and made a number of recommendations, which I will come to in a second. But let me go back a step. The Attorney General provided the foreword to the report of the inquiry, which was handed down in December 2018. It states —

> As Attorney General, I am responsible for the protection of charitable trusts. This is reflected in the supervisory powers conferred on me by law, including my power to conduct an inquiry under the *Charitable Trusts Act* …

He then went on to say —

> Soon after taking office in March 2017, I became concerned by the reports I received from the State Solicitor's Office and others of allegations that some charitable trusts established for the purpose of assisting Aboriginal communities were affected by serious governance issues.
>
> While Native Title has brought many positives for Aboriginal people, I am concerned that some of the communities which these charitable trusts were designed to assist are still blighted by poverty and disadvantage.
>
> In May 2017, I decided to appoint, under section 20 of the … *Act*, Deputy State Counsel … Alan Sefton …

He further stated —

> Mr Sefton's report into the Njamal People's Trust highlighted some of the problems previously identified in the review and can be used to inform amendments to the *Charitable Trusts Act*. Mr Sefton's recommendations for legislative change are directed towards modernising the Act and ensuring more rigorous oversight of those entrusted with the management of charitable trusts. My officers' work on the proposed amendments is already at an advanced stage.
>
> My authority under the *Charitable Trusts Act* is obviously limited to charitable trusts. However, it is important to recognise that other regulatory bodies such as the Australian Securities and Investments Commission, the Commonwealth Office of the Registrar of Indigenous Corporations, and the Australian Charities and Not-for-Profit Commission, may have a role to play in relation to those charitable trusts or the persons involved in their management.

That was the response from the Attorney General when he received the report. The report also contains some acknowledgements from Mr Sefton, who gave —

> … my sincere gratitude to the Njamal People, including in particular the Njamal Elders, the members of the Trustee Advisory Committee, the Applicants, and other witnesses for their time, assistance and candour, as well as their considerable patience while the Inquiry has conducted its work.

We can clearly infer from that that the inquirer was cognisant of the delicacy of ensuring that autonomy and self-determination remained front of mind.

He also thanked a number of other people. He would have been provided with excellent assistance from some of these people, including Cheyne Beetham, who was at the State Solicitor's Office—I am not sure where Cheyne is now—Kathryn Cobbett, Fiona Cohen, Daniel Goncalves, Eugene Ashe and numerous others, including Dr Eric Heenan. He thanked them for their tireless efforts and significant contributions. As we come to debate these legislative reforms to the Charitable Trusts Act, it is worth recognising the contribution of those who assisted the inquirer during that inquiry, because that in turn has well and truly informed the amendments the Attorney General has brought before this place.

[Member's time extended.]

Mr S.A. MILLMAN: One of the organisations that was referred to by the Attorney General was the Australian Charities and Not-for-profits Commission, and I will join the chorus of relief around the country that Turnbull-appointee Gary Johns has decided to step down from his position as the commissioner of the Australian Charities and Not-for-profits Commission. Andrew Leigh, MP, has been quite clear about the benefits for the nation as a result of that resignation. I will leave that for other people to comment on more fully.

This bill picks up the recommendations of the Sefton report on the Njamal inquiry. It will modernise the Charitable Trusts Act, which, given that the original legislation was passed in 1962, is a timely thing for us to do. It will give Western Australia the most rigorous and comprehensive charitable trusts legislation of anywhere in Australia or New Zealand, and it implements the recommendations of the inquiry report.

When regard is had to the history of charitable trusts and to the history of native title in Western Australia—the number of representative bodies, claim groups and claims for native title—it is incredibly important that the regime that we have in place is modern, sophisticated and well tailored. Our state benefits greatly from its mineral wealth. One of the great aspects of the native title regime is that it distributes some of that mineral wealth back to the traditional owners of the land from which the wealth is extracted for their benefit. Given we have so many native title groups and so much mineral wealth, it is incumbent upon the government of Western Australia to make sure that, at least from our perspective, the framework under which those arrangements operate is the best possible.

Moments after being sworn in, the Attorney General took the necessary steps to conduct this inquiry. He utilised the powers that were available to him under the Charitable Trusts Act. He received the comprehensive report from the expert who he had retained to conduct that inquiry—a report that was provided with terrific assistance from experts in the field, particularly with respect to the law of equity and trusts. He reviewed the recommendations of that report and consulted widely with the community and with stakeholders—the Western Australian Bar Association, the Law Society of Western Australia and many others. He formulated the legislation and then brought it before this Parliament in order to enact it so that the operational framework for delivering benefits for Aboriginal people exists in a way that ensures the trust system is operating fairly. It has all been done professionally and expeditiously. For all those reasons, I wrap up my contribution and commend the bill to the house and congratulate the Attorney General for bringing the legislation forward.

MS M.J. HAMMAT (Mirrabooka) [7.23 pm]: That was a very good contribution from the member for Mount Lawley. I am not sure what else there is to say now that he has explained it with such clarity! It is a great pleasure to rise to speak in support of the Charitable Trusts Bill before the house. As has been outlined already, this bill comes to us today after a fairly lengthy period of consideration and gestation, if you will. As others before me have done, I congratulate the Attorney General—and others who have been involved at various stages along the way—for his work in bringing this bill here. It is a significant body of work, and, as others before me have noted, there have been many complexities to work through.

In essence, the bill is a modernisation and updating of the Charitable Trusts Act 1962. The existing act has been around for some period of time—60 years, in fact. I think it has been amended on a few occasions, but the overall scheme of the act has remained largely unchanged since its inception in this Parliament. Therefore, a rethinking of the provisions of the act is well overdue. I think it is also worth pausing to consider that the context for charitable trusts has changed dramatically in the intervening period of time.

These charitable trusts are established for a range of different purposes. The funds that they hold can be used only for so-called charitable purposes. They are different from other trusts, in that there are beneficiaries of the trust who may in certain circumstances be empowered to undertake actions to question how the trustee is administering the requirements of the trust. Charitable trusts do not have beneficiaries as such; they are there for charitable purposes. They might have quite considered objectives—relief of poverty, advancing education and doing a range of things as part of a native title settlement. They are not trusts for people, and so they need to have a special framework that allows for proper accountability and transparency and a proper review process for when things need to be questioned.

I will talk about native title claims. This year we celebrate 30 years since the Mabo decision. We passed that significant milestone on 3 June. It has dramatically changed our understanding of native title, and with that has come a very different purpose for the use of charitable trusts in Western Australia. They now manage considerable funds, and they do so to deliver benefits to Aboriginal people, communities and organisations as part of native title settlements. That has been a really significant change, one that was not at all envisaged when the 1962 act passed this Parliament.

It is also important to note that general community expectations in respect of directors, trusts and the administration of funds on behalf of others have also changed quite dramatically. I think the community at large has a greater expectation of transparency and accountability than was the case 60 years ago, and we see community expectation changing fairly regularly when it comes to how moneys are administered when they are held on behalf of others. For a good example of that, we need only look at superannuation funds that have been subject to increasing requirements to ensure that they are administering funds to solely benefit members. These are changes that have been broadly afoot—not just in respect of trusts, but also generally in terms of those who manage money on behalf of others. This bill takes account of all those contextual changes and brings to this Parliament a bill, a scheme and an arrangement that is fit for purpose, given those significant changes.

Fundamentally, this bill modernises the Charitable Trusts Act. In doing so, it brings to this state the most rigorous and comprehensive arrangements for trusts of anywhere in Australia or New Zealand. I think it is important to consider the Njamal inquiry report that was tabled in this Parliament in 2018. It is a very comprehensive report of over 600 pages, with very detailed consideration by the author, Alan Sefton. It is a very detailed and comprehensive review of a particular set of circumstances, with recommendations that go to the heart of what would be required to put in place a modern scheme for these charitable trusts. I think that is a significant body of work, and, as others have done before me, I acknowledge Alan Sefton's very considerable contribution. I acknowledge the work of the Attorney General in making that appointment and in having undertaken such a vigorous examination of a very complex issue. I am not a lawyer, so I do not pretend to have an excellent understanding of trust law, so I was not going to speak much about that in my contribution tonight. However, I do want to make a couple of quick points.

One of them is to acknowledge the wideranging consultation that has occurred as part of the drafting of this legislation. Other members and I have talked about the Attorney General's work of putting in place someone to undertake a review of a particular set of circumstances and the detailed consultation that preceded that. A discussion paper was released in 2017 by the Attorney General. Once the *Report on Njamal People's Trust* was tabled in 2018, further consultation occurred about a draft bill, taking into account the very detailed recommendations made in the *Report on Njamal People's Trust*. Therefore, this has been a significant piece of work. We have had the review and we have worked with a number of stakeholders to ensure that there was proper consultation, so we know that this bill will be fit for purpose.

The introduction of the investigation arrangements is very significant. These investigation arrangements will allow for proper transparency and oversight to be put in place. In giving the Ombudsman the role of constituting the Western Australian Charitable Trusts Commission, we will ensure that someone who is well qualified to undertake investigations into complex matters has that role. The Ombudsman's office is eminently qualified. The Ombudsman is impartial and independent and is already receiving, investigating and resolving complaints about a number of issues. Therefore, this will be an entirely appropriate role for the Ombudsman to take on. Part 4 of the bill deals with the investigation scheme. I will not talk about it in detail, but I think it is very significant to put in place a proper mechanism that will allow for reviews when necessary. This part will create new offences and will give investigators powers to allow them to go about their business and undertake the reviews in a way that ensures that they get to the bottom of any issues that may arise.

In the remainder of my time this evening, I will take the opportunity to talk about the Mabo decision, because it is one of the significant decisions that changed the context for charitable trusts. As others have said, the Mabo decision led to the need to fundamentally review the charitable trusts legislation. I also want to talk about the Mabo decision because we have just passed the 30-year anniversary of that very important decision. On 3 June—now known as Mabo Day, which is an excellent development—we acknowledged the thirtieth anniversary of the High Court decision on Eddie Mabo's case. That was the day on which the High Court of Australia recognised that a group of Torres Strait Islanders, who were led by Eddie Mabo, held ownership of an island named Mer, also known as Murray Island, in the Torres Strait. In acknowledging the traditional rights of the Meriam people to their land, the court also decided that native title existed for all Indigenous people. As others have already noted, this decision gave rise to important native title legislation, which was introduced by the Keating government the following year, and finally rendered the concept of terra nullius a legal fiction forever.

People well understand that the claim of terra nullius dates back to when James Cook first claimed ownership of the east coast of Australia. Terra nullius was a principle that was based on the idea that the land belonged to nobody and it was uninhabited. Britain assumed that the Aboriginal people did not have any form of political organisation and therefore had no leaders with the authority to sign treaties and no ownership of the land. According to that idea, Australia's Indigenous people had no legitimate claim to the land on which they had lived for more than 60 000 years. It was to take 200 years to overturn that understanding about our land and who owns it. Eddie Mabo and others who were part of that claim spearheaded that very significant change in our understanding of not only land rights, but also the land and who owned it.

The Meriam people lodged their claim in 1982, 10 years before the Mabo decision in 1992. In that 10-year period, as they fought for their claim, they generated over 4 000 pages of transcripts of evidence proving that their people had occupied clearly defined territories of the island for hundreds of years.

It is also worth noting that the High Court originally referred the matter back to the Supreme Court of Queensland. While that work was underway, the Queensland Parliament passed the Queensland Coast Islands Declaratory Act 1985, which extinguished without compensation any Torres Strait Islander claims to their traditional lands. The Queensland Parliament took action to try to extinguish the claim by the passage of legislation.

We often talk about the second Mabo case. The first Mabo case in the High Court involved overturning that act of the Queensland Parliament so that the second Mabo case, which dealt with the question of land rights, could be heard.

So it was that on 3 June 1992, it was the decision of the High Court that the Meriam people held traditional ownership of the lands, and, as I said, that decision led to the passing of the Native Title Act 1993. Unfortunately, Eddie Mabo died five months before the High Court decision that bears his name, so he never lived to see the outcome of his labour. This principle now underpins so much work in the native title area, and many claims have been registered and many claims have been progressed to settlement. It has fundamentally changed our understanding of the land and fundamentally changed many situations for Aboriginal communities, giving them autonomy to determine their own destinies.

Over the intervening 30 years since the Mabo decision, it is also worth noting that we have seen a significant shift in our understanding of land rights and reconciliation. The idea now that a government would introduce legislation to extinguish those kinds of land rights is very foreign to us. People might recall that, at the time, Jeff Kennett, the then Premier of Victoria, hysterically claimed that every suburban backyard would be subject to a land rights claim. There was a lot of over-egging the pudding, shall we say, in respect of the Mabo decision at the time, but we have moved on.

Like many people, I have been very heartened by the commitment of our new federal Labor government that it will progress further on the pathway to reconciliation by implementing in full the Uluru Statement from the Heart. For people who are not familiar with the Uluru statement, it is built on three main principles: voice, treaty and truth. I really look forward to seeing the federal government progress this commitment because I think it is the next stage on what has been a long journey for the Australian community—to overturn the decision of terra nullius, to recognise the Aboriginal people's ownership and continuing connection to the land, and, now, to continue to walk the path of reconciliation. At the heart of that will be considerations about their land and their place in it.

This bill comes at an important time. It will put in place a modern scheme that will allow for charitable trusts to operate in a way that is consistent with community expectations about governance and transparency. This bill will ensure that those charitable trusts are fit for purpose for what is now a very common use for them in respect of Aboriginal land rights, agreements and other settlements. It is an excellent bill. I commend the Attorney General for his work on it, and I look forward to the continuing journey of the community with Aboriginal and Torres Strait Islander peoples to achieve the objectives of the Uluru statement and to achieve a deepening of the reconciliation that we so badly need in this country. With that, I conclude my comments.

DR J. KRISHNAN (Riverton) [7.39 pm]: I rise today to speak in support of the Charitable Trusts Bill 2022. I intend to make a very short contribution to this debate. A charitable trust differs from a unit trust or family trust basically because, unlike those trusts, it does not have beneficiaries. It is intended for a purpose, rather than to benefit persons. In the absence of beneficiaries, the Crown has a responsibility, as parent of the nation, to ensure that charitable trusts comply with all the requirements. Western Australia has many charitable trusts that hold native title and have substantial value. Those funds need to be used for the intended purpose of the trust rather than sit idle. The duty of the Crown is to ensure that those trusts function in such a way that they meet the purpose for which they exist.

The current act was established in 1962, about 60 years ago. Amendments to the act were made in 1998 and 2011. Those amendments made no significant or substantial changes to the act. Considerable changes have taken place over the last 60 years. The person in charge of a charitable trust is now less likely to be a genuine volunteer and more likely to be only a small component of a complicated corporate structure.

The bill seeks to achieve three main things. The first is that it will modernise the Charitable Trusts Act. The second is that it will give Western Australia the most rigorous and comprehensive charitable trusts legislation in Australia or New Zealand. The third is that it will implement the recommendations of the *Report on Njamal People's Trust*. Those are the key components of the bill.

Recommendation 54 of the Njamal inquiry report is that the Attorney General be empowered to appoint the Auditor General to conduct investigations into charitable trusts. However, it came to light during the consultation process that it would be more appropriate for the Attorney General to ask or direct the Parliamentary Commissioner for Administrative Investigations, the Ombudsman, to conduct those investigations. There are people in the office of the Ombudsman who regularly advise the Aboriginal community, can communicate appropriately with non–English speaking people, and have expertise in dealing with complex problems in remote regional communities. The parliamentary commissioner has agreed to perform the role of investigator and to act as the newly created Western Australian Charitable Trusts Commission. That will implement that recommendation from the inquiry report.

I will now provide the background and history of the bill. The original legislation was first introduced in 1962. In 2017, the Attorney General released a discussion paper to a limited number of stakeholders. In December 2018, the Attorney General tabled in Parliament an inquiry report into the Njamal People's Trust. In October 2020, cabinet approved the drafting of a bill to repeal and replace the current act. In May and June 2021, a consultation draft of the Charitable Trusts Bill was sent to 14 different stakeholders for comment. After all these considerations, some key implementations were recommended, and the bill is now before Parliament for consideration.

I turn now to the key parts of the bill. The first is that a scheme must be developed for property held for charitable purposes. The property cannot be left to sit idle and do nothing. A scheme must be put in place for the property to ensure that the funds in the trust are executed and used for the right purpose. The second is that investigations of charitable trusts will be done through the Western Australian Charitable Trusts Commission, constituted by the Ombudsman. The third is to provide for proceedings in the Supreme Court of Western Australia to better regulate individuals involved in the administration of a trust. The fourth is to permit certain trusts to make tax deductible gifts to eligible recipients for philanthropic purposes, such as public hospitals, museums and art galleries.

Part 2 of the bill deals with specified recreational facilities. Although these recreational facilities are not considered as being for a charitable purpose under common law, this bill will preserve the charitable status of those facilities that exist under the current act. The bill will also provide protection from liability for people who are performing functions under the law relating to charitable trusts.

Part 3 of the bill deals with schemes for property held for charitable purposes. As I have mentioned, the purpose of those schemes is to ensure that the trust achieves its purpose and that the funding is used appropriately. The changes proposed in the bill will reduce legal uncertainty and the resulting legal costs, whilst also providing certainty that the charitable trust is used for the purpose for which it was established. The key changes in part 3 of the bill are removing the complex provision for lapse of a gift; allowing the trust to accumulate income beyond the perpetuity period; and imposing a duty on a trustee to seek a scheme, rather than idly sitting on the property or the title. The bill will also modernise the current requirement that a scheme must be advertised in both the *Government Gazette* and *The West Australian*. If a scheme is approved, notice must be published in the *Government Gazette*.

Part 4 of the bill deals with investigations. The bill will implement the Njamal inquiry report recommendations. The most important thing is that it will establish the Western Australian Charitable Trusts Commission, constituted by the Ombudsman, or Acting Ombudsman, and will enable the Attorney General to direct the commission to conduct an investigation rather than the Attorney General having to do it himself.

The bill will also allow a person to make a complaint about a charitable trust. The bill provides that the investigators will be the commission or an authorised person acting at the direction of the Attorney General. The investigators will be given the powers of a royal commission and will be able to issue a notice requiring a person to provide a document or information relating to the inquiry; carry out audits; and enter premises to gather information. That includes a provision to compel the production of privileged documents or information so that the investigators will be able to gather complete information rather than do only half an inquiry.

There is a statutory duty of confidentiality—that is, protection from liability for complainants and providers. It creates an offence for providing false or misleading information by those who are providing information to investigators and failing to comply with a requirement to provide documents, prepare a report on the investigation and present a copy of the report to the Attorney General. The Attorney General may then decide to table the report in Parliament. The Attorney General may also apply to the court to recover the costs and expenses of that particular investigation.

I turn to part 5 on court proceedings and clause 44. Most frequently, the basis of a complaint is a lack of transparency and this bill makes changes to allow for transparency and for investigations when needed. Clause 45 is a new provision, again implementing the recommendations of the Njamal inquiry report. If there are circumstances in which there is misconduct or mismanagement or a person is not fit and proper to be involved in the administration of the charitable trust, the Attorney General can intervene to disqualify that person. Clause 46 extends beyond the trustees to include administrative officers such as the CEO or the secretary involved in running the charitable trust. There are some disqualification criteria—if a person is insolvent, disqualified from managing corporations, convicted of an offence or is a body corporate with any such person as a director who has committed an offence or been insolvent. These disqualifying categories will be strictly monitored and the Attorney General has the power to remove that person from being responsible for managing the charitable trust. Clause 47 deals with complainants who want to remain anonymous.

Part 6 of the bill preserves the ability of pre-existing ancillary trusts to continue making donations on a broader category of recipients. There are miscellaneous changes in this bill as well to protect the Attorney, an examiner and inquirer and associated staff from liability in performing an inquiry. There are some transitional prohibitions in this bill when an inquiry might have been commenced but not completed. In that case, the Attorney General has the discretion to apply the new act or the existing act. The basic purpose of this bill is about making a charitable trust work for a purpose and not for a person, and to hold that a person who is not making the trust work for a purpose accountable with means and processes in place. I congratulate our Attorney General for bringing this bill to the house and I thank members for the opportunity. I commend the bill to the house.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [7.54 pm]: I rise on behalf of the opposition to talk very briefly about the Charitable Trusts Bill 2022 introduced to the house by the Attorney General earlier this year, on 7 April. I say at the outset that the opposition will be supporting the legislation. I am the lead spokesperson in this house, but, of course, I am not the shadow Attorney General—that is Hon Nick Goiran, who is much more able to talk authoritatively on the wide range of issues that is canvassed within this bill than a simple layman such as myself could ever do. I will not hold up the house for a long time, but I simply want to put on record our support for the bill and outline an understanding of some of the basic matters that it seeks to undertake.

As I understand it, the bill makes provisions for five key areas, including covering charitable recreation facilities such as sporting fields and community centres; schemes for properties held for charitable purposes; the investigation of charitable trusts by the Attorney General; and a newly established Western Australian Charitable Trusts Commission constituted by the Ombudsman. It is interesting that the Ombudsman has been given this role, because, as we know, this legislation came about as a result of a report by a chap by the name of Sefton, commissioned by the Attorney General.

A member interjected: State Counsel.

Mr R.S. LOVE: Yes. He made a report, and recommendation 54 seems to indicate that the Attorney General would enable the Auditor General to undertake some of these investigations et cetera, yet it is the Ombudsman. Maybe the Attorney General will explain why the Auditor General is not the preferred choice in this circumstance to be the person who undertakes the roles of the Western Australian Charitable Trusts Commission. That is something to discuss, as well as the circumstances in which the Auditor General, with, I imagine, more forensic accounting skills, might be brought to bear on some of these matters.

Going back to those five key areas, they also deal with proceedings of the Supreme Court in relation to these trusts and gifts by certain trusts for philanthropic purposes. We know that the reform of this legislation was prompted by the Sefton inquiry into the Njamal People's Trust in 2017 by then Deputy State Counsel Alan Sefton, appointed by the Attorney General. I am reading from the Attorney General's press release from 4 December 2018, which gives a bit of background to the situation and in which he is quoted —

> "As the Attorney General, I have a responsibility to protect property devoted to charitable interests, and to look after the interests of the public in relation to charitable trusts.
>
> "In the case of the Njamal People's Trust, the Trust Deed outlines that the funds are to be used for the primary purpose of relieving poverty, sickness, suffering, distress, misfortune or destitution.
>
> "I have been concerned for some time that some of the communities which these charitable trusts were designed to assist are still disadvantaged. In some cases, it is difficult to see how the funds are being used to improve outcomes for our indigenous communities.

They are the Attorney General's words and were part of the reasoning behind the calling of that inquiry. As a result, 63 recommendations were made by Mr Sefton. Some of them were taken on board and the one I just outlined —

A member interjected: The Ombudsman.

Mr R.S. LOVE: Yes. That was one area where there was a bit of a disagreement between the result and what was recommended in the first place.

The bill will seek to expand the powers of the Attorney General or whoever is conducting the inquiry into a trust. Again, it is going back to that responsibility the Attorney General feels to ensure that properties are protected and devoted to the charitable interests in looking after people in relation to charitable trusts. A charitable trust, as we know, is something that is for a purpose rather than just for people. It is there to provide for a purpose, not like a trust that provides for a particular person. We are looking forward to some discussion in the consideration in detail stage around some of these matters, which I sure we will go into perhaps tomorrow. I do not see any advisers here, so I assume we are not going to do it tonight—or maybe there are.

Mr J.R. Quigley interjected.

Mr R.S. LOVE: Okay. The Attorney General would be doing it on his own but that might be something he would like to do! I do not know.

Mr J.R. Quigley interjected.

Mr R.S. LOVE: There will be very little time tomorrow, so we will have to be brief, because by the time we have had private members' business, there is not much time left on a Wednesday. We will try to get through it in a fairly short time, because we want to see the Charitable Trusts Bill 2022 go through to the other place for interrogation in that arena, where people who actually know a bit about the law will be present and can put it through a bit more scrutiny than I can.

The opposition put a number of questions to the Attorney General in a briefing back in April, I think, just after that time. Questions were asked and responses were provided, but I am not going to run through them; I think they will

come out as we go through the bill in consideration in detail. I know the shadow Attorney General has consulted with the Law Society and others, and the Law Society advised that it had been consulted by the government on an earlier draft of the bill. It provided the feedback that it supported the purpose of the bill to expand the powers of the Attorney General in respect of charitable trusts so that such trusts can be held to account and any shortcomings of governance or performance can be discovered. It also supports the whistleblower protection but is wondering about some of the matters around confidentiality under clause 37. We can interrogate those a little further. There were also some matters around cost recovery.

I will not hold up the debate much longer. As I say, I am not the opposition's legal expert, so it would be pointless for me to deliver a long speech outlining the virtues of the Attorney General for bringing forward this legislation, other than to say that the opposition supports it. I will note that there seems to be a number of draft amendments; I daresay they will be on the notice paper tomorrow. Quite a bit of redrafting has gone on; there are amendments to three clauses and several subclauses. The Attorney General is undertaking a bit of a redo of the legislation, so he will no doubt be able to explain what that is all about when we come back to dealing with these matters tomorrow. With that, I will conclude my very brief contribution by saying that the opposition will support the bill, but obviously there will be some investigation and discussions so that we can tease out some of the finer details.

MR C.J. TALLENTIRE (Thornlie) [8.02 pm]: I am very pleased to speak to the Charitable Trusts Bill 2022 and to say how welcome it is. I have had constituents come to me with matters of concern relating to charitable trusts. These are constituents who have put a lot of time and energy into researching their concerns, and have had to cope with a legal landscape that is complex and inevitably draws a lot of emotional energy from them. To that extent, I want to acknowledge the excellent work done by my constituents Noel Morich, Diana Ponton and Malcolm Williams. They have been very interested in the operations of the Noongar Charitable Trust. They have been in contact with the Attorney General about some of their concerns.

I am really pleased to see this legislation come to this house. As other members have said, the legislation currently in force dates back to 1962. It has had amendments, but since then there has been the welcome developments of native title and Indigenous land use agreements and often, through the Indigenous land use agreement process, there has been the creation of large sums of money. There needs to be a vehicle for those large amounts of money to be correctly administered. That is why we have had the creation of these various trusts.

Charitable trusts are not limited to Aboriginal organisations. Indeed, there is a charitable trust for my former employer, the Conservation Council of Western Australia. That trust is administered by volunteers, and their commitment to conservation and their high degree of integrity and commitment to the cause ensured that that substantial amount of money—well over $1 million—was well administered. There was always a temptation to draw down on the capital and use it to fill the gaps if a program had been cancelled, instead of using the interest that the trust accumulated. Most of the funds in the Conservation Council trust were in various ethical investment firms; there is a high degree of respect for the whole process of good ethical investment, which is something to be admired.

That charitable purpose is one means by which a charitable trust can operate, but there are other organisations that have beneficiaries. I heard the member for Moore quoting the Attorney General from a media release in which he mentioned the Njamal People's Trust and talked about how it was specifically targeted at people who were suffering from poverty, distress, misfortune, destitution, sickness and other suffering. Indeed, the Njamal People's Trust is a trust that has been set up with the very best of intentions and it is a very worthy end place for funds. However, we have to be confident that we have in place the institutions and legal frameworks necessary such that if there is ever a hint of anything going slightly off the rails, there is the capacity to rein things in. That is what this legislation is designed to do, and from what I can see, I am very confident that it will do so.

I have a question for the Attorney General that will no doubt come up in further discussions about the potential for class actions around professional negligence, recognising that these charitable trusts often have quite complex corporate structures. That, in itself, can be the cause of people making mistakes and misunderstanding how things can operate, which can lead to some degree of negligent activity, sometimes involving considerable amounts of money being misplaced. The legislation also deals with powers for the removal of people from charitable trusts, and indeed, that is a welcome development as well. It also sets out processes for the disbursement of funds from trusts. The legislation will enable the Attorney General to better protect the property of charitable trusts, and that is something that is also very welcome.

I note the four key things this bill does. It sets out a process for property to be held by schemes. One can well imagine that if funds are invested in property, the management of that property has to be comprehensively covered in such a way that the rent money that comes in is properly disbursed amongst the beneficiaries. Another key thing that the bill does in the next stage, which other members have touched on, is around the capacity of the Attorney General to ensure that investigations take place if there is a complaint, and the creation of a Western Australian Charitable Trusts Commission, constituted by the Ombudsman. The previous speaker was asking about that. I think the initial recommendation from the Sefton report was around the Auditor General looking at those complaints and instead, it will be the Ombudsman, through a WA Charitable Trusts Commission. I think it is essentially around the fact that the Ombudsman has a greater affinity and capacity to deal with people who are speakers of English as a second

language. There is a more open approach to community members, whereas the Auditor General typically works with government agencies. It is quite a different framework, but no doubt the Attorney General will be able to clarify that matter further for us. We see that proceedings can also be held in the Supreme Court, and that includes the capacity to better regulate the activities of individuals relating to these trusts.

This new legislation will permit certain trusts to make tax-deductible gifts to eligible recipients for philanthropic purposes. This is where there is some form of government connection, so it would need to be a philanthropic donation towards an entity like a hospital, museum or art gallery. That could be where the funds, interest or rent, whatever money is made by the trust, could go.

Part 3 of the bill touches on the creation of schemes and will allow for changes to charitable trusts. This is important, because sometimes the intention is for the funding to go to one purpose, but it might no longer be open to the trust to invest in such a way. We then get into the doctrine of cy-près. It is interesting that the legal fraternity should corrupt the French a bit by spelling it with a C-Y, rather than S-I. Cy-près means as near as possible. The aim is to have the application of funds for something that is as near as possible if the original target of the funds might not be open to the trust any longer.

I want to make a little comment about advertising of proposed schemes. This is clearly an important part of the transparency. Currently, we have a requirement to advertise in the *Government Gazette* and *The West Australian*. I do not know that many of my constituents read *The West Australian*, and I do not think very many at all read the *Government Gazette*. The suggestion is that advertising will be done, perhaps by social media. That will be a way to communicate to the broader community far more effectively to let people know what is going on. It is essential that this legislation makes for a far greater amount of transparency, demystifying an important legal mechanism for the delivery of funds to people who are legitimate beneficiaries, helping them to understand the procedures for the operation of the trust. That is very important. I notice that there is a very significant increase in the penalties for noncompliance. A fine of $50 000 is mentioned as a penalty for various misdeeds that might occur.

This legislation is really welcome. As I said at the outset, I have constituents who have undergone a considerable amount of stress and upset with the maladministration of various trusts. It will be very welcome to them to know that there will be the capacity for investigations to take place, and for their concerns to be thoroughly investigated by competent authorities and if malpractice is going on, perpetrators will be sought out and the problem can be righted. That will make a big difference. We have a useful legal mechanism in charitable trusts. They are a very beneficial aspect of our legal structure for managing wealth. It is vital that we have good structures in place that enable the general community to raise concerns, have complaints properly investigated and wrongs righted. I congratulate the Attorney General on bringing this bill to the house. I am very thankful for it, and I know my constituents are as well. I commend the bill to the house.

MS C.M. ROWE (Belmont) [8.16 pm]: I rise to make a contribution to debate on the Charitable Trusts Bill 2022. I acknowledge the wonderful work of the Attorney General in bringing this very important bill before us this evening. As many of my colleagues have discussed, this bill seeks to modernise the Charitable Trusts Act, which I think is some 60 years old, if not more. It will give us the most rigorous and comprehensive charitable trusts legislation in Australia or New Zealand.

Many members have made excellent contributions about these reforms in great detail. I would therefore like to take this opportunity to highlight some of the work undertaken by charities in Western Australia, Australia and globally. I would like to specifically look at the work done by charities in the environmental space. This is at the forefront of my mind as something I am deeply passionate about, and it stems from my childhood. I was very interested in preservation of the environment and so forth. It was something that came to mind when some of my Labor colleagues and I did a tour of the Zoo with the Minister for Environment last week. It was an illuminating experience. It is obviously fantastic to see adorable animals up close in their habitat there, but it was really important to see the work that goes on from a conservation perspective. I had the opportunity to speak with Wendy Attenborough, who is the CEO, and I peppered her with questions as we did the tour about this fantastic work. I should just speak for myself, but I wonder whether the broader population is aware of the work that goes on behind the scenes at the Zoo, not only on native species, such as a turtle that has been brought back from the brink of extinction in the electorate of the member for Swan Hills, and rehabilitating injured Carnaby's cockatoos and so forth. I was particularly interested in some of the conservation work that the Zoo does with critically endangered species such as orangutans and Sumatran tigers. I donate regularly to charities that look to help the preservation of these critically endangered species in the wild. I was really interested to ask not only Wendy, but also the other people who participated in giving us a tour of the Zoo, their views on the likelihood of when these types of species might no longer be able to thrive in their natural habitat. I was pretty devastated to learn that they were certainly of the view that it would be within two decades at best, but one decade more likely, particularly for Sumatran tigers and orangutans.

It was not all bleak news, because Wendy went on to explain that the Zoo does fantastic work with charities and not-for-profits in situ. For example, the Zoo will work on the ground with local communities in other countries to build other industries that will provide sustainable work for people living in those areas. It was really interesting because that is a critical element for change. One of the major factors in the loss of these species in the wild is

mass deforestation, which is happening at scary rates. One of the biggest contributing factors is the prevalence of palm oil in many products that we use day to day in our homes. It is not only used as a biofuel, but also in products from cosmetics to household cleaning products. It is very cheap. Often it is not harvested in a sustainable fashion, and the natural habitat of endangered species is cut down for palm oil plantations, which is a major factor in the loss of habitat. It was very interesting to learn about the work done in countries such as Indonesia, in parts of Sumatra, to work with communities to find alternative jobs, because palm oil plantations and the production of palm oil in these countries employs tens of thousands if not hundreds of thousands of people. That of course is something that must be considered.

I will highlight one organisation that does incredible work in the charity space, which is an organisation that was set up 30 years ago by Leif Cocks, who does fantastic work. The member for Thornlie said that he worked with him briefly at Perth Zoo some years ago. Leif Cocks set up the Orangutan Project—a charity that raises awareness around how critically endangered orangutans are in the wild, and, of course, Sumatran tigers as well. I think only 300 Sumatran tigers are left in the wild. Through his charity, Leif Cocks supports people in those communities so they do not rely on money from, potentially, poaching and selling those animals, but also deforestation around their habitats for palm oil plantations. Charities can do critically important work in many areas, but I wanted to highlight that particular charity because it does amazing work, and it is very difficult for people like me, who might have a particular passion for these issues but do not have a whole lot of levers available to us in the Western Australian Parliament to raise these things. I congratulate the Minister for Environment for supporting those programs by the Zoo, and of course charities that play this critical role in helping us with this really important work. If we do not act and make some pretty radical reforms globally, we will see the extinction of these critically endangered and beautiful animals, which I find truly devastating. I take this opportunity to highlight the fantastic work that Leif and many other people in charities do. I commend this bill to the house.

MR J.R. QUIGLEY (Butler — Attorney General) [8.23 pm] — in reply: I was waiting to see whether there were any other takers who wanted to stand up and say what a good job had been done.

I rise to thank all members who have spoken on the Charitable Trusts Bill 2022, and note that each member who has spoken to this bill has spoken in support of it, has spoken of the need for it and spoken of the utility that it will bring to this area of public finance and charitable trusts, both in terms of the powers of the Attorney General in approving schemes that are under $100 000 or have an annual income of $20 000 without the necessity of going to court, and also powers of the Attorney General to investigate. I hasten to add at this point that my office will not conduct investigations. As members have noted, the new act will establish the statutory body of the Western Australian Charitable Trusts Commission. The Attorney General can refer a complaint for investigation to that commission, but obviously the Attorney's office is not equipped to conduct investigations.

The member for Moore raised a question and sought my explanation, and I will give further advice on that tomorrow. For those listening to debate tonight on this matter, the member for Moore pointed out that in the Njamal report conducted by Mr Sefton, SC, he postulated that there could be amendments to the legislation empowering the Auditor General to look into charitable trusts. After receiving the Njamal report, it became obvious to me that the requirement was not amendments, but a whole new act. This act is a first in Australasia in terms of the way it deals with charitable trusts. As I said, the member for Moore raised the question as to why we had moved from the Auditor General's office to the Ombudsman WA's office to investigate charitable trusts. It was not until after the government received the report that we sat down and went through it item by item to work out what would need to be done in a new enactment. When Mr Sefton postulated that it might be the Auditor General, there was no Charitable Trusts Commission or anybody else to look at it. I am not being critical of what the member said, but it is more than looking at the accounts of the trust, which is what the member said; the commission will look at the conduct of people within trusts. We have had allegations of people bribing community members to vote for a particular trustee. An audit of the accounts would not adequately address those sorts of issues. It also became obvious in the Njamal inquiry that some trustees were more than reluctant to hand over documents; they stubbornly refused to hand over documents or to answer questions in a timely manner. Therefore, it was more appropriate that the Ombudsman's office house the Charitable Trusts Commission. As members have noted, clause 29 of the bill sets up the Charitable Trusts Commission, a statutory body that has the powers of a royal commission, including powers to enter premises and to compel someone to answer questions, which are powers the Auditor General does not have. It will also have the power to demand the production of documents, which is another power the Auditor General does not have. In any event, the Auditor General deals with government agencies and now local government agencies, and charitable trusts are private affairs. For all these reasons, it was considered far more appropriate to establish the Charitable Trusts Commission. This was not a recommendation in Mr Sefton's report on Njamal; this was developed after we started to look at his recommendations. We thought that what we needed in Western Australia was a Charitable Trusts Commission, so that if members of the public believe that they fall within a group of people who should be benefiting from funds held in a trust, they can go to the commission to make a complaint, rather than to the Office of the Attorney General. An alternate route would be for them to come to the Attorney General and the Attorney General would then have the power to refer the matter to the Western Australian Charitable Trusts Commission, which, as I said, will have virtually all the powers of a royal commission—the power to enter, the power to compel production and the power to compel answers to questions.

This is a first in Australia, I believe. I have to say that more utility is made of charitable trusts in Western Australia than in other states. Perhaps this is reflective of the fact that there are more land rights claims and settlements in Western Australia than in the other states. Some of these settlements involve large sums of money. An agency came to me recently and said, "Under a native title settlement, we have to pay $34 million into a charitable trust. Is it safe, Attorney?" I said, "If I get my bill on before the Parliament real quick, it will be a lot safer!" We think that the superintendence of these trusts under this bill will be light-years ahead of what we have had and really at the forefront of Australia in this area of the law. As the bill got national publicity in *The Australian*, two other Attorneys General have asked me to forward the bill to them once we have dealt with it in this chamber, and I will do so. I think this will be a leading reform in Australia in this space.

There is one other matter I just wanted to touch upon. The member for Moore mentioned that there is a page and a half of amendments. Most of those amendments deal with deleting the words "Legal Profession Act 2008" and replacing them with "Legal Profession Uniform Law Application Act 2022". That act will be operative from 1 July this year and there will be no more Legal Profession Act. A page and a half of those amendments involve changing the name of that act. The first amendment, of course, is to change the words "trust, or is otherwise to be applied, to" to "trust for, or is otherwise to be applied to,". It is only the most minor of amendments that has been suggested by the State Solicitor's Office, I believe.

I thank members for their support. We hope that this bill will get quick passage through the Parliament, because there are a lot of people, especially in the regions, who are waiting to hear that this legislation will be proclaimed and become law so that they can deal with any issues with the trusts in their areas. Someone asked me what the priority for this legislation was. It is not that there are hundreds of thousands of dollars in these trusts; millions upon millions of dollars are being channelled through these trusts. As I said, a lot of that is to do with land rights settlements. I know that many people out there are anxious to hear the news that this bill has become law. I thank all members and look forward to the consideration in detail stage.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

Mr R.S. LOVE: It was mentioned that the Law Society of Western Australia had looked at an earlier draft of the bill. Were any significant changes made to the bill between the first draft and this one? This is the only version of the bill that we have seen. Were any changes made along the way as a result of some of those discussions the Attorney General had with the Law Society and others?

Mr J.R. QUIGLEY: There was consultation, to which we responded with some amendments. There is a whole chart of them, but there was consultation. I do not know whether the member wants me to go through pages of consultation summary, but I am happy to do so this evening.

Mr R.S. Love: I would be happy if you tabled it.

Mr J.R. QUIGLEY: No, it is okay. They are just my notes. No significant amendments occurred, but the Law Society did respond.

The DEPUTY SPEAKER: Attorney General, would you like to remove your mask? It might make it easier for people to hear you.

Mr J.R. QUIGLEY: I am very careful; the last time, it cost me a grand!

Mr P. Papalia: It's okay, there are no Liberals in the chamber. You'll be all right.

Mr J.R. QUIGLEY: I thank the member. That is a good observation.

The Law Society responded by thanking the government for the opportunity to comment on the draft legislation. The Law Society of Western Australia was pleased that the government had taken action to give effect to the important recommendations from the report into the Njamal People's Trust. The Law Society supported the purpose of the bill to expand the powers of the Attorney General so that charitable trusts can be held to account for any shortcomings of governance or performance. The Law Society was totally supportive of the bill, and there has not been a substantial change since then.

Clause put and passed.

Clause 2: Commencement —

Mr R.S. LOVE: Clause 2 concerns the commencement dates for the various parts of the bill. It states —

> This Act comes into operation as follows —
>
> (a) Part 1 — on the day on which this Act receives the Royal Assent;

(b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

I am wondering whether the Attorney General can give us an idea of when he thinks the entire bill will come into operation and how certain bits of it will come into operation before others. What will be the effect of that, given that there is a current range of legislation? I would have thought it would be enacted quite quickly. Perhaps the Attorney General could explain which bits will take a bit longer.

Mr J.R. QUIGLEY: That provision was put in because we did not know when the Ombudsman would be ready. The Ombudsman said he would be ready as soon as the legislation passes, so the whole of the bill will come into operation on the day after it receives royal assent—the whole of it.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Terms used —

Mr J.R. QUIGLEY: I move —

Page 3, line 9 — to delete "trust, or is otherwise to be applied, to" and substitute —

trust for, or is otherwise to be applied to,

Mr R.S. LOVE: Could the Attorney General perhaps explain exactly why this amendment is needed? I know the Attorney General gave a brief explanation for this in the second reading speech.

Mr J.R. QUIGLEY: Parliamentary Counsel's Office had to look at the bill again because of the Legal Profession Act and the new Legal Profession Uniform Law Application Act. In doing that, Parliamentary Counsel picked up what he considered to be a drafting error in clause 4, and the better form of words is now in the amendment. I shall certainly be taking other amendments forward during consideration in detail. We will be happy to correct that little drafting error in the wording, but it will not change the legal effect.

Amendment put and passed.

Mr R.S. LOVE: I am wondering whether any changes to the definitions that have been deleted from the previous legislation are not being carried forward. Can the Attorney General explain why?

Mr J.R. QUIGLEY: Apart from cleaning up the drafting, the definitions have not been deleted, but they have been inserted—for example, the definition of "investigation" and "investigator", because they were not in the old act, of course. The "Principal Registrar of the Supreme Court" was deleted because complaints will now go to either the Attorney General or the Ombudsman. The registrar of the Supreme Court was not needed under the new drafting, so it was deleted.

Clause, as amended, put and passed.

Clause 5: Recreational facilities for charitable purposes —

Mr R.S. LOVE: I note that the inclusion of recreational facilities is one of the new aspects of the legislation. Can the Attorney General explain exactly why that was seen as an important introduction and why it is a specific part of the bill on its own?

Mr J.R. QUIGLEY: This will not change anything. We have tried to modernise the act to make it more understandable. Section 5 of the act states —

(1) Subject to the provisions of this Part, it is, and shall be deemed always to have been, charitable to provide, or to assist in the provision of, facilities for recreation or other leisure-time occupation, if the facilities are provided in the interests of social welfare.

The amendment at clause 5 that appears before the member is a more streamlined, modern and hopefully more understandable drafting. At common law, in equity, recreational facilities were not included. A charitable trust was for uplifting welfare to deal with poverty, but the member knows that in the regions a sporting oval or a community hall might be very much needed as part of the social fabric, and so this clause will modernise the legislation but it will not really change the thrust of it.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Savings for *Charitable Trusts Act 1962* —

Mr R.S. LOVE: Can the Attorney General confirm to a layman whether this clause basically means that existing charities will continue to operate in the same way they have always operated?

Mr J.R. QUIGLEY: Yes, that is correct. It deals with recreational purposes in part 2 of the act.

Clause put and passed.

Clause 8: Terms used —

Mr R.S. LOVE: Basically, this provision allows for a scheme to record the property of a charitable trust. What is the basis, or the rationale, for introducing this particular provision?

Mr J.R. QUIGLEY: This was always part of part III of the Charitable Trusts Act 1962, "Schemes in respect of charitable trusts". This will continue what is in the act already but will modernise its drafting and, hopefully, make it more digestible. The scheme jurisdiction will remain the same when it is modernised and, hopefully, it will be easier for the member and for everyone to read.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Property disposed of for other charitable purposes —

Mr R.S. LOVE: I am looking at this clause in the explanatory memorandum. On page 3, about halfway down, it says —

> Clause 10 replaces the existing regime in section 7 of the Current Act, but does not include the restriction found in section 7(3) of the Current Act. In broad terms, section 7(3) excluded a scheme under section 7 if both:
>
> (a) the intended gift would otherwise lapse by reason of a rule of law; and
>
> (b) the property would not be applicable for any charitable purpose.
>
> There were differences in opinion as to how section 7(3) was intended to operate. This caused confusion and complications and therefore increased legal costs. However, the provision did not change the outcome of any proposed schemes under the Current Act. For those reasons, that section has been removed.

When the Attorney General says that there were differences of opinion, who provided those different opinions? Were these matters of legal dispute or opinions from consultations?

Mr J.R. QUIGLEY: It is just a difference of opinion between academia and the judiciary on this provision. It does not include the restriction found in section 7(3) of the Charitable Trusts Act 1962. In broad terms, section 7(3) excluded a scheme under section 7 if both the intended gift would otherwise lapse by reason of a rule of law and the property would not be applicable for any charitable purpose. These complex provisions have been removed for a lapse of a gift whereby there was no general charitable intention. There are differences in opinion, both judicial and academic, about how section 7(3) of the Charitable Trusts Act is intended to operate upon section 7(1) in circumstances in which the gift has failed or lapsed due to initial impossibility or impracticability. Given that section 7(3) has resulted in confusion and complications, and therefore increased costs of litigation in several cases and had not changed the outcome of a proposed scheme in any matters that the State Solicitor's Office is aware of, section 7(3) has been removed.

Mr R.S. LOVE: Clause 10(2) refers to an "alternative charitable purpose". Can the Attorney General provide an example of what an alternative charitable purpose would be?

Mr J.R. QUIGLEY: Any charitable purpose approved under the scheme means that it has to be as close as possible to the original designated charitable purpose. We want to keep the thing onstream. The bill will legislate that it be closely reflective of what the courts have ruled in common law; that is, if there is going to be a new scheme, it has to be as close as possible to the charitable purpose contained in the trust.

Mr R.S. LOVE: At the end of the clause 10 explanation in the explanatory memorandum, it states —

> The Current Act —

Not this bill —

> permits property of low value (generally less than $15,000) held for a charitable purpose, where certain conditions apply, to be the subject of a scheme to dispose of the property, to distribute the proceeds to that charitable purpose or another charitable purpose, as approved by the Attorney General, and to terminate any trust that exists … This existing provision has not been expressly replicated in this Bill as similar objectives can be achieved by the operation of clauses 10(1)(b) and 12 of the Bill.

Why was it deemed necessary to expressly remove this provision from the act? Is it because it might be found in other clauses of the bill?

Mr J.R. QUIGLEY: Under the Charitable Trusts Act 1962, section 7A provides for the termination of small trusts. It is a section very, very rarely used or relied upon, whereas there are other sections in the act that could achieve exactly the same purpose and clean out what was regarded as superfluous. That is why, in the explanatory memorandum, it says —

> … any trust that exists (section 7A, read with sections 9(1)(b) and 10A of the Current Act). This existing provision has not been expressly replicated in this Bill as similar objectives can be achieved by the operation of clauses 10(1)(b) and 12 of the Bill.

Therefore, it was not deadwood, but superfluous. It was not being used, and we want to trim the act down to its practicable usage. That is all.

Clause put and passed.

Clauses 11 and 12 put and passed.

Clause 13: Schemes for approval —

Mr R.S. LOVE: Clause 13, "Schemes for approval", states —

> (4) If the consideration by the Court or the Attorney General (as the case requires) of 2 or more schemes will involve consideration of substantially similar issues, the persons in whom the property is vested may jointly prepare, and seek approval for, the schemes.

Is that something new in the bill or was it already included in the act?

Mr J.R. QUIGLEY: No; it is not new. Section 9 of the Charitable Trusts Act 1962 reads —

> (3) Where the consideration by the Court or the Attorney General, as the case requires, of 2 or more schemes will involve consideration of substantially similar issues, the trustees of all of the property and income concerned may jointly prepare, and seek approval for, the schemes.

Therefore, that provision already exists and the member will see in a later section to do with procedure that if the trustee is a trustee of two schemes, he or she or it can apply in relation to both trusts. Clause 13(4) states —

> If the consideration by the Court or the Attorney General (as the case requires) of 2 or more schemes will involve the consideration of substantially similar issues, the persons —

Not the trustees —

> in whom the property is vested may jointly prepare, and seek approval for, the schemes.

That is what I said before. They can jointly seek approval. As I have pointed out, section 9(3) of the current act is very similar in its purpose.

Clause put and passed.

Clause 14: Submitting schemes to Attorney General —

Mr R.S. LOVE: This is the clause that I think the member for Thornlie might have been alluding to. It sets out the circumstances in which the Attorney General is required to prepare a scheme report and give it to the persons in whom the property is vested for consideration of any amendments. Subclause (4) states —

> A scheme report must refer to the matters referred to in section 25(1).

It states also that the Attorney General must make the scheme report available to the public free of charge. Why is it necessary to make it available to the public free of charge? Who will facilitate that? What burden will be placed on the holder of the scheme to make that information public?

Mr J.R. QUIGLEY: This will replace section 10(3) of the current act, which states —

> The application, scheme, and report mentioned in subsection (2) shall be open for inspection by the public without any fee or charge.

We need to remember that a charitable trust does not have named beneficiaries—we have been through that, and I think the member has mentioned it himself; it has members of the public who fit within the class. They should be able to read the document and not be charged a fee. People in the Njamal community, for example, should be able to go to the trustee and ask to examine the trust deed to see whether it is being complied with, and not be charged a fee for doing so; and, if it has been amended by a scheme, to be shown that as well.

Mr R.S. LOVE: There is no compulsion to publish the scheme as such; it is just that it must be made available for inspection. How will this manifest itself practically? Will a person be able to get it by email, for instance? How will this be provided for practically?

Mr J.R. QUIGLEY: The trust deed itself will be held by the trustee, and people will be able to examine that. Any schemes under the trust deed will have to be published generally, and that will be done by publication in the *Government Gazette*. That is dealt with in clause 17(2), which we will come to in a moment.

Mr R.S. LOVE: Publication of the scheme would be under section 17(2), but in order to see the scheme report itself, would a person have to go to the holder of the deed or the trust to physically inspect the report? Is that what I am hearing?

Mr J.R. QUIGLEY: The scheme report has to be given by the Attorney General. People would be able to attend at the Attorney General's office or write to the Attorney General or come and see the Attorney General to have a look at the report. If court proceedings are then commenced, the Attorney General must forward it to the court, and people can then see it at the court.

Mr R.S. LOVE: Why is it specified that it must be provided free of charge? Is there absolutely no ability for someone to get some level of administrative fee or cost recovery from providing that information? Why has the Attorney General introduced the provision that it must be provided free of charge? Is that consistent with the practice in other jurisdictions?

Mr J.R. QUIGLEY: It repeats what is in the current act. We did not want to change this aspect. As I have referred to before, section 10(3) of the current act states —

> The application, scheme, and report mentioned in subsection (2) shall be open for inspection by the public without any fee or charge.

That has always been there. We did not want to and did not even think about imposing a new charge on members of the public who want to see what the trust is. When people have requested this in the past, we have just emailed them a copy. It should not be kept secret from people who are genuine beneficiaries—just email them a copy.

Clause put and passed.

Clause 15: Attorney General's fees for considering schemes and preparing scheme reports —

Mr J.R. QUIGLEY: I move —

> Page 11, lines 10 and 11 — To delete "*Legal Profession Act 2008* section 275(5); or" and substitute —
>
> *Legal Profession Uniform Law Application Act 2022* section 133(5); or

That is because of the change in the name of the legislation.

Amendment put and passed.

Mr J.R. QUIGLEY: I also move —

> Page 11, lines 14 and 15 — To delete "*Legal Profession Act 2008* section 275(1)(b)(i)." and substitute —
>
> *Legal Profession Uniform Law Application Act 2022* section 133(1)(b)(i).

Amendment put and passed.

Mr J.R. QUIGLEY: I move a further amendment —

> Page 11, lines 16 and 17 — To delete "*Legal Profession Act 2008* section 275" and substitute —
>
> *Legal Profession Uniform Law Application Act 2022* section 133

Amendment put and passed.

Mr R.S. LOVE: We are still on clause 15. This clause allows the Attorney General to charge fees for considering schemes and preparing scheme reports. I am looking at clause 15(1). The Attorney General will be able to explain to me all about determinations, legal costs and everything else for a layman. Clause 15(1) reads —

> The Attorney General may charge persons submitting a scheme under section 14 reasonable fees for the costs and expenses (including legal costs) incurred by the Attorney General in considering the scheme and preparing a scheme report.

I am wondering how this is to be calculated. Will there be some sort of schedule of fees or a guideline? Will people be able to get a rough idea of what they might be up against when they approach the Attorney General's office to investigate?

Mr J.R. QUIGLEY: Before the introduction of this clause, the Attorney General could always ask for reasonable costs to be paid but it was not anchored to anything. It was just reasonable costs. Now they must be charged in accordance with a legal cost determination made for this purpose under the Legal Profession Uniform Law Application Act 2022 or, if clause 15(2)(a) does not apply, in accordance with a legal costs determination in respect of contentious business before the court, maximum hourly fees and the like will be set. The court will set maximum hourly fees so it will not be open slather. Before, it was reasonable costs, but they were not anchored to an objective standard. Now they will be. The Attorney General could always charge an applicant for the costs of preparing the report. That might involve accountants or lawyers.

Mr R.S. LOVE: When the Attorney General said it is anchored to a determination of a fee, that does not say what the number of hours that could be charged might be. Is there any indication about that? Would there be a standard number of hours to expect for such an investigation? How would the number of hours be determined? Would a clock be used? Does the Attorney General sit there and time people to see how many hours it takes? How does it all work?

Mr J.R. QUIGLEY: The State Solicitor's Office does record time. The applicants to a scheme would always be encouraged by my office and others to consult with the State Solicitor's Office as to what it will involve and how long it will take. The State Solicitor's Office is not there to stand in the way of these schemes that are designed for

public benefit, uplifting out of poverty, welfare and the like. The State Solicitor's Office and the Attorney General want to facilitate these schemes to help the impoverished in our community. If the trustees come to the State Solicitor's Office and say they have a scheme they want approved, they will get all the help they can be offered by the State Solicitor's Office, including what it will roughly cost and entail. No-one is going to be taken by surprise. This is not adversarial. This is the Attorney General's office and the State Solicitor's Office, which comes under the Attorney General's office, trying to facilitate the operation of these trusts for the benefit of the poor—for welfare, education and the like. We are all going in the same direction. It is not adversarial.

Mr R.S. LOVE: To satisfy my curiosity, would the scale of the trust or the expected amount of money that will flow into a scheme not be a consideration in the amount that might be charged? Would that automatically make it more complex if it were a larger amount or is it more the functions that make it complex?

Mr J.R. QUIGLEY: Right from the get-go, the fee is often waived for small charitable trusts that approach the State Solicitor's Office. We are not in this as a money-making exercise. It is to defray the public expense so that the trust will pay a reasonable fee to get its scheme up. It is not a money-making exercise. As I said, for small trusts that perhaps could not afford it or if it would deplete the trust capital too much, the fee is waived from time to time. It would be the same if they hired their own lawyers. They have to pay the hourly rate under the Legal Profession Uniform Law Application Act. They could ask for a cost estimate to know in advance what they will be up for, but when they go to the State Solicitor's Office, they will get all the help they can get.

Clause, as amended, put and passed.

Clause 16 put and passed.

Clause 17: Approval of scheme by Attorney General —

Mr R.S. LOVE: This clause deals with the approval of schemes by the Attorney General. There are a few mechanics in here about the approval of the scheme and how we will go about it. First of all, the explanatory memorandum states —

> This clause also provides that if the Attorney General refuses to approve the scheme, the Attorney General must set out the reasons for that decision in a scheme report and the persons in whom the property is vested may apply to the Supreme Court for approval of the scheme.

When the Attorney General is given a scheme to approve, is there any sort of negotiation or is it possible that he might suggest changes along the way? Does the Attorney General have to say no and then they go away and come back with another proposal? How does it work in practice?

Mr J.R. QUIGLEY: In respect of the schemes, firstly, when a scheme amendment is proposed, it will often be referred to the State Solicitor's Office. As I have already said, they will get assistance and some advice. If, however, they submit the scheme and it is not satisfactory, there are then two courses of action they can take. Firstly, they can go down to the Supreme Court to approve the scheme. The Attorney General will have to remit to the Supreme Court the Attorney General's report on the scheme. If the scheme has already been knocked back because of that report and it goes down to the Supreme Court, it might be slim pickings down in the Supreme Court. However, under clause 14(2), which we have already passed, the Attorney General may remit the scheme to the persons in whom the property is vested for consideration of any amendments suggested by the Attorney General. Obviously, those suggestions will come to the Attorney General from the State Solicitor's Office, seeking advice. We can then remit it back there and say, "If you make these changes, if you make these accommodations, we'll be prepared to change the report and approve the scheme." It will not just be dead-ended; there are two courses: they can go down to the Supreme Court, or go to the Attorney General and seek some more advice, and the Attorney General can remit it back and say, "Do this and you'll get the tick."

Mr R.S. LOVE: The explanatory memorandum states that clause 17(5) provides that the Attorney General may approve a scheme despite noncompliance with the procedural requirements of part 3 in relation to the scheme. Can the Attorney General explain what that provision means and why the Attorney General would seek to approve a scheme that has demonstrated noncompliance with the procedural requirements?

Mr J.R. QUIGLEY: What we are talking about is forgiving or passing over, for example, time frames when there has not been the proper advertising period; it might be a day or two short. Notwithstanding that there has not been strict compliance with the time frame regulation for advertising, for example, it can still be approved without attending to those minor technicalities. It comes under section 10(10) of the Charitable Trusts Act 1962, which states —

> The Attorney General may approve a scheme even if the procedural requirements of this Part have not been complied with in relation to the scheme.

It is exactly the same; we are not cutting any new ground.

Clause put and passed.

Clauses 18 to 22 put and passed.

Clause 23: Administration of property through schemes —

Mr R.S. LOVE: I am working my way through the very handy explanatory memorandum, which is very important for us to be able to understand the legislation. The entry for clause 23, "Administration of property through schemes", states —

> This clause replaces section 13 of the Current Act. It provides that an approved scheme may provide that the purposes of the scheme may, in whole or in part, be carried out, and that any property to which the scheme relates may be administered, by the trustees of an existing charitable trust, a health service provider, the Public Trustee or any trustees who could be appointed under the *Trustees Act 1962*. This clause is expressly stated not to limit a scheme in making other any provision for carrying out the purpose of the scheme or for administering any property to which the scheme relates.

Clause 23(2) limits the definition to existing legislation. Is this a change from the current act; and, if so, how?

Mr J.R. QUIGLEY: It is just the opening words in the Charitable Trusts Act 1962. The words have changed in drafting, but it has exactly the same effect as section 13 of the Charitable Trusts Act 1962. We have not changed the law.

Clause put and passed.

Clauses 24 to 28 put and passed.

Clause 29: Western Australian Charitable Trusts Commission established —

Mr R.S. LOVE: This clause establishes the Western Australian Charitable Trusts Commission. Can the Attorney General explain why he has chosen the path of a commission? It does not actually appear to be a standalone entity; it has powers, obviously, but as we know, it is going to be carried out by an existing organisation—basically, the Ombudsman. Is there not sufficient work for this to be a specialist organisation? What level of commitment from the Ombudsman does the Attorney General anticipate will be required to carry out the functions of the Western Australian Charitable Trusts Commission?

Mr J.R. QUIGLEY: There is not sufficient work to establish a separate, standalone bureaucracy; there are intermittent complaints. The Njamal People's Trust complaint is an example, but it went on for so long. The Ombudsman's office has been chosen for the reason I explained earlier: rather than setting up a whole new bureaucracy that might be just sitting around, waiting for the next complaint, which might be months and months, the Ombudsman's office has staff who are well trained in investigations, confidentiality and the whole kit and caboodle. The Ombudsman has assured the government that, with the employment by him of someone who can look at the accounts of trusts initially, his office will be well positioned to do this. I would also like to say that the Ombudsman will require an additional 0.4 FTE senior legal officer and 0.2 FTE officer, and resourcing functions under the bill will be considered as part of the budget process next year. Members should not forget that charges can be made and money can be recouped. The Ombudsman WA has assured the government that at the moment it has the capability of taking this on and its staff are trained; that all the procedures and software for document tracking are available there; and that it may require an outside accountant to be engaged. For the reasons I explained in my reply to the second reading debate, the Ombudsman's office is the more appropriate office to conduct these investigations.

Mr R.S. LOVE: My question might be ruled out of order, but it deals with the Parliamentary Commissioner for Administrative Investigations taking on the role of commissioner. I am aware of at least one other piece of legislation that has gone through by which the government has placed extra burdens on that office already. I wonder if at some point it will take on such a diversity of extra roles that it will threaten the ability of the Ombudsman to carry out its functions. It is trying to be all things to all people, if you like. Is there a limit to how many small functions the Ombudsman can pick up?

Mr J.R. QUIGLEY: It is a matter of resourcing, but we must remember that when an investigation is required, such as the Njamal inquiry, the state's Senior Counsel is tied up for months and months conducting the inquiry. Mr Sefton, SC, was involved in that. That was a huge burden on the State Solicitor's Office, whereas the Ombudsman, with all due respect to Mr Sefton, is better placed, especially under this bill, which confers upon the investigator all the powers of a royal commission, which sit with the Ombudsman now. The Ombudsman assures us that he can handle this. This is a matter of public finance, not governmental finance. Nonetheless, it is a matter of public finance, because this money is to the benefit of the impoverished members of our community.

Mr R.S. LOVE: For my enlightenment, can the Attorney General explain why it will be termed the Western Australian Charitable Trusts Commission? A commission implies some level of standing or responsibility in that specific area. Is there a particular attribute that goes with the name "commission" in legal terms that confers some particular status to the matter? I have another question after the Attorney answers.

Mr J.R. QUIGLEY: In preparing the legislation, the State Solicitor's Office and the Parliamentary Counsel's Office looked at other legislation around, and other charity commissions are called "commissions". For example, the Australian Charities and Not-for-profits Commission established under the Australian Charities and Not-for-profits

Commission Act 2012, the Charities Commission of New Zealand, the Charity Commission for England and Wales and the Charity Commission of Ireland. It is commissioned with a purpose, which is to regulate and oversee charitable trusts.

Mr R.S. LOVE: I am trying to get an understanding of the terms used here. "Commission" is being used in this legislation to provide for a person who is basically an investigator, because when I look at the functions, it is clearly laid out that they will conduct investigations, and report and make recommendations. It has the functions of an investigator. I am aware that the government is considering, under a completely different minister's realm, an investigator in local government affairs who will be called an inspector. I wonder why there is different terminology across government and if there is any difference? Could the Attorney General have said "inspectorate" and the person holding the power was the inspector rather than the commission or the commissioner? I want to understand if there is any difference and, if not, why do two government ministers, under different legislation that provides similar roles, call it different things.

Mr J.R. QUIGLEY: I am not here to debate the Local Government Act or local government reforms at the moment, but there will be inspectors who are different from investigators. An investigator can compel a person to answer questions and produce documents, and can enter premises to search for documents. The investigator does not have those powers vested in him or her; they are vested in the commission and, under the act, the charitable trusts commissioner will be the Ombudsman. We are investing in the holder of the office of Parliamentary Inspector for Administrative Investigations, the Ombudsman, the power of a royal commissioner, and, as such, he is called the charitable trusts commissioner. Investigators will work underneath him, will take oaths, will be bound by oaths of confidentiality and have to respect legal professional privilege—the whole lot. That is why we call it the commission; it is because he is the commissioner.

Clause put and passed.

Clause 30: Functions of the Western Australian Charitable Trusts Commission —

Mr R.S. LOVE: Clause 30 sets out the three functions of the commission—to conduct investigations, to report and to make recommendations to the trustees of the charitable trust in respect of matters arising out of there. Was consideration made to have any other functions for this organisation, such as providing documents or assisting in the reformation or restructuring of charitable trusts?

Mr J.R. Quigley: I missed the last sentence.

Mr R.S. LOVE: Has there been any consideration of any other roles, apart from those three, such as assisting with maybe restructuring or reforming charitable trusts as such or part of the recommendation role?

Mr J.R. QUIGLEY: The chamber has to bear in mind that the WA Charitable Trusts Commission will be a creature of statute law. As such, its functions must be broadly set out. Those functions will include conducting investigations and audits, making an investigator's report and making—here we go—recommendations to the trustees of a charitable trust on matters that arise out of an investigation. It will be able to make recommendations about the trust that it is investigating, but it will not be able to make more broad, sweeping recommendations. The Public Accounts Committee or something like that could do that, if it wanted to look at amendments to the act or such like. The Attorney General could do that as well. But the Charitable Trusts Commission will have to stay within the handrails of the trust that it is investigating.

Clause put and passed.

Clause 31 put and passed.

Clause 32: Investigation of charitable trusts —

Mr R.S. LOVE: This clause deals with the investigation of charitable trusts and says that there will be two types of investigators, being —

(a) an authorised person acting at the direction of the Attorney General —

  (i) on a complaint to the Attorney General; or

  (ii) on the Attorney General's own initiative;

(b) the Western Australian Charitable Trusts Commission —

  (i) on a complaint to the Western Australian Charitable Trusts Commission; or

  (ii) on referral by the Attorney General.

Why is there a need for two separate types of investigator? Can the Attorney General explain that for a start?

Mr J.R. QUIGLEY: Firstly, an investigation could be precipitated by a complaint to the Charitable Trusts Commission, but sometimes people write directly to me and make extensive submissions about impropriety or whatever in a charitable trust. Sometimes, I read about it in the media, when a person in a community—it might be in the Kimberley

or anywhere—complains about the running of a charitable trust. In that circumstance, the Attorney General will be able to create an investigation of their own initiative or refer it to the WA Charitable Trusts Commission. Although the bill provides that the Attorney General will be able to investigate any charitable trust themselves, the Attorney General will also be able to appoint someone as an investigator under paragraph (a). If someone comes to the Attorney General about a discrepancy in a trust's accounts, the Attorney General might appoint an accountant to look at those figures to tell them otherwise or clarify the situation. The Attorney General could do that by appointing a special investigator for a limited purpose or by referring it to the WA Charitable Trusts Commission. We are trying to give flexibility.

Mr R.S. LOVE: Earlier, the Attorney General mentioned that the Ombudsman could in fact hire outside counsel or some other type of consultant. I am wondering why the Attorney General would have to appoint an accountant or auditor rather than the commissioner simply making an appropriate appointment themselves, if they are able to hire outside staff. Why is it really necessary to have these two distinct powers? Does the Attorney General feel that there might be occasions when the Attorney General might have a different reason to investigate, other than something that he or she wants to refer to the commissioner?

Mr J.R. QUIGLEY: A complaint on a trifling or relatively small matter might come to the Attorney General's office, and rather than burden the Ombudsman's office with it, the Attorney General could get a firm of accountants to give them a report if it is just a simple accounting matter. Bearing in mind that the capital is some tens of millions of dollars or more for some of these charitable trusts, the Attorney General might commission an inquiry by one of the big four accounting firms and a legal firm, so as not to swamp the Ombudsman's office. I would always discuss it with the charitable trusts commissioner, who might say, "On a preliminary look, this matter is potentially large and it could be a real cruncher for this office in terms of resources." It might already have an investigation on its plate, so the Attorney General could appoint a special investigator. As far as this Attorney General goes, I would not do that without first consulting with the charitable trusts commissioner and the State Solicitor's Office on whether the appointment of a special outside investigator was warranted.

Mr R.S. LOVE: I am a little mystified. If the Ombudsman has all the authority to hire whatever resources it needs and if it has the powers of a royal commission, why would the Attorney General need to find an alternative pathway? So far the Attorney General has advanced that the situation might be very simple or it might be hugely complex. Will we be able to rely on the commissioner to look at matters only in the middle of those? I would have thought that the Parliamentary Commissioner for Administrative Investigations, as the commissioner of the Charitable Trusts Commission, would have the capacity to investigate whatever is required, including by hiring one of the big four accounting firms if necessary.

Mr J.R. QUIGLEY: As I think the member mentioned in the second reading debate, the Attorney General ultimately has responsibility for all charitable trusts in Western Australia, so if he or she carries that responsibility, it is appropriate that the Attorney General have the same powers as the Charitable Trusts Commission. It would be perverse if the Attorney General, who is responsible for these trusts, did not have the powers of the commission itself to carry out an investigation. The Attorney General always has to have that power. There has to be somebody in this chamber who is ultimately responsible for all charitable trusts in Western Australia, and I carry that burden of responsibility. As such, it is appropriate that I am able to appoint a special investigator. When we talk about resources at the Charitable Trusts Commission, everything is finite. It depends on how much work comes in. I could stand here and say that there is not much work at the moment—there are only one or two inquiries or matters that I am considering—and suddenly a rush could come in that has to be dealt with quickly. If the commission was all hands on deck, I could bring in another investigator.

Mr R.S. LOVE: I am still not sure why the Attorney General could not simply refer the matter to the commissioner and provide them with the resources they need to get the job done. Can the Attorney General explain whether he could see a circumstance in which there might be two separate streams of investigation if he were not satisfied with what he got from the first one? There is still the extraordinary power that the Attorney General has to set, independent of the commission, which, presumably, will have built up a skill set of looking at these matters of charitable trusts after dealing with a number of them. Surely, getting people who do not have that background and that understanding would be less effective rather than more effective. I am still not certain why the Attorney General would need to have the power to directly appoint rather than simply refer to the commission.

Mr J.R. QUIGLEY: Anything is possible. I will talk to the charitable trusts commissioner. If he wants more resources to look at a particular matter, he will get more resources. As the Attorney General bears ultimate responsibility for these trusts, it is important that the Attorney General has the power to investigate them and to appoint someone to investigate them, and 99.9 per cent of the time that will be the Western Australian Charitable Trusts Commission. We have to include this as a fail-safe mechanism. We are not above giving the Ombudsman such resources as is required from time to time, and no doubt next year in estimates the member will ask him how this is going and what resources he has. We will make sure that he is properly resourced and that special investigators are properly appointed. What we will not have, and what we are moving away from, is the procedure under the old act whereby, without any investigative powers, someone comes to me and I have to ask the State Solicitor

to look into it. The State Solicitor has no power to compel anyone to answer a question or produce any document. The State Solicitor tries to persuade people. The Njamal inquiry went for 18 months. Very soon we will have a Charitable Trusts Commission that will look at these matters.

Mr R.S. LOVE: Just to be clear, will there be no difference in the powers that the Attorney General's personally appointed investigator would have than the investigator who would be operating the investigation, or the commissioner or, I assume, their delegate?

Mr J.R. QUIGLEY: That is right. There is no difference in the powers because under the next clause, clause 33, an investigator will have all the powers, rights and privileges as specified under the Royal Commissions Act. They will have parallel powers with the Charitable Trusts Commission. At this stage, as I stand here, I cannot envisage the circumstances under which I would use those powers, save to say if there was a crush of work on or a little matter that needed an accountant to run a rule over while there was a crush of work on down the road. In that case, I might consider it, but I would never do it without consulting with the charities commissioner.

Mr R.S. LOVE: The Attorney General has touched upon the next clause. As the Attorney General said, that gives the investigator or the commissioner the same powers as those of a royal commission. Why, then, is it necessary to insert some power in clause 32? I am looking at clause 32(2), which states —

> An investigator may, in the performance of a function under this Act, give to a person a written notice (a ***requirement***) requiring the person to provide to the investigator —
>
> (a) a document or other information —

Would that not be implicit in the powers the investigator is being granted, or is that put there for a reason so that they must give notice? Is that different from if it was just the powers of a royal commission?

Mr J.R. QUIGLEY: The member and I have agreed that the powers of the investigator are the same as the powers of a royal commissioner, but we do not want these investigators to be able to exercise these enormous powers at large. They have to be ring-fenced, and so clause 32(2) provides —

> An investigator may, in the performance of a function under this Act, give to a person a written notice … requiring the person to provide to the investigator —
>
> (a) a document or other information —
>
> (i) relating to a charitable trust; or
>
> (ii) concerning any person involved in the administration of a charitable trust;
>
> or
>
> (b) any other assistance that is reasonably necessary.

I will just go to "any other person involved in the administration of a charitable trust". We have had an instance when a person who I will anonymise by calling "C" was banned from being a trustee, but we believe that he might be in the background using someone else on the trustee corporation to do his bidding. Because I have not got evidence of that to put before the chamber this evening, I will refrain from naming C. However, under clause 32(2)(a)(ii), an investigator may issue a notice concerning any person involved in the administration of a charitable trust. It could be the person who is hiding behind the curtain using their puppet on the trustee corporation or it could be a person who is trying to do it all by manipulating it at arm's length. The powers of the royal commission will be available to the investigator to require the person to come forth to produce documents and answer questions.

Mr R.S. LOVE: To be clear, will this constrain some of the powers under clause 33 that follows? Is that what I am hearing? Is this a constraint on that otherwise unbridled power that the investigators will be given?

Mr J.R. QUIGLEY: That is correct.

Clause put and passed.

Clause 33: Powers under *Royal Commissions Act 1968* —

Mr R.S. LOVE: I would like to talk about this clause a little bit because this is the nub of what we have been talking about. The Attorney General has indicated that there will be a restriction on the power. The investigators need to perform under the functions of this legislation relating to a charitable trust, a person involved in the administration of a charitable trust or any other assistance that is reasonably necessary. Would the powers under this clause force people who are not directly related to the administration, but who may be in some other way involved in the operation of the trust, to give evidence? I refer to persons in the community who might have knowledge about how the beneficial, or not so beneficial, operation of the trust is going, so to speak? One of the big concerns the Attorney General has outlined is that the money, in the case of the Sefton inquiry, might not necessarily lead to the betterment of the people in the way that was outlined. There may be other levels of evidence that the Attorney General might need. Do those powers exist?

Mr J.R. QUIGLEY: Clause 32(2) refers to "any person". It is not just the trustees who are under compulsion; it is any person to do with that. The investigators will be able to exercise the powers of a royal commissioner. I turn to section 9 of the Royal Commissions Act of Western Australia, which states —

> A Commissioner may cause a summons in writing under his hand to be served upon any person requiring him to attend the Commission, at a time and place named in the summons, and then and there to give evidence and to produce any books, documents, writings or things in his custody or control which he is required by the summons to produce.

Those are the powers of the royal commissioner that will be adopted into this bill. But, as we have already observed and as has already been stated, the powers must be used only within the limits of the four walls of the investigation of a particular trust.

Mr R.S. LOVE: Therefore, will the person who is appointed to have this power be the commission, the commissioner, a delegate of the commissioner or simply the commissioner themselves? Can the Attorney General's appointed investigator include the Auditor General? Those were two or three questions, but the Attorney General can run through them.

Mr J.R. QUIGLEY: Under clause 32(1), yes, I could appoint the Auditor General. I do not think she would be too happy having to conduct a forensic examination, which is more than examining accounts, but issuing summonses to appear at the Auditor General's office and then and there ask questions. But, yes, the Attorney could appoint any appropriate person to conduct the investigation.

Mr R.S. LOVE: In terms of the investigator's remit, if the Attorney General has appointed the investigator—I know this question probably would have been more appropriate to ask during clause 32—will he be quite specific about the range of powers that he will allow them to use under this clause, or will there be no specific parameters around what powers, under clause 33, they could use?

Mr J.R. QUIGLEY: The parameters are in the bill, and the investigator would have the powers, as the bill provides, of a royal commission. It should be a rare occasion when the Attorney appoints someone with those powers without discussing it with the charities commissioner. The Attorney General's office is not set up to conduct investigations. Previously, we would send it to the State Solicitor's Office, but it had no investigative powers. It is envisaged that, yes, the Attorney General will have those parallel powers and if ever a need arose when they had to be used, they could be.

Clause put and passed.

Clause 34: Western Australian Charitable Trusts Commission's power to carry out audits of charitable trust accounts —

Mr R.S. LOVE: I will be very quick on this clause, Attorney General. This is the clause of the Western Australian Charitable Trusts Commission's power to carry out audits of charitable trust accounts. The Attorney General has just stated that he does not think the Auditor General would be very happy about having to carry out a forensic audit in this regard. Therefore, will we assume that these audits will ordinarily be carried out by outside agencies, or will the Attorney General have some level of in-house ability in either the commission or the Attorney General's office perhaps—I do not know—to carry out such an audit? Will the costs of these audits be borne by the trust or the state?

Mr J.R. QUIGLEY: Just to be clear, to be sure, to be sure, I did not say that the Auditor General could not carry out forensic audits. That office could carry out forensic audits. What I was saying was that the forensic examination whereby there is a requirement to bring in witnesses and examine the person on their oath is not the function of the Auditor General. However, the commission can, and normally would, engage a qualified auditor, in the same way that the State Solicitor's Office, if it had to do a financial audit, might have to engage an outside auditor. We will soon come to—I am sure the member will ask me questions about it—clause 43, which deals with the recovery of costs of an investigation. Also, the Charitable Trusts Commission could always appoint a public service officer as the auditor to audit the accounts, so it does not necessarily have to go out and appoint. If it were just a straight-line audit, it could perhaps appoint the Auditor General or someone else in the public service with the appropriate audit qualifications.

Clause put and passed.

Clause 35: Power to enter premises —

Mr R.S. LOVE: I was hoping for a bit of encouragement from the other side there for a minute, but we will keep going for a while! Clause 35 states —

> For the purposes of conducting an investigation, an investigator may, at any reasonable time —
>
> (a) enter any premises occupied or used by a person to whom a requirement has been given; and
>
> (b) inspect those premises or anything on those premises.

Does this clause relate to the person's residence or is it strictly a business premise? Can the Attorney General give me some idea about any limitations that might exist on the power to enter premises?

Mr J.R. QUIGLEY: As to the time, it is any reasonable time; not, for example, like when the police normally execute a warrant under the Misuse of Drugs Act at 4.30 or five o'clock in the morning, but at a reasonable time one would expect, during business hours. A person whose premises can be inspected is a person upon whom a requirement—that is, a notice—has already been served under the hand of the Western Australian Charitable Trusts Commission. So if that person is already under a requirement to produce and appear, the commission can enter their premises and search those premises during a reasonable time. We have had a situation in which the State Solicitor's Office has been investigating a charitable trust for, and on behalf of, the Attorney General in which people have been reluctant to produce documents: they cannot find them; the dog ate them; they do not know where they are! The investigator might want to enter premises to determine whether trust property is still in the hands of the trustee or to potentially protect that property by seeking orders from the Supreme Court for that purpose. The powers are consistent with the power contained in section 21 of the Parliamentary Commissioner Act 1971 and similar to the power given to the Auditor General under section 34(4) of the Auditor General Act 2006. It is consistent with the Njamal report recommendation 49, but broadens the powers of inquiry to include the power to enter premises. This reflects the extent of modern-day investigative practice.

Clause put and passed.

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.

PLANNING AND DEVELOPMENT AMENDMENT BILL 2022

Returned

Bill returned from the Council without amendment.

STATE ECONOMY — WORKER AVAILABILITY
MIDWIFERY AND MATERNITY SERVICES

Removal of Notice — Statement by Deputy Speaker

THE DEPUTY SPEAKER (Mr S.J. Price) [10.11 pm]: I advise members that private members' business notices of motion 2 and 3, notice of which were given on 9 November 2021, will be removed from the next notice paper unless written notification is provided to the Clerk requiring that the notices be continued.

House adjourned at 10.11 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

WATER CORPORATION — NON-STANDARD SERVICE AGREEMENTS

383. Ms M.J. Davies to the Minister for Water:

I refer to a state-wide review of customer accounts conducted by the Water Corporation, which identified a number of properties that now require a non-standard water supply service, and I ask:

(a) When was this review conducted;

(b) What triggered the review;

(c) How many properties had a non-standard service agreement before the review, as a whole value and as a percentage of total customers;

(d) How many properties have been identified that require a non-standard service agreement as a result of the review. Please provide a breakdown between commercial and residential;

(e) Why is it the property owner's responsibility to install water treatment infrastructure at their property, at their cost, if they have been long-term customers of Water Corporation up until the review was conducted;

(f) What are the consequences for a property owner if they refuse to sign the non-standard service agreement; and

(g) How long has it been a regulatory requirement for Water Corporation to require eligible customers on their network to sign a non-standard service agreement?

Mr D.J. Kelly replied:

(a) A review of property data records commenced in 2020 to verify if service conditions should be applied, removed or updated. This has led to ongoing work to verify conditions, develop customer communications and commence customer engagement.

(b) Improvements made to schemes and spatial data to Water Corporation's property records.

(c) As at 1/4/2020, there were 8,666 accounts with a non-standard service agreement. This equates to 0.77% of total accounts.

(d) In early 2020, the review identified 669 customers that may require a non-standard service agreement regarding the quality of their water or continuity of supply. Analysis later indicated 636 customers, with 756 accounts that may require a non-standard service agreement:

Residential	393 accounts
Non-Residential	363 accounts

(e) It is not standard practice for Water Corporation to provide any financial assistance for customers who are on a non-standard service agreement. Any treatment and/or storage solutions on the customer's side of the meter (including installation and ongoing maintenance expenses) is wholly at the customer's expense. However, in recognition that some customers had not previously been informed of their non-standard service agreement, where water quality conditions were being applied for the first time, Water Corporation is offering financial assistance up to the value of $5,000 per property. This is to assist in the purchase and installation of a private water treatment option.

(f) If a customer does not sign or return the non-standard service agreement, Water Corporation deems that the customer has understood the conditions of supply. This information is communicated to the customer in the letter sent with the non-standard service agreement. Water Corporation continues to provide the service unless the customer applies to have the service disconnected.

(g) The regulatory requirement to provide a service by agreement has been in place since 1947.

WATER CORPORATION — NON-STANDARD SERVICE AGREEMENTS

384. Ms M.J. Davies to the Minister for Water:

On the Water Corporation advice article in relation to non-standard service agreements (https://www.watercorporation.com.au/Help-and-advice/Non-standard-water-service/Non-standard-service/Non-standard-service-agreement), there is a reference that Water Corporation has identified properties that will require a change to their non-standard agreement or require a non-standard agreement for the first time. Please advise:

(a) How many of these agreements were found due to changes in IT systems for the individual financial years:

(i) 2020–2021;

(ii) 2021–2022; and

(iii) 2022–to date; and

(b) How many of these agreements were found due to changes to guidelines for the individual financial years:

(i) 2020–2021;

(ii) 2021–2022; and

(iii) 2022–to date?

Mr D.J. Kelly replied:

(a) (i) In 2020–2021, Water Corporation identified 636 customers, or 756 accounts (as some customers have multiple accounts), who may require a non-standard service agreement regarding the quality of their water or continuity of supply for the first time.They also identified 717 accounts whereby a new/changed non-standard service agreement may be required, relating to flow rate, water pressure or location of meter.

(ii)–(iii) None.

(b) (i)–(iii) None.

WATER CORPORATION — NON-STANDARD SERVICE AGREEMENTS

385. Ms M.J. Davies to the Minister for Water:

I refer to Water Corporation customers in Dangin that have recently been advised they must sign a non-standard service agreement as Water Corporation cannot guarantee an adequate chlorine residual in Dangin due to the distance the water has to travel, and I ask:

(a) Did the upgrade to tanks and infrastructure in Cunderdin (announced in 2016) impact the quality of water delivered to Dangin customers;

(b) If no, what has impacted the quality of water delivered to Dangin customers to require a non-standard service agreement; and

(c) If yes, why has the issue only been identified now?

Mr D.J. Kelly replied:

(a) Yes. The construction of the Cunderdin tank improved the quality of the water downstream of the tank. However, the improvement to the water quality was not sufficient to be able to guarantee it to the Dangin customers.

(b) Not applicable

(c) In 2020–2021, improvements to spatial data to highlight water zones and drinking water quality locations made it possible to cross reference Service by Agreement information in the Water Corporation's property records. The water being supplied to Dangin customers continues to be from the same water supply network, however, as part of the review of the water scheme, a number of properties in Dangin were identified as having a non-standard service related to water quality, which requires a non-standard service agreement. Assessment was made factoring in the distance between the property and the treatment plant, as well as other factors such as the length of time water has remained in the pipes before reaching the property or how much water is used by surrounding properties.

When the water leaves the point of treatment at Cunderdin it is of drinking water quality. However, by the time it gets to the customers at Dangin, there can be no guarantee the water is still of the same drinking water quality due to the effectiveness of the disinfectant (chlorine) lessening over time.

CORONAVIRUS — RAPID ANTIGEN TESTS

387. Ms L. Mettam to the Minister for Health:

(1) What date in December did the Minister place an order for Rapid Antigen Tests for the State?

(2) How many were ordered on that date and from where?

(3) How many were subsequently ordered, on what date and from where?

(4) Have charter flights been used or are they scheduled for use to transport the remaining tests on order:

(a) If so, how many and from where; and

(b) How much did each of these further charter flights cost?

(5) When is the full supply of 111 million tests ordered expected to arrive in WA?

Ms A. Sanderson replied:

(1) Consultation with suppliers commenced October 2021 to determine RAT test kit suitability through in-house validation testing. Following completion of validation testing, commercial negotiations were held in November 2021, and initial orders were placed in mid-December 2021.

(2)–(3) The WA Government has ordered 110.7 million Rapid Antigen Tests from various global suppliers.

(4) (a)–(b) Yes. Two charter flights from South Korea were used to expedite delivery at a cost of $700,000 per flight.

(5) As at 27 May 2022, 110.7 million RATs had been received.

HEALTH — ELECTIVE SURGERY

392. Ms L. Mettam to the Minister for Health:

I refer to all public hospitals, including public hospitals with private operators, and I ask:

(a) How many elective surgeries were cancelled in:

(i) November 2021;

(ii) December 2021;

(iii) January 2022; and

(iv) February 2022; and

(b) For each month in (a), what was the total number of cancelled elective surgeries by area health service?

Ms A. Sanderson replied:

Elective surgeries can be cancelled for a variety of patient-initiated and hospital-initiated reasons.

(a) (i) November 2021: 2,216;

(ii) December 2021: 1,642;

(iii) January 2022: 1,805; and

(iv) February 2022: 2,006

(b)

Health Service Provider	(i) November 2021	(ii) December 2021	(iii) January 2022	(iv) February 2022
Child Adolescent Health Service	156	128	126	178
East Metropolitan Health Service	676	495	498	608
North Metropolitan Health Service	419	297	272	378
South Metropolitan Health Service	267	263	238	240
WA Country Health Service	698	459	671	602

ELECTRICITY SUPPLY — WALPOLE

528. Mr P.J. Rundle to the Minister for Energy:

I refer to your response to Question Without Notice No. 444, asked by the Member for Warren Blackwood on 18 August 2021 regarding the electricity supply in Walpole, and I ask:

(a) Did you announce that Western Power would support the hydro-electric energy project as a new technical solution for Walpole;

(b) Did you refer to this project as part of your government's action to combat climate change;

(c) Why is this project not going ahead; and

(d) What are you doing for the community of Walpole to reduce the amount of power outages they are experiencing?

Mr W.J. Johnston replied:

(a) The Walpole pumped hydroelectric microgrid project was announced on 21 April 2022. Western Power hosted a community information session together with Power Research and Development, the company behind this project, and the Member for Warren-Blackwood Jane Kelsbie.

The event was very well attended by Walpole residents eager to learn more about this innovative project.

(b) The Western Australian Climate Policy includes a number of programs and initiatives including the Clean Energy Future Fund.

The Clean Energy Future Fund was launched in April 2020 and supports the implementation of innovative clean energy projects in Western Australia which offer high public value through contributing to one or more of the following outcomes:

> significant, cost-effective reduction in greenhouse gas emissions below projected (or baseline) emissions as a direct result of the clean energy project
>
> design, deployment, testing or demonstration of innovative clean energy projects likely to deliver community benefits or lead to broad adoption and significant *reductions in greenhouse gas emissions*.

The fund is focused on projects where our funding can secure tangible emissions reductions, and applications with a strong potential for wider adoption.

Power Research and Development's pumped hydroelectric microgrid project was awarded $2 million as part of the McGowan Government's Clean Energy Future Fund.

(c) The project is underway and is expected to be fully operational in the second half of 2023.

(d) The pumped hydroelectric microgrid solution will mitigate up to 80 per cent of outages.

The 1.5 megawatt pumped hydro facility will use two farm dams to store 30 megawatt hours of energy. It will work by pumping water uphill from one dam to another when renewables are abundant, and energy is cheap.

During periods of high demand, the water is released downhill through a generator to produce electricity. In the event of an outage, it will also supply power to the town.

LANDS — REGISTRATIONS OF INTEREST — EXMOUTH

529. Mr V.A. Catania to the Minister for Lands:

I refer to the State Government officially accepting Registrations of Interest (ROI) for lots 1419 and 1423 in Exmouth designated for much needed workers accommodation, and I ask:

(a) How many ROI were received;

(b) How many ROI applicants were:

- (i) Regional;
- (ii) Metropolitan; and
- (iii) Outside of Western Australia; and

(c) Has the successful applicant been selected:

- (i) If no selection has been made yet, why not and when will the successful applicant be selected;
- (ii) If yes, who was the successful applicant;
- (iii) If applicant was not regional, why not;
- (iv) What is the date the successful applicant is required to commence construction of the workers accommodation;
- (v) What is the date for completion of the workers accommodation;
- (vi) Will the successful applicant be required to use local companies in Exmouth; and
- (vii) Will the State Government be contributing any financial support for the site works?

Mr J.N. Carey replied:

(a)–(b) Registrations of interest (ROI) were accepted between 8 December 2021 and 10 February 2022 from parties interested in acquiring and developing a workforce accommodation facility. Four ROIs were received and these were all from metropolitan based proponents.

(c) An initial evaluation of the submissions has been undertaken and it was deemed necessary to seek additional information from all proponents as part of a stage two process. The assessment of second round submissions is currently underway.

TRANSPORT — REGIONAL AIRFARE ZONE CAP

531. Mr V.A. Catania to the Minister for Transport:

I refer to the announcement made on 31 March 2022 regarding the Regional Airfare Zone Cap launch, and I ask:

(a) Are all seats on each regional flight available at the zone cap. If not;

(b) How many regional airfare zone cap seats are available on each flight listed below and what is the ratio for residential versus non-residential seats available on each flight:

(i) Carnarvon/Perth/Carnarvon;

(ii) Monkey Mia/Perth/Monkey Mia;

(iii) Onslow/Perth/Onslow;

(iv) Exmouth/Perth/Exmouth;

(v) Paraburdoo/Perth/Paraburdoo;

(vi) Meekatharra/Perth/Meekatharra;

(vii) Mount Magnet/Perth/Mount Magnet; and

(viii) Wiluna/Perth/Wiluna;

(c) How do these airfares assist people living in regional areas when a return date is required at the time of booking if:

(i) A person is required to fly to Perth for medical reasons and does not have a specified return date; and

(ii) A person needs to travel to Perth to assist a family member/sick relative with no specific return date;

(d) How do these airfares assist parents living and working in a regional area, with a child boarding and schooling in Perth, as they cannot access the Regional Airfare Zone Cap for their child to return to their home town in school holidays, as the airfare is not originating in a regional town; and

(e) When booking online, past June 2022, why are specific dates (eg Saturday's) not showing as the cheap fare?

Ms R. Saffioti replied:

The Regional Airfare Zone Cap initiative is the first of its kind in Australia, and the single biggest commitment ever made by a WA Government to increase the affordability of airfares for regional WA.

This was a key commitment made by the McGowan Government at the 2021 State Election. In comparison, the Member for North West Central and the National Party made no commitment whatsoever to improve regional airfare affordability at this election.

(a) Capped fares can be booked on eligible routes provided that there is an available seat on the flight and passengers meet the relevant airline's booking conditions for their respective Resident Fares program.

(b) Not applicable.

(c) Airlines in the Regional Airfare Zone Cap scheme are required to offer a minimum of one free change to their date of travel, and most airlines allow multiple free changes. This provides flexibility for regional residents with uncertain return dates.

(d) A parent can book a return airfare for their child to depart from their regional location to attend the start of their school term, and to return to the region at the end of the school term.

(e) Zone Cap fares are available for most routes on Saturdays throughout July 2022 and beyond.
