



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2021

LEGISLATIVE COUNCIL

Thursday, 16 September 2021

Legislative Council

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

PRESCRIBED BURNING — REVIEW

Petition

HON JACKIE JARVIS (South West) [10.03 am]: I present a petition containing 891 signatures couched in the following terms —

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

We the undersigned are concerned that the current practice of broad-scale prescribed burning conducted by DBCA is having severe detrimental impacts on ecosystems. An independent review is needed.

We therefore respectfully request that the Legislative Council recommend that the State Government of Western Australia commission an independent review of DBCA's prescribed burning practices that includes assessment of:

1. environmental objectives,
2. research, monitoring and evaluation of ecological impacts on fauna and flora,
3. application of relevant and recent leading external research,
4. provision and integrity of Fire Exclusion Reference Areas,
5. adaptive management for climate change, disease, drought, and wildfires,
6. transparency, accountability, and public/stakeholder consultation.

And your petitioners, as in duty bound, will ever pray.

[See paper 677.]

ANNUAL REPORTS — TABLING

Statement by Leader of the House

HON SUE ELLERY (South Metropolitan — Leader of the House) [10.04 am]: On behalf of the Minister for Mental Health representing the Treasurer, I rise to inform the house about the late tabling of some 2020–21 annual reports.

A number of agencies are unable to table their 2020–21 annual reports within the time frame required by the Financial Management Act 2006. Section 64 of the act requires ministers to table an agency's annual report and the Auditor General's opinion, if applicable, within 90 days of the financial year's end, being 28 September. Under section 65 of the act, if a minister is unable to table an agency's annual report within the 90-day period, they are required to inform Parliament on or before the expiry of the 90 days of the minister's inability to table the report, the reasons for that inability and the anticipated date that the annual report will be tabled.

Following precedent set in 2017, these accountability requirements can be administratively achieved by way of tabling individual ministerial notifications in Parliament through one minister—the Treasurer in the Legislative Assembly and the minister representing the Treasurer in the Legislative Council—on behalf of other ministers. Ministers have notified the Treasurer in writing of the agencies within their portfolios that are unable to table their annual report by 28 September, as well as the reasons for that inability and the anticipated date on which the annual report will be tabled. Therefore, in accordance with section 65 of the act, on behalf of the Treasurer, I now table the notifications provided by affected ministers.

[See papers [655](#) to [676](#).]

PAPERS TABLED

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

JOINT STANDING COMMITTEE ON THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

First Report — Annual report 2020–21 — Tabling

HON NEIL THOMSON (Mining and Pastoral) [10.09 am]: I am directed to present the first report of the Joint Standing Committee on the Commissioner for Children and Young People titled *Annual report 2020–21*.

[See paper [678](#).]

Hon NEIL THOMSON: As Deputy Chair of the Joint Standing Committee on the Commissioner for Children and Young People, I am pleased to table the committee's first report for the forty-first Parliament. This reporting period encompasses the first three meetings of the current committee and the activities of the previous committee between July and December 2020. One of the first activities of the new committee was to meet with the Commissioner for Children and Young People, Mr Colin Pettit. This was a fairly informal meeting during which the commissioner briefed us on his recent work. It provided us with an appreciation of the important role he plays in listening to children and young people in this state and acting on their needs. Furthermore, it has helped shape the committee's immediate work program.

I note that Mr Pettit's tenure as commissioner will end in November, and I take this opportunity to thank him for his six years of advocating for children and young people and working to make the world a safer place for them. I look forward to welcoming a new commissioner, who I am sure will work just as hard as Mr Pettit has in bringing the concerns of children and young people to our attention. I also look forward to working with my fellow committee members in performing our oversight role and following up on some of the recommendations made by the previous committee.

ELECTORAL REFORM — LEGISLATIVE COUNCIL

Motion

HON MARTIN ALDRIDGE (Agricultural) [10.11 am] — without notice: I move —

That this house condemns the Labor government, which before the election claimed to defend “enhanced regional representation” and just months following the election will seek to abolish regional representation in the Legislative Council.

I move this motion with some consideration. I use the word “condemns” strongly in this sense. I will be happy to stand corrected, but I do not think I have ever moved a substantive motion in this house that sought to condemn a government. But the government should stand condemned for the announcement that it made yesterday and for the bill that is being read into the Legislative Assembly as I speak. Why should it stand condemned? Immediately before the last election, this government committed to the people of Western Australia that this was something that it would not do. In fact, on 9 March, just five sleeps out from the election, the Premier said —

It's not on our agenda, I've answered this question many times ... we care deeply about country WA and the issues of jobs, health, education, important infrastructure other sorts of things that we will implement.

He went on to say —

Well I'll be clear, I'll be clear again, it's not on our agenda enhanced regional representation will continue and this is just another smoke screen by the Liberals and Nationals.

In that interview, flanked by the then member for Albany and the Labor candidate for Albany, the Premier of this state said seven times that it was not the government's intent. Despite that, just days after the election, we saw the government commission the review that has led to the bill that is being introduced in the other place today. Yesterday, the government held a press conference ahead of releasing the Ministerial Expert Committee on Electoral Reform's report. An article in *The West Australian* penned by Peter Law states —

Mark McGowan took just three questions from reporters yesterday after announcing the most important electoral reform for this State in 130 years.

He then turned on his heels and rushed inside Parliament because, we were told, he needed to take his seat in the Legislative Assembly for the start of the day's proceedings.

It meant I was unable to put to him that the pure politics of forever changing how the Legislative Council is formed is simply about improving Labor's result at future elections.

McGowan's brief press conference was the latest example of his Government's dishonest and underhand approach to an issue which impacts every West Australian.

They are not my words; they are the words of Peter Law in *The West Australian* today. Interestingly, I contrast this press conference with the many other press conferences that the Premier has delivered of late, when he stands there, sometimes for hours on end, while they are livestreamed. But not yesterday. He issued a media statement, the first sentence of which states —

Every vote for Legislative Council candidates will carry equal weight in a single, State-wide electorate under historic reforms introduced to State Parliament to improve fairness in Western Australia's voting system.

It is so historic that the Premier could not answer more than three questions at the press conference yesterday!

Let us look at members of this place. It is said time and again to members on this side that no party has more regional members in Parliament than the Labor Party—a fact that I do not dispute, Hon Darren West. Let us see how many of those regional Labor members are heralding this historic reform.

Hon Dan Caddy interjected.

Hon MARTIN ALDRIDGE: At 9.30 am I did a quick audit of the Facebook pages of these 10 regional members of Parliament. Guess how many of them are heralding these historic reforms to their constituencies? Three! There are three brave members of the Labor Party: Hon Darren West, who still has his Facebook licence; Hon Dr Sally Talbot; and Hon Shelley Payne. Nothing has been heard yet from Hon Sandra Carr, Hon Stephen Dawson, Hon Peter Foster, Hon Jackie Jarvis, Hon Alannah MacTiernan, Hon Kyle McGinn or Hon Rosie Sahanna on their public Facebook pages about this historic reform.

Let us look at some of the feedback that they have been getting on their Facebook profiles. One says —

I agree that preference harvesting must be stopped but cannot accept the one vote one value principle. The Pilbara and Margaret River are two different regions and require their own voice in the house of review. The same for the goldfields and the wheatbelt region. Split the bill. Combining two totally different changes is sneaky. Not worthy of the party.

The next one says —

The rural areas are again run by city folk, who do not understand the ins and outs of rural life.

Hon Darren West interjected.

Hon MARTIN ALDRIDGE: These are followers to the member's Facebook page. Stop ridiculing them! It continues —

We do need more country MP'S who understand our way of life.

Hon Darren West interjected.

Hon MARTIN ALDRIDGE: President, it is very difficult to recount the comments of the Facebook followers of Labor members.

The PRESIDENT: Please continue to try, honourable member, and I will continue to chair.

Hon MARTIN ALDRIDGE: It continues —

Its unfair that this happened NOW whilst the vaccine saga continues and Mark is getting this passed while Labour has the majority and only one or two elected MP'S can stand up and be counted.

The next one says —

You sold out the bush.

The next one says —

What about the weight of distance and understanding of rural issues. No other State has the distances that we have in regional WA.

The next one says —

... you may have more members but when you all just do what Mark tells you it doesn't really matter. To vote this through you will have sold out your electorate. As for the argument that someone in regional WA's vote is with more than someone in the metro it is only fair as they add more to the economy

These are not my followers; these are the followers of Labor members on Facebook—or at least the three brave members —

Several members interjected.

The PRESIDENT: Order! Hon Martin Aldridge.

Hon MARTIN ALDRIDGE: Thank you for your protection, President. I know that members do not like what I am saying.

I make this point because yesterday when these historic reforms were announced, the Premier was too busy to face the questions of the journalists assembled on the front steps of Parliament House. I understand that a number of media outlets in this state were searching high and low for a regional Labor member with a pulse who was prepared to comment on these historic reforms.

Hon Alannah MacTiernan interjected.

Hon MARTIN ALDRIDGE: We have got one today! Come in!

Several members interjected.

The PRESIDENT: Order! Hon Martin Aldridge.

Hon MARTIN ALDRIDGE: Thank you, President. Maybe the members of the Labor regional caucus will have more opportunity today to explain their position to their electorates and to the media outlets.

The reforms being introduced into the Legislative Assembly today are indeed significant. As I have said on previous occasions, this process has been contrived to deliver this outcome right from the beginning, right from the crafting of

the terms of reference by the Attorney General; Minister for Electoral Affairs, in whom, I remind members, every non-government member in the fortieth Parliament passed a motion of no confidence. It was not just Liberal members or National Party members, but every non-government member, so there is no better person for the Labor Party to select to lead these reforms.

With just eight weeks to report, the Ministerial Expert Committee on Electoral Reform was appointed on 28 April 2021. It reported to the Attorney General; Minister for Electoral Affairs on 28 June 2021. Strangely, midway through the public submission period—in fact, I think it was two weeks after—it released a discussion paper. This proves how much of a rush it was in. But that is okay; the deadline for submissions was extended by one week from 31 May to 8 June. One would think that in appointing a ministerial expert panel to consider a matter of such magnitude, it would have been far more credible if the government had ensured that there were some regional voices on the committee. I asked question without notice 88 of Hon Matthew Swinbourn on 11 May —

How many of the committee members currently reside in regional Western Australia?

The answer was none, and that was the only question he answered from the series of questions that I asked. We all know, that the committee members, particularly the three academics on the committee, have long held this ambition; in fact, I think they wrote to every member of this place in the last Parliament advocating for many of these reforms, particularly structural reform. Members will know that I made a speech recently in which I replied to them and said, “It’s nice of you to proffer your views, but how about you come and spend a few days in my shoes.” Guess how many responses I got? None. Even more disturbing is that a number of these so-called independent expert advisory panel members, according to the media statement, have links to the Labor Party. In that same question without notice, I asked —

Are any of the committee members previous or current members of the Labor Party or staff to Labor members of Parliament?

The answer was —

No committee member is currently a member of the Labor Party.

The government did not say “No, they’ve never been a member of the Labor Party.” The answer was —

No committee member is currently a member of the Labor Party. I table their CVs.

For members’ interest, see tabled paper 176, because it shows that a number of these independent—apparently—committee members have worked for Labor ministers and Labor governments. That is a fact; it is undeniable. The distinction that I make is that the Western Australian Electoral Commission, which applies the laws that we make, is strictly and fiercely independent; in fact, it has very strong policies to ensure that that is the case. A person who applied for a job in my office used to help out from time to time as a casual employee during elections. She was quite keen to take the position in my office but when she discovered that she would be unable to participate in future elections as a casual employee, she declined the offer to work for me. It is interesting that it almost seems to be a prerequisite that a person has to have links to the Labor Party to be a member of the committee. It is interesting that we take such a principled and proper approach in the conduct of the Electoral Commission, but when it comes to establishing an independent expert panel to advise the government and Parliament on legislative and structural reform to not only the Electoral Act 1907, but also the state’s Constitution Act 1889, it is “Oh well. We don’t need to worry too much about. No committee member is currently a member of the Labor Party so that’s good enough for this government.”

Members will also notice from the ministerial expert committee report that there was no regional consultation; in fact, there was very limited consultation. The government will argue that the consultation was in the ability for people to make submissions, but that is not consultation. That may be the government’s view of consultation.

Annexure 6 of the report provides a table of consultations; it was very, very limited. I am sure that to some degree that is a function of the very limited time that the Minister for Electoral Affairs gave the committee to report—just eight weeks. From start to finish, it was eight weeks; that was all the committee had. Members, what was the rush? The government has been elected for a four-year term. We have fixed elections in Western Australia.

The government has, to varying degrees of success, tried to conflate the issue of electoral equality with the issue of group voting tickets. It is very clear from the messages that have been delivered by those few brave members of the regional Labor caucus—I look forward to the other seven joining them—that it continues to conflate those two issues. It is interesting to look at some of the submissions. On that point, I will pause. I assume that the Parliamentary Secretary to the Minister for Electoral Affairs will be giving the government’s response. No; he is not today. That is strange. I have to pause again! It is very strange that the parliamentary secretary with responsibility for representing the Minister for Electoral Affairs in this place will not, as it has just been indicated to me, be giving the government’s response today.

Several members interjected.

The PRESIDENT: Order!

Several members interjected.

The PRESIDENT: Order! Hon Martin Aldridge.

Hon MARTIN ALDRIDGE: Thank you, President. It is very strange and it is stranger by the day. The Parliamentary Secretary representing the Minister for Electoral Affairs is getting paid to do that job in this place but he will not be delivering the official government response today. It is very strange indeed. It looks to me like the Minister for Regional Development, who has only just —

Hon Alannah MacTiernan interjected.

The PRESIDENT: Order!

Hon Alannah MacTiernan interjected.

The PRESIDENT: Order! It is customary when the President calls order to come to order. Hon Martin Aldridge.

Hon MARTIN ALDRIDGE: They are very strange circumstances indeed, but nothing surprises me.

We know that the Minister for Regional Development likes shopping herself around; we do not know where she is going to go next! She is looking forward to being a state senator. I suspect that she has probably invented this.

Hon Alannah MacTiernan interjected.

The PRESIDENT: Order! I invite the honourable member to continue with his remarks.

Hon MARTIN ALDRIDGE: The minister, not satisfied with representing government at all levels, now wants to become a state senator before her time is up. I look forward to her delivering the government's response, as peculiar as that is.

There are some really good submissions in the report, many of which I will not be able to ventilate in the time I have today, but I must say that the one thing that was not done was adequate consultation in this flawed and rushed process. I mean, these four people who live in Perth have not even left Perth to consult on this historic reform! I think the Parliament needs to do better. The Parliament has a Standing Committee on Legislation and the majority of its members are regional members. In her response, this would be a good opportunity for the minister to commit the government to referring the legislation, when it arrives, to the Standing Committee on Legislation. I would say the "hardworking Standing Committee on Legislation" but it is not that hardworking, because not a single thing has been referred to it in this Parliament. This could be the first; let us put those committee members to work and make them earn their money.

There was an interesting opinion piece —

Hon Alannah MacTiernan interjected.

The PRESIDENT: Order!

Hon MARTIN ALDRIDGE: President, an interesting opinion piece was published in *The West Australian* by Councillor Michelle Rich, who is the Shire of Serpentine–Jarrahdale president. She said —

The terms of reference for the State Government's Ministerial Expert Committee on Electoral Reform—demanding electoral equality—are contestable.

It is the Local Government sector's experience that equality has many facets.

Different levels of State Government services provided to different communities exemplify inequality, as does the varying distance to be travelled to access services and elected representatives.

Focusing on equality only in terms of the number of electors in a Legislative Council region neglects to recognise the social, societal, economic, and geographic reality among Western Australian communities.

Electoral equality, established on the basis of the number of electors, in the Legislative Council will reduce political representation of rural and remote communities.

In his media statement yesterday, the Minister for Electoral Affairs again said —

A vote in Wundowie was worth four times more than a vote in Wooroloo, just nine kilometres away.

I want to finish on this point, which has been made by Hon Matthew Swinbourn, who is not delivering the government response today. Wundowie has had an issue in the last fortnight. This government, despite a \$5 600 million budget surplus, cannot find \$500 000 to build the Wundowie bushfire service a safe and appropriate fire station. Fewer than 5 000 people vote in Wundowie, but how many of the current members for the Agricultural Region have taken up their plight? Has Hon Darren West? How many of the six Agricultural Region members who represent Wundowie have taken up the plight to say that this government is awash with cash and the problem should be fixed ahead of the fire season? How many? That is the problem. The opposite side will argue that having 37 members representing Wundowie will deliver a better outcome for its voters. It will not.

HON TJORN SIBMA (North Metropolitan) [10.32 am]: I rise in support of this motion. I think it is worth emphasising, as Hon Martin Aldridge did, the specific use of the word "condemn". It is a word that should be used sparingly and only in the appropriate circumstances. It is a sad indictment on the style and the arrogance of this

government that a word like this should have to be used so very early in its second term. We in this chamber can have informed and reasoned debate on issues of state significance and political difference. We have that opportunity, and it is okay to have differing opinions. But we are not going to have that debate, because this flawed, contrived and manufactured process will deliver nothing more than a contrived politically expedient bill. This entire process has been another vulgar display of this government's power. That is all it is.

I might just get to the argument that has been proffered. The election of one single member of this chamber has been used as the cover for this political overreach. Hon Wilson Tucker has been invoked as the reason for this electoral reform, but he is not the reason. He is just the excuse. The real reason is the political motivation of the Labor Party. The Minister for Electoral Affairs, Hon John Quigley, let the cat out of the bag yesterday. He said we have been waiting for this for only 120 years. This is what it is all about. This is not about consultation. This is not about equality. This is raw politics. It is politics and it is disengaging from the reality of regional life. This is a very cute sanitised academic view of the world. It might work in a jurisdiction like Tasmania. It might even work in a jurisdiction like New South Wales, which is nowhere near as vast or diverse or sparsely populated as this state. I am sorry, but the proposition that the government is putting in front of us is completely and utterly unrealistic and does not represent the plurality of interests in this state. It completely discounts the fact that the vast majority of this state's income, its wealth, its relevance, are generated outside the metropolitan area. But there is only one voice that the Labor Party wants to listen to—that is, metropolitan progressive voices.

Several members interjected.

Hon TJORN SIBMA: They do not care a fig about people who live outside the metropolitan area. Otherwise it would not have engaged in this shambolic and completely disingenuous approach. Government members should be ashamed of themselves. I know this is not a sentiment it is likely to feel.

Hon Darren West: Born to rule.

Hon TJORN SIBMA: I have been disappointed that some members of this chamber have not made the leap yet from apparatchik to parliamentarian. I ideally hope that happens, but they have to have a mental shift. A mental shift, I think, is unfortunately unreachable for many. But we might have an opportunity to see whether that is in the grasp of some of the members here because we have, generally speaking, enthusiastic, honourable country Labor members who are serving their first term. I would dearly like to see how they vote when this bill gets here. It is unfortunate the Leader of the House is away on urgent parliamentary business, but I hope she does not bring down the guillotine when we get to this bill. If there is one commitment I would like to extract out of the government this morning, it is that it will not silence its own voices as it proposes to silence the voices of regional Western Australia. This is a test for the government.

Another test might be to provide, if not a conscience vote, at least a free vote for all Labor members—at least in this chamber. If not, it is upon the newly elected members from the Mining and Pastoral Region, the Agricultural Region, and from the South West Region to justify whether they see a value in turning up to this chamber day in and day out, or whether their regions are worth representing. It is a simple proposition. Either members believe in their jobs or they do not. They believe in their electorates or they do not. They just give in to this megalomaniac Premier for whom the world is not enough. Electoral reform was not on the electoral agenda. Seven or eight times the Premier ruled this out and said it was not on the agenda. Then suddenly it is on the agenda. Why? It is because he wants everything. This is it. This is a warning to everybody. We saw evidence of this last week in Manjimup. The government will close down industries on a whim. If it is inconvenient, if it is not important to it, it can get rid of anyone. What does this say about the government and its style of government? Just because it can do it, it will do it. It does not matter that it did not take it to the election.

I refer members to the Labor Party platform. Perhaps that is where everybody needs to look. Let us dive back down into the state Labor Party platform, because this is where we are going. Labor did not need to take anything to an election. Labor just needed to be responsive to the true believers, its union delegates. This is where it is going. Is the government going to ban live exports next, or greyhound racing? Who knows, who cares—the government can do whatever it wants. But do not come in here and try to dress up this process. Hon Malcolm McCusker, a man for whom I have enormous regard and respect, more or less conceded that there is only one possible answer that the ministerial expert panel could deliver, because there was only one question. It was a logical consequence. How do we provide electoral equality? Well, here is the answer. The panel makes no reflections on the desirability of it—

Hon Dan Caddy: They weren't tasked to.

Hon TJORN SIBMA: It was not tasked to. Of course the panel was not tasked with that. But the government cannot invoke these people's integrity when it uses their reputations for its own purposes. The government has been completely disingenuous in the way it has treated that panel. At the moment, at least this hour, I do not believe that the minister has introduced the bill in the other house. I think that is probably an hour or two away.

Hon Donna Faragher: No; it has been read in.

Hon TJORN SIBMA: It has been read in. I very much doubt whether that bill differs in any way from this report. I presume that the *Ministerial Expert Committee on Electoral Reform: Final report* is just a green copy of the bill rather than the report. That would be a fair assumption.

I had the opportunity yesterday to attend a briefing, and I thank the minister for that grudging courtesy at least. We will take any morsel of information divulged from this arrogant government at the moment. The briefing was reminiscent of the ramming through of changes to the Planning and Development Act last year. At the briefing I attended, the government did not even have a bill to provide to us. We had to wait about 10 minutes before we got a copy of the final report, presumably because the apparatchiks in the Premier's office did not want the nasty opposition to have a copy too early, but we finally got a copy. I will reflect on "Annexure 6: Table of Consultations". Four consultations occurred: one on 26 May and 4 June, and two on 10 June. Interestingly, do members know which electoral commissions were consulted ahead of the Western Australian Electoral Commission? It was those in New South Wales and South Australia. The government cannot pretend that this is a pure process. Do not pretend that this is a pure process; this is an absolute fix! The government is absolutely shameful. It is vulgar and disgusting.

Several members interjected.

The PRESIDENT: Order!

HON JAMES HAYWARD (South West) [10.42 am]: I stand to support this motion. This is the biggest attack on regional voices that this state has ever seen. The government is absolutely kidding itself if it believes that regional Western Australia will have any voice in this house after this legislation has passed; it simply will not. I really look forward to hearing some of the government members speak about how they imagine this will work, because I can tell members that in the south west I am already flat out trying to get around the region, which is vast and has lots of places to be and local governments to deal with, to see people and give them the support and the service that they deserve. If we become a statewide senate, that service will disappear. That is the reality, and members opposite know that is the case.

Right now, regional representation and regional voices in this house are supported by law. The government is suggesting that we completely remove representation from this place and make it statewide representation.

Several members interjected.

Hon JAMES HAYWARD: That is exactly what the government is proposing.

Several members interjected.

Hon JAMES HAYWARD: I have only 10 minutes, President.

The PRESIDENT: Order! If you are not seeking interjections, do not court them.

Hon JAMES HAYWARD: We will be lucky if we have a handful of genuine regional members after the next election. I am sure a deal has been done on the other side of the house that says, "Don't worry; we'll preselect you. We'll sort it out." Fast forward 10 or 15 years, once the individuals in this chamber have left —

Several members interjected.

The PRESIDENT: Order!

Hon JAMES HAYWARD: Thank you. Hon Darren West works very, very hard in his electorate. I have no doubt he turns up to as many events as he can. He has a very big space to get around but after this —

Several members interjected.

The PRESIDENT: Order, members!

Hon JAMES HAYWARD: Thank you, President. After this legislation is passed, getting around that electorate will be very, very difficult. We were very dishonestly told the reason for this legislation. It was completely denied before the last state election. The Labor Party told the people of regional Western Australia before the election that it did not support electoral reform, it was not true and it was a smokescreen. We know it was not true. We are told that it is happening because one member in this house got 89 first preference votes.

Hon Dan Caddy: It was 98.

Hon JAMES HAYWARD: Sorry; it was 98. Could anybody be elected with fewer first preference votes? Hon Shelley Payne got 36 first preference votes. Hon Sandra Carr got 37 first preference votes. Hon Kyle McGinn got 32 first preference votes. Hon Peter Foster got 18 first preference votes.

Several members interjected.

The PRESIDENT: Order!

Hon JAMES HAYWARD: Hon Rosie Sahanna got 23 first preference votes. Then those votes went through a process by which they were distributed down. That is no different from what happened with the 98 votes, yet that is the example that is being used to justify wiping out regional Western Australian voices in this house. It is an absolute disgrace.

Hon Kyle McGinn interjected.

Hon JAMES HAYWARD: The member will have his turn.

The other thing the Premier said is that a vote in some places is worth six times more —

Point of Order

Hon PETER COLLIER: I am really trying to listen to Hon James Hayward speak, but with the constant interjections I cannot hear him. He is not taking interjections and I ask that honourable members opposite please respect that.

The PRESIDENT: Although there is no point of order, I point out to members that courting interjections and making interjections will not be tolerated.

Debate Resumed

Hon JAMES HAYWARD: The Premier said that one vote in Hon Rosie Sahanna's seat was worth six times the number of votes in other electorates. I wonder whether Hon Rosie Sahanna and others feel that their regions are represented six times more than other regions and whether they get more of a say in the Parliament of Western Australia than other regions. I can guarantee members that the issues in the Kimberley are significantly more challenging than those in the suburbs of Perth.

Hon Dan Caddy: There's record spending in the regions.

Hon JAMES HAYWARD: Record spending is another one of the lies. Most of it is federal government money. The government is also still moving \$2.2 billion in normal government spending and calling it royalties for regions. Again, the dishonesty continues. The government is really interested in spin instead of substance.

Surely, regional members of the Labor Party cannot be happy with this outcome. They know that ultimately this will snuff out regional voices and we will lose regional representation in this house, and the people who they stand up for—their constituents—will not benefit. Government members might argue some pie in the sky idea that there is a great ideal and that this is how democracy works and all the rest of it and that it is how they want it to be, but the reality is that this will do nothing for people living in regional Western Australia. If government members have any sense of decency or any sense of commitment to standing up for their local people, they will speak to them and stand up for them.

Last week, a decision was made affecting Manjimup and not a single Labor member of Parliament had had any contact with people in Manjimup to let them know that that decision was coming. That is how the government did it. That is the future for regional Western Australia; the government does not care for them. It is going to snuff out their voices in this house because it can, and it will leave people in regional Western Australia far worse off. The reality is that government members know that that is what is going to happen. They can pretend that their preselection program and encouraging members to be regional members of Parliament is the way forward, but we know that that will not work. One of the things that the Labor Party put into place was a quota system to ensure gender equality. Many female members of Parliament are in this house today because of that quota and because there was a structure to make sure that it was delivered. That is the same in this house. We currently have a structure that is delivered by law that makes sure that the regions get a say in what goes on. We are going to have experts who live in the city, who have never lived in or travelled out to the regions, who do not understand the issues faced by people in regional Western Australia. They are unique issues. If government members speak to their members from regional WA, they will be told that the regions have unique issues, but that will not be understood because we will have a house full of metropolitan politicians. We will have more Perth-based politicians telling everybody from the regions what to do. The government is happy to take their money. It has a record surplus right now —

Several members interjected.

The PRESIDENT: Order!

Hon JAMES HAYWARD: — because of the work of regional Western Australians, and it wants to reward them by taking away their voice in Parliament. Honestly! Government members should be disgusted with that.

I have no doubt that there are members on the other side who are really contemplating their position and where they are in terms of standing up for their electorate. I have no doubt that they feel wedged and compromised by this decision. I have some great news for them. There is a spot over here when we come to vote. Members opposite can vote with us.

Hon Alannah MacTiernan interjected.

The PRESIDENT: Order!

Hon JAMES HAYWARD: Perhaps regional members of the Labor Party, if they cannot have their voice heard in caucus, need to resign and stand up for their local community.

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [10.51 am]: I am very proud to be here today, some 28 years after I delivered my first speech in this place. When I delivered that first speech, I emphasised the undemocratic nature of this place and the way that this place has, right from its very inception, not served its role as a house of review. It had attempted at all times to preserve a hegemony—first, it was for

men. When the Legislative Assembly became an elected body, the Legislative Council retained its status as a body appointed directly by the British government. In 1893, the Council became an elected body. While the Assembly had universal male suffrage, this place had a property qualification and multiple voting. This disparity continued until the 1960s. A person had to have property to get a vote in this place. I will not go through the detail of all that history, but, forever, members on that side of the house have sought to make this something other than a democratic institution.

Today we are seizing this opportunity to make this house a democratic chamber, a true house of review. It should not be a house in which the Nationals WA has been able to drive so much of the decision-making over time. We will make sure that there is not that massive difference in the value of the vote. Members should think about what we are supposed to be. Hon Peter Collier will pontificate about the house of review. I get criticised because I have been in both chambers—apparently having a range of experience is a bad thing, according to members opposite. Members can see the result of that in terms of quality. I note a quote in my first speech —

“parties do not select men who are likely to add any original or specialist note to the debate, since they use the Chamber to reward faithful service”.

I am pleased to say that there has been some improvement to that, but, in some places, not a great deal. Sometimes the person is the beneficiary of branch stacking. If they are a really good branch stacker, they are assured a place in the upper house.

Several members interjected.

The PRESIDENT: Order!

Hon ALANNAH MacTIERNAN: Remember when Hon Martin Aldridge pleaded so powerfully that he was representing regional Western Australia. I note that Hon Martin Aldridge has chosen to have his office in Bindoon, which is 37 kilometres from the metropolitan boundary. His votes from those worthy people in Bindoon are worth almost two and a half times the votes of the people in Albany. How is that just? How does making the vote of the people who live 37 kilometres from the metropolitan area two and a half times the value of the vote of people from Denmark, Albany or Jerramungup work? How can members opposite justify that as delivering for regional people? We are going to make this place truly a house of review.

Several members interjected.

Hon ALANNAH MacTIERNAN: It will be.

Several members interjected.

The PRESIDENT: Order!

Hon ALANNAH MacTIERNAN: This place will not continue to allow the Nationals and Liberal Party members the ability to represent, as they used to like to think, the permanent will of the people: “Labor might get in in the lower house, but we represent the permanent will of the people.” This reform will mean that all 37 members will represent all the state. They will have an obligation to keep in mind the interests of the people and to review legislation through that lens. This place will not just be a pale copy of the Legislative Assembly. It will start to develop a different and a proper character as a house of review. Under this reform, the Labor Party and the Liberal Party—most of the major parties—will get a similar share of the vote if their vote is the same, but I think we will see the emergence of smaller parties. Parties will be represented here —

Hon Martin Aldridge: You said you are stopping that. That is the issue you are stopping—the micro-parties.

Hon ALANNAH MacTIERNAN: No, we are going to have parties that represent interests statewide. People from the Kimberley to Perth and Albany might share particular views that members will get an opportunity to represent. This will really become a chamber that can more adequately represent the diversity of views in the population.

I used to believe in the abolition of this chamber; I do not any longer. I thought that the mixed-member proportional system that we see in Germany and New Zealand was a better model. It had single-member constituencies and a list system under which parties that had a certain percentage of the vote, but not enough to win, were topped up to win a single-member constituency. Having observed over many years how that has played out in the establishment of government and the challenges it creates in Germany to allow a government to form, and we have also seen that from time to time in New Zealand, I now think it is better to have those two things done in separate chambers. The lower house is where government is formed and stability is provided by having a preponderance of major parties. The Council will have a more diverse range of opinions. I am sure that our friends from Legalise Cannabis WA will get up, and we know that our friends in the Greens will get more members. We might even see a resurgence in parties from the right. When we actually look at how this will work, we can see that it will allow for a huge amount of diversity in this place. It will enable representation to be based not on some random drawing of the electoral boundaries so that people in Bindoon are favoured over people in Albany; it will ensure that we have a house that represents the great diversity of political views within the state in a way that cannot be done in the Legislative Assembly. We will not be just another form of the Legislative Assembly; we will become a proper house of review in which the full diversity of opinion can be supported.

Hon Martin Aldridge raised the issue of the Premier. The Premier said that he would retain enhanced voting for regional areas. That is done in the Legislative Assembly. We are not saying that Bindoon is the area of concern, but we recognise that in the Assembly, members have a geographic relationship with their constituents. In the Kimberley, Pilbara, North West Central, Central Wheatbelt, Roe and Kalgoorlie electorates, we have made a very generous accommodation because of their sheer physical size. For example, the member for North West Central was elected with 3 500 primary votes. There are about only 10 000 actual voters—there are a heap of phantom voters—and a weighting distribution.

Hon Dr Steve Thomas: Are you saying there are ghost voters in Roe and Central Wheatbelt? How many?

Hon ALANNAH MacTIERNAN: There is not a huge amount. The difference in those areas is not huge. Obviously, North West Central is the seat that has the preponderance. My understanding is that certainly the Kimberley, Pilbara, Kalgoorlie and, I believe, Central Wheatbelt and Roe electorates have ghost voters. I am a bit unsure and I am seeking clarification on whether there are more. Any seat with over 100 000 square kilometres has the ability to have phantom votes. Of course, on another plane there is the capacity to be not just a 10 per cent deviation from the norm in terms of the distribution, but a 20 per cent deviation, so it works on two axes. That is entrenched into the Legislative Assembly, and we will not change that. We are seizing this historic opportunity to make this a house of review, not a look-alike of the Legislative Assembly, as other conservative states have done. One member—I think it was Hon Tjorn Sibma—was deeply upset that Malcolm McCusker and his team consulted with New South Wales and South Australia.

Hon Tjorn Sibma: I was not upset that he consulted with them, but it was obvious that the fix was in and he consulted with them before the Western Australian Electoral Commission. I just found that very odd.

Hon ALANNAH MacTIERNAN: I think the committee would have been looking at how the one vote, one value systems work. At some point, the committee obviously consulted with Victoria as well, which has a complex model, but it is a one vote, one value model.

Personally, I do not think any party will ever again get control of the Legislative Council. I think these changes will allow, and indeed encourage, a greater diversity of voices. We will see parties forming on the right, the left and, from time to time, single-issue parties such as the Legalise Cannabis WA Party to take an issue forward. I think that will be a celebration of democracy and it will be good for the people in the regions. They will have more choice and more ideas to choose from. This will be an extraordinary opportunity for people in Western Australia, right across the state, to have enhanced representation.

I agree that the central issue is not Hon Wilson Tucker. That is an issue that we have to deal with, but the more profound and deeply democratic issue is that of us entrenching in this place one vote, one value and giving every person in this state access to all 36 of their representatives. A very considerable percentage of members in New South Wales and South Australia from the regional electorates are basing their offices in regional areas. I know that our party will entrench regional representation in our preselection processes. Vote for this great, historic change.

HON PETER COLLIER (North Metropolitan) [11.06 am]: I say at the outset that the government has absolutely zero credibility in this area. It has no mandate for this legislation whatsoever. I take on board the comments the Minister for Agriculture and Food made about Hon Wilson Tucker. She would know better than anyone, because she has been in every Parliament in the nation, but Hon Wilson Tucker has been used as the poster boy for this legislation by the Premier. Perhaps she needs to let the Premier know that. The government does not have a mandate for this bill. It is drunk on power based on the COVID-19 election. Let us make no bones about that. The Premier knows that he has enormous political capital. Every time there is an issue or a wavering of support, he taps into the secessionist sentiment in Western Australia. That is exactly what happens. He puts up the borders, chastises the east coast and gets back to the crass, base political aspect of secession.

That is what the government is doing here. We rushed through changes to the standing orders of this place, which by coincidence occurred last week, and now this week the government has brought in this legislation on changes to the Electoral Act. Do members think that might be a coincidence? I would say that it is not. The government is trashing this place. It is trashing the Legislative Council and the Parliament. The last time I checked, we had a bicameral system of Parliament. The reason for that is that it provides a check and a balance, but we cannot do that at the moment, and the Premier knows that. He knows that he has enormous political capital. People cannot criticise or question the Premier. That would be like shooting Bambi! People cannot do that at the moment. We will fight this right down to the wire and right up to the next election, particularly in the regions because they will be disenfranchised. The terms of reference for the ministerial expert committee's report state —

Recommendations as to how electoral equality might be achieved for all citizens entitled to vote for the Legislative Council

Why even have that in the terms of reference? Equality means that everyone in Western Australia is equal. We are not equal in Western Australia. Ask the people in the remote regions of Western Australia whether we are equal. I will get to that in a moment.

Malcolm McCusker was quoted in an article yesterday. I have great respect for Malcolm McCusker. The article states —

Mr McCusker said the “whole-of-state” model recommended by the committee was “almost inevitable” given the terms of reference devised by the McGowan Government which sought options for “electoral equality” in the Upper House.

Malcolm McCusker said that. Why even have the charade of a committee for eight weeks? We had eight weeks to change the whole electoral system of Western Australia. The committee had eight weeks to come back, and then, just by coincidence, the government tabled the legislation the next day. Go figure! This is a set-up. The whole thing is a charade. It wasted the time of the people on this committee and it is an insult to the people of Western Australia.

As justification, the report had a look at South Australia and New South Wales, and, not only that, it refers to the Senate. Come in spinner with regard to the Senate! New South Wales and South Australia are nothing like Western Australia, and I will talk about that in a moment. Let us have a look at the Senate, shall we? The reason Western Australia did not go into the Federation in the 1890s was that we felt we were going to be completely disenfranchised by the golden triangle on the east coast. There were then referenda throughout the other states in 1898. We finally joined in July 1900 because every other state had joined at that stage. The only reason we joined was that there was going to be a bicameral system of government, and all the states would have equal representation. The golden triangle had more representation by far in the House of Representatives, but there would be a check and balance in the Senate, so New South Wales and Victoria had exactly the same representation as Tasmania, Queensland, South Australia and Western Australia. The big states could not gang up on the small states. That is why we have the Senate, with six senators each. In section 24 of the Constitution —

Several members interjected.

Hon PETER COLLIER: I am not taking interjections. I have five minutes, Mr Deputy President.

The DEPUTY PRESIDENT: Order!

Hon PETER COLLIER: Under that section, every time there is an increase in the House of Representatives, there is a corresponding increase in the Senate, so we now have 12 senators. Does anyone decry that or say that it has not worked in our Federation since 1901? Of course it works, because the Senate acts as a check and balance. That is why Western Australia, which is parochially secessionist, has said right from the outset that we must have that check and balance. We can hear the cries from people out there in the regions who say, “We want a check and balance in the upper house. We will not have that if we have so-called equality in the Legislative Council.” Equality— what a load of rubbish! That is all we are doing here. We are making the Legislative Council nothing more than just a nudge and a wink or a tick off for the Legislative Assembly.

I say to members: let us see how equal we were. In Kalgoorlie back in the 1960s, as a young child, I had my tonsils taken out by Dr Max Hansberry. He was a top doctor. Eighteen months ago, my great-nephew had to be flown down to Perth from Kalgoorlie. Do members know why? Did he have a heart condition or have to have major surgery? It was because he had to have his tonsils out. After all those years, are we equal? Back in the 1960s, someone could get their tonsils taken out in Kalgoorlie Hospital; now they have to be flown to Perth. My sister had a bad car accident three years ago and had to come to Perth multiple times because the hospital facilities were not adequate in Kalgoorlie. Of course, the health issues in Western Australia are another issue, but if it is bad in Kalgoorlie, which is a large regional area, imagine the access to health facilities in the remote regions of the state. Are we all equal? Of course we are not. We moan and groan down here when we have problems with the national broadband network access and streaming. Tell the people in remote areas of Western Australia who have brownouts and blackouts every single day about the slow streaming areas or whether we have access to electricity. Why do we not ask children in the remote areas of the state whether they have the same access to subject choices as their counterparts down here? Of course they do not. They have to go to the School of Isolated and Distance Education or Schools of the Air. Then let us ask the parents of an 11-year-old who have to send their child to boarding school whether they have the same access to education as people do in the city. Of course they do not! The biggest challenge we have down here is whether the bus is five minutes late!

Several members interjected.

The DEPUTY PRESIDENT: Order! Order, members.

Hon Alannah MacTiernan interjected.

The DEPUTY PRESIDENT: Order! Minister, when the chair is calling the house to order, you stop talking.

Hon PETER COLLIER: Thank you. The biggest issue down here is whether the bus is five minutes late, so do not tell parents in the regions that they are equal, because they are not. Do not tell a student in the regions that they are equal, because they are not. Students have 72 subject choices here with face-to-face teachers. In the regions, students are lucky if they have Schools of the Air; otherwise, they study through SIDE. Do not give me this rubbish about equality. What about police? In my budget-in-reply speech yesterday I talked about the mental health facilities

for police who are struggling in the regions. I presented clear, unambiguous evidence in my budget-in-reply speech that there is a very disparate distinction between services and support mechanisms for police and first responders in the regions and those in metropolitan areas and in the cities. It just does not exist. Why do we pay —

Hon Alannah MacTiernan interjected.

Hon PETER COLLIER: Deputy President.

The DEPUTY PRESIDENT: Order! The member has limited time remaining and I am trying to listen to the final remarks of Hon Peter Collier.

Hon PETER COLLIER: Thank you. Why do we pay our police and teachers more to go to the regions and remote areas if it is equal? If it is equal, surely they should get the same pay, but they do not. We have to pay them more because it is so much more challenging in the regions. What about representation? My office is in Warwick. I have a plethora of people coming in and out of that office. Why not tell someone in Karratha, Port Hedland, Kalgoorlie, Coolgardie or wherever about equal representation?

Several members interjected.

Hon PETER COLLIER: You ask them!

Several members interjected.

The DEPUTY PRESIDENT: Order, members!

Hon PETER COLLIER: Thank you, Deputy President. What we have is again a lack of access. We are not all equal. It would be lovely to live in a utopian society, to all be equal and have the same access to services and education, but we do not. We live in Western Australia. We are geographically unique. That is why we need to have unique representation in the regions. We do not need to napalm the current system, which is working well. Do not use an aberration —

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon PETER COLLIER: The current representation is working well. As I have constantly said, the seeds of destruction from a government are sown in Parliament. You guys have sown your seeds, and I tell you, you are going to wear it, because you have germinated it. This is absolutely disgraceful. If this government wants to take away representation in the regions, it is doing so, and it will suffer the consequences.

HON STEVE MARTIN (Agricultural) [11.17 am]: I rise to make a contribution to the motion moved by Hon Martin Aldridge that refers to the house condemning the Labor government, which before the election claimed to enhance regional representation, and just months —

Several members interjected.

Hon STEVE MARTIN: Talk amongst yourselves; I will carry on.

The DEPUTY PRESIDENT: Order! Members, if you want to have a dispute with other members, perhaps take it outside the chamber. I am trying to listen to Hon Steve Martin.

Hon STEVE MARTIN: In March, when I saw the results, I knew that I was coming to this place and was elected, and I knew what the numbers were in here. I assumed that we were not going to win many votes. I am sure that members opposite thought the same and that they would win every vote. I knew that was the deal. That is what the electors had given us, and that is absolutely fair enough. Of course, the government had taken an agenda or a platform to the March election, and I assumed that it would put that platform into place over the coming years.

I want to talk about the process that has happened in the last couple of days through this *Ministerial Expert Committee on Electoral Reform: Final report*. The process is that, regardless of that overwhelming victory in March and the enormous agenda that the Labor Party had before the election, we heard I think seven or eight times in that ABC interview with the Premier that it was very clearly not on the Premier's agenda to touch electoral reform. That was quite clear. The Premier made it very clear to the public, "We're not touching this. We've got a lot of other stuff we're going to do when and if we win." Fair enough; the Labor Party won. It is going to win every vote in this place and it can put that platform through. But this simply does not pass the pub test. The Labor Party did not mention it before the election; in fact, it was asked over and over again, and it was denied over and over again.

If members opposite have not read the transcript, they should look at it. I think the interview was with Dan Mercer from the ABC. It is wonderful stuff. Even the Premier, who is pretty good in front of the media, was flagging after the fifth or sixth "It's not on the agenda." He was getting nervous, but he stuck to it and he got through it seven or eight times: "It's not on the agenda." Yesterday, on the steps of Parliament House, he gave it another bash: "It wasn't on the agenda." Poor old Hon Wilson Tucker is getting the blame for a lot of stuff. He was wheeled out again: "He got 98 votes; it's a catastrophe." The Labor Party knew in advance that this was a possibility, but he is getting blamed for it. The Premier gave his spiel again. There was a glimmer of what is really going on. Minister Quigley got to the microphone and was charging on about what a wonderful thing this is. He was asked by Geof Parry

whether he had been dreaming about this. “Yes, we have; for 120 years we have been dreaming about it.” I was standing not far from the interview and I could see the Premier look at his boots and think, “Gee whiz.” Minister Quigley got a head of steam up: “We’ve been dreaming about this for 120 years.”

This did not happen because of Hon Wilson Tucker. The Labor Party has been after this for 120 years, and the Premier knew it. Either the Premier did not have it on the agenda or he had done his media training. He knew what he wanted to do, but in those countless interviews leading up to the election, he was told to keep saying, “It’s not on the agenda” and to stick to it. So that is what he did and here we are.

The government put in place this review. I almost felt sorry for Malcolm McCusker yesterday. His panel’s terms of reference have been referred to, one of which states —

Recommendations as to how electoral equality might be achieved for all citizens entitled to vote for the Legislative Council;

It does not say what equality might look like or what the president of the Shire of Serpentine–Jarrahdale’s view is of what equality might look like. There was only one result that would come out of this review, and that is exactly what we have got. There was one possible result.

In the briefing we received from the panel and Mr McCusker —

Several members interjected.

The DEPUTY PRESIDENT: Order, members! I do not generally favour a sterilised debate, but when chatter just becomes chatter and not short interjections, I will invite members to leave the chamber.

Hon STEVE MARTIN: I asked the members of the panel about the process. There were a number of submissions and they thought that was adequate. I inquired whether they had been to regional Western Australia. I thought that was a reasonable request. I thought it might have been a reasonable assumption that they would have actually left West Perth or the suburbs and gone to regional Western Australia. Obviously, submissions can be emailed and things can be done via Zoom, but I asked whether they had been to regional Western Australia. No. Had they been to Kalgoorlie? No, they did not get to Kalgoorlie. What about the Pilbara? “No, haven’t been up there either. We stayed in the city and we put our review together—all good.” That might seem appropriate to everyone here and it might seem appropriate to the citizens of metropolitan Perth, but those of us who live in regional Western Australia are used to being treated in that way, are we not, Hon Darren West and Hon Kyle McGinn? That is how we are used to being treated in regional Western Australia. That review panel thought it was entirely appropriate that it go ahead and do its business and not wander out —

Several members interjected.

Hon STEVE MARTIN: I am not taking interjections. I have three and a bit minutes left.

That was an entirely appropriate method of business, according to that panel. That was not a surprise to me, given the make-up of the panel and where its members live.

Just quickly, I will refer to a couple of things. We have heard a lot about electoral equality. I wonder whether the Legislative Assembly is next.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon STEVE MARTIN: The Minister for Electoral Affairs stood on the steps of Parliament House yesterday and proudly waved this report around and said that it is wonderful. I believe there are 32 711 electors in Butler. There are 15 735 in the Kimberley. We have heard from Hon Alannah MacTiernan that that is appropriate because those people need that dispensation to get a fair result, evidently. They are the words of the minister. Those people in the Kimberley need that dispensation, so their vote is worth twice what a vote is worth in Butler or Cottesloe or any of the metropolitan seats and that is appropriate. But I wonder where this newfound zeal for one vote, one value by the Labor Party has come from.

Hon Alannah MacTiernan interjected.

The DEPUTY PRESIDENT: Order!

Hon STEVE MARTIN: If that is the case, will Labor members will be pushing this forward?

We also heard from the minister that we will be fine because the processes put in place by the major parties, including the Labor Party, will ensure enhanced regional representation in the future. I might refer to the process that took place in the Labor Party for the South West Region at the recent election. I believe that well-known regional and south west identity Hannah Beazley was on the south west ticket for some time. She had had a run almost everywhere else, but she was keen to run in the south west, where she has a great and detailed background! She did not stick around. Something closer to home bobbed up and she is now—well done to her; congratulations—the member for

Victoria Park, which is a fair distance from the South West Region. On that basis, it will be interesting to see how the Labor Party deals with enhanced regional representation after this process. All parties will have an onus to behave and elect regional members to this place after this event.

We have talked a fair bit about equality. Hon Peter Collier raised the issue of exactly what equality means. I will refer to a couple of examples. The power outages after cyclone Seroja in the midwest lasted for nine, 10, 11 or 12 weeks. Can members imagine a 12-week power outage in all those lovely Labor seats in the western suburbs? I am not sure that we can. Equality has a number of different faces, does it not, honourable members—road safety, education outcomes and incomes in regional Western Australia? I welcome the opportunity to make this contribution and I urge members to support the motion.

HON NEIL THOMSON (Mining and Pastoral) [11.27 am]: I would like to put a bit of a local perspective into my comments today. After the first sitting of this place, there were many debates over the following weeks in which we celebrated the historic outcome of the election of my colleague Hon Rosie Sahanna. I acknowledge her as a fellow Kimberley person elected to this place. We also celebrated the election of Divina D'Anna to the other place. I was also elected to this place as someone who lives in the Kimberley, so, for the first time—I do not think there has ever been another time in history—three representatives in both houses are from the Kimberley. Hon Peter Foster also lives in Tom Price—I assume that is where he lives.

Hon Peter Foster: I know where I live. I proudly live there.

Hon NEIL THOMSON: Kevin Michel also lives in the Pilbara. We have five representatives who live north of the twenty-sixth parallel. I think that is probably a historic outcome. This place actually works. It has worked. It has delivered regional people to regional seats.

During the election campaign, I spent many hours and days travelling across the vast Mining and Pastoral Region. My focus was on the Mining and Pastoral Region. I knew where my votes were coming from and I had to get out there and meet the people of the Mining and Pastoral Region and make the case for why I should be their representative in this place. I have made faith with those people; I have their trust. I am here because a good number of them put my name first.

Hon Kyle McGinn interjected.

Hon NEIL THOMSON: Yes, enough to get me up. In terms of proportion, we had the second highest vote of any party, more than your 36, Hon Kyle McGinn. I came to this place to represent my constituents' needs. I have only a minute left. I want to talk about one issue that I do not think has been raised in this chamber. I have seen how my presence in this place has resulted in outcomes for my region. The government is fearful when I raise issues so it responds, and that is a good thing because it is the job of the opposition to keep the government honest.

I will use this opportunity to make a case. I do not know whether the government is listening. Clearly, it has not been listening. I will not go into the matter of the Premier breaching the trust of the Western Australian people. It is absolutely clear that there has been a total breach of trust and I do not have to repeat it. The people of Western Australia know. In the 25 seconds that I have left, I want to talk about the patient assisted travel scheme for dental treatment. People cannot get patient assisted travel for dental treatment unless they have to go under anaesthetic. There are so many young children in my region whose teeth are decaying and they need access to PATS. That is why I am here and it is why I represent my region.

Motion lapsed, pursuant to standing orders.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from 15 September on the following motion moved by Hon Stephen Dawson (Minister for Mental Health) —

That pursuant to standing order 69(1), the Legislative Council take note of tabled papers 534A–D (2021–22 budget papers) laid upon the table of the house on Thursday, 9 September 2021.

HON TJORN SIBMA (North Metropolitan) [11.31 am]: I might use this opportunity to shift gears somewhat after what has now become the obligatory slanging match on a Thursday morning. It is good to see adversarial parliamentary democracy in the raw, which is what we have just witnessed. I want to make some observations about the quite extraordinary budget that was read into this place last Thursday, talk about some macro issues, focus on matters pertinent to the issues for which I have shadow portfolio responsibility, particularly environment, and focus on why we are in this place and why we should continue to focus on the continued welfare and betterment of our fellow citizens of Western Australia.

An operating surplus of some \$5.6 billion is obviously a story in itself. Although it was remarked recently that that is a record in the Western Australian budgetary context, it is nearly a record nationally. I think New South Wales pipped us by \$100 million on a revised view. We are living in absolutely extraordinary times but are we making the most of these times? On a clear-headed assessment of the budget and the priorities laid out therein, I do not think we are. Overall, the budget attempts to play catch-up to a series of maladies across a range of critical service areas

that have come about as a consequence of consistent government neglect over the previous four years. That is why there has been the announced spends in the health and mental health portfolios, why we are still playing catch-up in police service and community safety and why we are playing catch-up on the issue of homelessness.

Listening to the debate in this chamber yesterday on the motion put by Hon Jackie Jarvis, one might have been beguiled into believing that this budget is solely the manufacture of the McGowan government and its superior skills of financial management. I witnessed this government's financial management over the course of the last four and half years. To be frank, it has done some things well and some things exceedingly poorly, but it cannot claim that the budget result that was handed down in this place last Thursday is solely the consequence of its assiduous and superior financial management skills. The surplus was a gift, almost a gift from the gods, and I would counsel Labor government colleagues in this place to not mock the gods in the way that they do and take credit for the fortune they have been bestowed. It is very dangerous to tempt fate, but they seem to have done so. This is not just a whimsical assessment; this can be seen clear as day in the budget papers themselves, which is worth reiterating.

I refer my colleagues, if they are so tempted, to budget paper No 3, which provides the economic and fiscal outlook for the state. Page 78 provides an overview of the royalty income received by the state. The estimated actual for the financial year just concluded was \$12.1 billion of royalty revenues alone—\$12.1 billion just from royalties. It is also worth reflecting on what composition of that royalty largesse, that bequest that we received, was contributed to by iron ore royalties. Of that \$12.1 billion, \$11.3 billion came from iron ore royalties. Ninety-three per cent of the state's entire take-home royalty pay last year was derived from iron ore. The total revenue received by the government was \$40.2 billion; effectively, that \$11.3 billion of the \$40.2 billion represents 28 per cent of the revenue that we earned. How was that revenue earned? Was it earned as a consequence of the superior management skills of the now Treasurer, the luckiest self-appointed Treasurer in the world, Hon Mark McGowan, or his erstwhile predecessor in that task, Hon Ben Wyatt? No. We know the reason. It is largely because iron ore has been hovering above \$US200 a tonne for an extended period. That is an extraordinary price. Our major competitor in iron ore, Brazil, suffered an enormous tailings dam collapse maybe two or three years ago, which obviously ratcheted up the price of iron ore and we were able to outcompete our natural competitor. None of that came about as a consequence of the management or foresight of Mr McGowan or his predecessor in the role of Treasurer, the now highly successful Hon Ben Wyatt. Unless somewhere buried in this budget is some reference to a Western Australian Treasury special operations team with a global reach that can go and take out our competitors and provide us with a strategic competitive advantage, the government cannot claim credit for the result.

These extraordinary times will continue to some degree. For the budget estimated year 2021–22, the year that we are in, we are anticipating the receipt of \$9.2 billion in iron ore royalty income out of a total expected royalty income stream of \$10.1 billion. Of our royalty income this year, 91 per cent will be derived from iron ore. That is who we are. That also represents \$9.2 billion out of the total \$38.3 billion of royalty revenue we anticipate this year, which is something like 24 per cent. The contribution of iron ore royalties alone is effectively 25 per cent, or a quarter of the state's income. That is from one commodity. That degree of specialisation or narrow and deep focus embeds obvious risks. I will get to that later, because the budget papers speak of risks. I do not think they contemplate all of them. For many people, this is rudimentary, but as a trade-exposed and commodity-based economy such as ours, our financial fortunes are largely dictated by forces outside our control—for example, parameter movements in foreign stock exchanges, commodity prices fluctuating, exchange rates fluctuating and the like.

For the uninitiated, I think it is always good to look at what people in Treasury routinely prepare as part of budget paper No 3, which is the statement of risks. Ordinarily, as indeed they have done this year on page 51, there is an assessment of parameter sensitivity. This, effectively, tells us what variability in income we can anticipate, for example, through 1¢ decreases or increases in the Australian–US exchange rate as it relates to royalty income and North West Shelf grants. A 1¢ variability will affect take-home revenue by \$147 million. A \$US1 fluctuation in the price of iron ore represents a change plus or minus of \$82 million in take-home royalties. This should mean that we can never be too complacent. Indeed, I recall one of the criticisms that the present government had in version mach 1—“mach” rather than “Mark”—was that the Barnett government did not do enough to diversify the state's economy. All right, but what has this government done to diversify the Western Australian economy?

I recall the blandishments and the sort of campaign poetry about a deeper and closer engagement with the Asian economies at our doorstep. There was the formulation of a Minister for Asian Engagement, with great fanfare. There were talkfests and speculation about what this would mean for the Western Australian export sector. What happened to that concept? It seemed, unfortunately, to have died, along with what I would consider to be the mysterious removal of Hon Peter Tinley from the cabinet. I thought he was a minister of the first rank. I enjoyed immensely my dealings with that member over the previous four years, and I think his absence from the cabinet is a hole that has not been filled. I recall that he had the portfolio at some stage; I forget when because I think Hon Bill Johnston also had that portfolio. I do not see what the problem was. Regardless of whether he was successful, he just seems to have disappeared off the radar along with, I think, generally speaking, the so-called commitment to diversifying this state's industrial base. This reflects the very clear incontrovertible risk that a Western Australian government of any political hue will always face. We have a deep but also very narrow economy—exceptionally so. This will have an impact on the state's financial management and decisions taken therein over the short, medium and longer terms.

Also, countenanced among the risks that we face are global dynamics beyond our ken. Although we have been successful and there has been good management involved, there has also been a great degree of good luck. I do not begrudge anyone their luck in life, even my political opponents, because we all need a little bit of luck. We have been lucky to navigate COVID-19 in the way that we have. We have geographic advantages as much as we might have competent leadership. Although, I would not say it is all that competent, but that is an argument for another day. We have very challenging times ahead in the very short term in our immediate geopolitical environment. I do not need to go into much detail, but we are living through, or we are on the precipice of living through, a very dangerous and tumultuous age that will have consequences not only nationally and culturally, but also for our state's economy. One of the risks, however, that is somewhat in our control but that I fear might get away from us, is the obvious inflationary pressure that is being baked into the state's economy presently. I will get to the skills shortage in a moment, but what I will call the "forever hard border", which has increasing thresholds of vaccination uptake or new and changing conditions dependent upon the operations of other states, is going to cook in, bake in, pressure in our economy. We are already seeing it in terms of the residential construction sector. I was lucky enough to commence building a house at the end of last year.

Hon Alannah MacTiernan: Where are you building? Are you setting yourself up for a lower house seat? Show us some courage.

Hon TJORN SIBMA: I always welcome the minister's interjections, not all of them equally, but I will encounter that one. I do not know when it might be time for me to descend from this heavenly realm and take on the earthlings in the other place. I do not know when I will do that, whether I should do that or if I will do that, but I thank the honourable member for seeding me with the concept. I might take you up on that.

Hon Alannah MacTiernan: You are one of the few that we think could actually make the transition.

Hon TJORN SIBMA: You have just killed my political career just like that. You have just killed me. That is terrible—absolutely!

Hon Pierre Yang: It is a compliment.

Hon TJORN SIBMA: I thank the member—very good.

Hon Alannah MacTiernan: But where are you building your house?

Hon TJORN SIBMA: I am building a house and it is a great thing to do. I make the observation that the brickies were very easy to get in December and January.

Hon Alannah MacTiernan: We want to know where.

Hon TJORN SIBMA: I know the minister wants to know all about me, but I am not gonna give it up that easy! The minister should not expect that.

That is a problem. The residential housing market is going to become overheated —

Hon Darren West: Is it in the regions?

Hon TJORN SIBMA: It will be in the entire region now; will it not? I will be in Western Australia—of that there is no doubt! I will not be in New South Wales, Tasmania, South Australia or any other state.

The point is this: we are seeing very clearly—you do not have to look too far—the early signs of inflationary pressure and that obviously will have consequences throughout the private sector, household economies and the state. It is obvious that the state government is forecasting this problem as well. I like the euphemism. We had a discussion with the Minister for Education and Training at the end of the combined estimates and annual report hearings last year about whether she would consider at that stage smoothing the planned school construction schedule because of this very issue. She did not say that she would but that she might take it on board. It is clear now that the government has actually absolutely taken this on board because it has no alternative. Money chasing a limited pool of workers will drive up costs and almost inevitably lead to delays in project delivery. That will just happen. There is a fundamental problem and, I suppose, an unmentioned risk. It does not matter whether it is a Labor, a Liberal or some other government in the future, the key challenge we face as not only a community, but also an economy is the risk of complacency.

It is sometimes tempting to make cheap political shots, particularly if one is feeling somewhat frustrated; therefore, I will try to put this in more nuanced terms. This budget is disappointing because it does not take advantage of a golden opportunity for serious reform. I am surprised that this has been passed up. Frankly, I would have expected a little more courage, vision and boldness. Perhaps the government could have re-adapted the energy and ambition, even the sheer ruthlessness, of what it is doing to recast the composition of this house and focused it on something that will set up this state and the people who live in it for a brighter, more rewarding future, particularly when the future will be particularly challenging. Unfortunately, this budget has no serious commitment to reform. It has no action on payroll tax or stamp duty relief and no real action on cost-of-living pressure. I think that is absolutely unfortunate.

This is as much a political document as it is a financial one so I think we can legitimately and constructively reflect on it politically. In an election campaign that had a lot of interesting moments, there was a telling moment in the solitary televised debate when the Premier and the then Leader of the Opposition were asked about their vision for Western Australia. I remember it distinctly. I was holding one crying child and trying to bat away another while trying to listen closely to the television and what the Premier might say. The Premier had to go to his notes. I remember that moment distinctly. I cannot recall off the top of my head what he said, but that impulse to go to his notes showed that he did not have an idea. He did not have an idea in February and this budget confirms that he does not have an idea in September either.

Much has been made of the Liberal Party since that election. There has been an almost obsessive focus by some on matters that I think are, in the grand scheme of things, inconsequential. In fact, it is just an excuse for not scrutinising the government on its performance, or lack of performance. Like members of my party room, I accept full responsibility for the outcome. We are collectively responsible. But I will not leave unchallenged that we were somehow a policy void. That is absolutely wrong. That is absolutely not true.

I will reflect on a portfolio that I had responsibility for last year and through the election campaign. I do not have it now; it is in the capable hands of Hon Neil Thomson. I want to reflect for a moment on the planning portfolio. As portfolios go, planning can get reasonably controversial. That is probably an understatement; it does get quite controversial. There remains a great degree of community disgruntlement over planning decisions. There is disgruntlement as well at the local government level and on behalf of developers, who I will always go in to defend because they should not be categorised as the “great Satan” as they often are. Equally, communities that have legitimate grievances about the kinds of decisions that affect the composition and amenity of their communities should not be categorised or minimised as nimbys. I find that offensive. That is a diminishing term. Unfortunately, it is a term that is used too frequently and too wantonly particularly among spokespeople for peak industry associations.

We took a planning platform to the election. It was largely overlooked, forgotten and drowned out in the guise of COVID-19, but I think we would do well to reflect on a couple of elements of that platform. I will not go through the whole list but there is a need to demonstrate to the community that the planning system is functioning with a level of integrity and governance, because there is a lot of speculation that that is not the case. If we were in government, we would have appointed an independent root-and-branch review integrity audit of the entire decision-making system under the WA planning framework. We would have established an independent office of the planning ombudsman to deal with those grievances. We would also have dealt with, where I think the rubber hits the road, a misapplied commitment to urban infill. Nobody is arguing that Perth does not need urban infill; Perth does need it. But there has been and continues to be an unfortunate sort of scattergun approach in the way that infill is invoked to justify putting density in places where it does not belong. Frankly, it does not belong in cul-de-sacs and narrow streets. I do not think we have yet taken the opportunity to look with a degree of openness and clear headedness at the opportunities that the CBD and its immediate surrounds present for greater densification for a greater depth and breadth of population.

This becomes a little like the chicken and egg scenario. Obviously, there are problems in the City of Perth—in the CBD and Northbridge, generally speaking—which reflect poorly on us as a community, but there clearly is a view that these areas are unsafe after a certain time. It is like the chicken and egg scenario because an increased population with greater passive surveillance, more activation and more normalisation would probably contribute to a safer community, but I can also see the argument that who would want to expose their family to this potential danger, particularly if they have young children? This is a broader fix, but it is something that perhaps a government that can bring down an operating surplus of some \$5.6 billion has the capacity to deal with. For what it is worth, I am disappointed that there is not much in the budget for this.

At the outset, I said that I would focus on issues concerning the environment portfolio. The environment portfolio is obviously very broad, but I will deal with this on a departmental-by-departmental basis. I will commence with the Department of Water and Environmental Regulation. I am prompted to do this, in part, by the contribution of my colleague Hon Dr Steve Thomas who talked about the resourcing of additional approvals officers within DWER, but also across government generally, as being the key to unlocking the bottleneck and time delays in the approvals process. He made a very pertinent observation. We often adopt this sort of input-centric view of public policy and finance that more resources will always get us a better outcome, or that more people or more money will somehow make whatever problem we are facing go away. Perhaps this should be an invitation to examine whether this system is functioning in the most efficient way that not only permits economic growth, but also ensures high standards of environmental protection. That is not always an easy balance to reach, but there is something systemic, perhaps, that we should focus on, not to the exclusion of, but at least in parallel with, the almost instinctive desire to throw more people at the problem. In the example of DWER, it has different service lines. Its fourth service line is environmental regulation, and to that purpose it will attempt to recruit an additional 50 FTEs to help with this increase in project proposals and the requests for approvals and the like. When we look closely at the cash flow for those FTEs, they are apparently all going to be recruited this year, which takes us back to this forever hard border and the pre-existing skills shortage that we have. I ask the government simply: where is it going to get these people from? Because it

cannot offer them the same salaries and inducements that they can get in the private sector. I do not think it will be able to get the numbers, and if it does get anywhere close to attracting those numbers, I do not think it will be able to retain those people for very long, not if they are people of an exceptionally high calibre.

It must also be remarked—members can understand how this happens—that the industry, frankly, has been guilty of poaching public servants. The previous Minister for Environment, who continues to represent the present minister in this place, Hon Stephen Dawson, has, on a number of occasions in the last few years, quite fairly criticised the conduct of some of the companies for poaching these people out of government. Members can understand why that happens, but this culture of recruitment, attraction and poaching probably causes some system-wide problems. That said, there are companies, even at a junior to mid-level, that have environmental heritage and approval teams that would be the envy of any government department. I reflect positively on the government's desire to attempt to expedite and streamline the approvals system. I am just very cynical about the capacity to do so through that measure. That, in fairness, is not the only measure that the government is attempting to expedite. This is maybe the fifth budget in a row that has talked about the delivery of this one-stop shop or online platform called Environment Online. The full rollout of this program, however, has been pushed out another 12 months. It is effectively just an information technology platform. After years of talking about it—I think it was covered in three budgets in a row previously—this platform got its first capital funding in the last budget. The length of time it is taking to implement this platform defies comprehension. We have not seen the results yet and it will not be fully operational until 2024.

Throughout this period, the government has put forward an initiative called Streamline WA to de-bottleneck the approvals system, to encourage growth and to resolve issues. Streamline WA was announced with some great fanfare perhaps three or so years ago, but it has been referred to in this budget in passing and it is yet to demonstrate any tangible outcome. It really has not worked. It was good in theory, and a good initiative conceptually, but it has not delivered. I mention these two programs because, very recently, we learnt about quite an extraordinary public sector appointment: the creation of a new position of Special Adviser, Regulatory Reform, Department of Water and Environmental Regulation. It is normally my practice not to mention public servants in this chamber, but the person who has been appointed to that role is Mr Darren Foster, the ex-director general of the Department of the Premier and Cabinet, who, for whatever reason, did not continue in that role. He took up a special advisory position in Treasury and, for some reason, has not continued in that role. He was appointed by the Public Sector Commission a month ago, on 9 August, to this new position. The merits of the position are probably valid.

Hon Alannah MacTiernan: He is a very capable person.

Hon TJORN SIBMA: He is so capable, minister, that he gets paid \$170 000 or \$180 000 more than the director general to whom he reports. That is extraordinary. I think that might be unprecedented. I expect that he is being paid at the rate that he was earning when he was the director general of DPC. I imagine that the government is contractually obliged to pay him that amount. I just hope that he brings that level of value to that organisation because there has been some sluggishness in expediting matters.

I am spending more time on DWER than I had hoped to because I want to talk briefly about the Department of Biodiversity, Conservation and Attractions. There is an ongoing challenge in DWER in terms of the integrity of our waste management system. That is not necessarily particularly interesting to most ordinary people, but I will put it this way: waste levy fees attract about \$83 million in annual revenue into the state's coffers. It is based on a waste levy applied to tonnage, and it is there to dissuade people from dumping construction and demolition waste in particular into landfill and to look for opportunities for waste to be repurposed, recycled and re-harvested. If those options are not available, people pay the levy. However, like all government constructions, there are loopholes. One of the loopholes is that this applies only in the metropolitan area. Outside the metropolitan area, in areas adjacent to Waroona, for example, there is a suggestion that this material gets disposed of in a way that, strictly speaking, is not lawful. As a consequence, the waste levy is being avoided. When the department is asked about its estimates of waste levy avoidance and whether the department is attracting the kinds of tonnages that it expected, it is relying, I think, on some dubious figures. The dubiousness is not necessarily to do with any ill will or ill intent on the department's behalf. Effectively, we use an honour system in Western Australia. People are asked to tell the department that they are not dumping illegally and the department will believe them; that is basically how it works. Even though there is an industry association—the Waste and Recycling Industry of Western Australia—it does not mean that it is the fount of all wisdom, but it has to be given some respect. The Waste and Recycling Industry of Western Australia has formed the view that waste levy avoidance in Western Australia is longstanding, systemic and organised. The association estimates that some tens of millions of dollars of revenue is being missed out on as a consequence of this kind of behaviour. I find this stuff interesting because the proposition, it would seem, is a basic one: there is illegal activity going on that is potentially causing environmental harm and possibly causing harm to health, and people are avoiding paying revenue. One would think that the department would go after those people. To the government's credit, although it has been moving slowly, it has made attempts at waste reform. There will be regulatory changes at some stage, although it is unclear in the budget when that will happen.

I have asked a series of questions in this house about how many complaints or allegations of misbehaviour of waste levy avoidance the department has received. I also asked what were the follow-up actions. I learnt from the answers to my questions on notice that 39 allegations were made to the department about this activity over the course of

four years. We can be reasonable, rational and dispassionate and say that not every allegation will be substantiated. Some of those allegations might be vexatious, but we would anticipate some follow-up action. Out of the 39 allegations or complaints, we would expect that maybe one or two would have resulted in charges being laid, or potentially even a successful prosecution. The score is 0–39. I find that remarkable. I do not know what the problem is. I do not know whether there is an intelligence gap that needs filling, whether the regulations are faulty, and whether staff are empowered to undertake remedial action—whatever that might be—in a more, without being pejorative, professional manner.

I have been so alarmed about this issue that I wrote to the Office of the Auditor General to undertake, if it could, an audit of how the complaints have been handled, without casting any aspersion on the integrity or the professionalism of the officers concerned; we just want to try to fix the problem. The Auditor General responded to me and said that although that office is not in a position to undertake an audit, it is certainly writing to the department to get a better understanding of what has happened. I commend the Office of the Auditor General for doing that. This is a fundamental questioning of the integrity of the public policy, and we need to know answers to very basic questions like that. This will continue to be a focus of mine until we have a better, more predictable and less porous regulatory regimen in this state, but one that does not thwart industry and make commercial life more difficult. We have a real opportunity to establish and encourage a sustainable recycling industry that can operate at scale in Western Australia. At the moment, we do not have that. People who have invested in these plants have effectively mothballed them. Something is happening to the waste, but it is not going to those plants. It is either being illegally dumped or stockpiled somewhere. I hope that a competent regulator can follow up and potentially implement a framework that is more appropriate to our circumstances.

In the time I have available, I will talk briefly about the Department of Biodiversity, Conservation and Attractions. I will talk, to a degree, about Plan for Our Parks. That is a McGowan government campaign commitment, which it is entitled to have. I will make some reflections on how that plan is being implemented. I will quote from page 216 of budget paper No 3. It might interest members to know —

The Department of Biodiversity, Conservation and Attractions maintains a network of 106 national parks, 20 marine reserves, 71 conservation parks, 60 State forests and other lands and waters across the State. Total direct recurrent regional expenditure by the Department is estimated at \$212 million in 2021–22, employing around 1,055 regional staff.

The conservation estate is pretty vast. Previously, I asked a question about the total land area. Presently, we, the state, have about 6.5 million hectares of national parks, 1.2 million hectares of conservation parks, 10 million hectares of nature reserves, 4.4 million hectares of marine parks, and, subsidiary to that, about another 300 000 hectares of marine nature reserves and marine management areas, and another 1 million hectares of land reserved under different categories. At the moment, we have a total land area of some 23 million hectares in Western Australia that is under the management of the Department of Biodiversity, Conservation and Attractions. That leads one to ask whether this land is being managed appropriately and effectively. When we look at the key efficiency indicators, the performance outcomes, it is very unclear—it just is. There is a broader problem that a former Standing Committee on Estimates and Financial Operations dealt with and that ministers have talked about. The efficiency indicators provided in the budget papers are, effectively, an accountant's eye view from the Department of Treasury. They tell us very little in a meaningful sense about whether a department is taking the resourcing it gets by way of a resource agreement from Treasury to undertake the tasks that it is charged to do. It does not.

There is not much in there that will tell us whether these lands are being managed effectively, but we do know that it costs \$200 million a year in recurrent costs just to keep the parks operating. The government is obviously adding to this estate through the creation of new marine parks and reserves, such as the Buccaneer Archipelago and the Recherche Archipelago. I hope I pronounced that right; I am glad there are no members from the great southern to correct me.

Hon Steve Martin: Close enough.

Hon TJORN SIBMA: I am close enough! Quite obviously, these are topical at the moment, because there is also an amendment being made, in parallel with the Conservation and Land Management Act, which will create another conservation purpose, which is the protection of Aboriginal cultural heritage. That is a good thing. It is taking an amendment that the Barnett government made to the terrestrial estate in 2015 or 2016 and applying it to the marine estate. It is a sound principle. There are issues around the management of competing access rights and the like, which I think are taking some time to play out, but the key budget-related point that I make is that there is effectively a government policy to expand the total conservation estate in Western Australia—marine, terrestrial, or however we carve it up—by another 20 per cent. There does not appear to be another 20 per cent loaded into the forecast estimates for the management of those reserves. In fact, the way that the resourcing lines are structured allows for a bit of what I would call cross-pollination. We are not quite sure which bits of the department are funded to do what.

One issue that we would expect the department to deal with is the core biodiversity and conservation function. Obviously, for reasons that are correct and completely understandable, we talk about the challenges of climate change and harnessing renewable energy. We have had a debate in this house, if we can call it a debate, about felling the

native timber industry. But like so many of our debates—this is not a reflection on individuals—they become quite base and simplistic, and we do not really focus on other dimensions. One dimension I would like to focus on a bit more is biodiversity and the health of our native flora and fauna. In the part of the budget that measures the performance of the Department of Biodiversity, Conservation and Attractions, on page 708 in budget paper No 2 reference is made to the “Proportion of critically endangered and endangered taxa and ecological communities that have a recovery plan”. I asked a question about that in this place, because the budget papers do not tell us how many there are, and it would be worthwhile knowing. I appreciate when I get useful information. It might interest members to know that the government presently has 292 recovery plans covering 303 critically endangered and endangered taxa and 30 relevant ecological communities. This is when we start peeling back the black box a little. There is not a recovery plan for every critically endangered or endangered species in this state. The recovery plans are probably only three-quarters complete. I am not going to use this opportunity now—I might during estimates—to ask how the other 25 or 22 per cent, whatever the residual is, are going. Also, it is no good in itself to have a recovery plan if the plan is not fit for purpose, if the execution of the actions in that plan are not funded, or if seismic shifts or changes to that particular species are not remediated.

In recent days, I think Hon Dr Sally Talbot and, earlier this morning, Hon Jackie Jarvis have read petitions in this chamber from people who are concerned about the manner in which prescribed burns are undertaken in the state of Western Australia. Those burns are undertaken by DBCA. I think that one of the reasons for those concerns was an incident that happened in March this year, when a prescribed burn at Perup had some impact on a colony of numbats that had been bred and released into the wild. This is our state marsupial emblem; it is probably not as beloved as the quokka, but I think it is a far more interesting and, dare I say, attractive species. That is just a personal view. It is very difficult to get a quantitative assessment of what this burn did to this colony of numbats, but there are not many of them. If we drop incendiaries from the sky onto their hollows, I expect that they are vanquished—extinguished. There has not been much in terms of a follow-up, but I would have expected that such an event may have prompted a redraft of the relevant recovery plan. Unfortunately, I was advised yesterday that that has not happened. I will be using the opportunity to seek a bit more information. These plans ordinarily seem to be reviewed internally on a five to 10-yearly basis. That would seem to be reasonable, except if there were an event that might threaten that species in a more meaningful way, as I suggest that prescribed fire in Perup did.

I have limited time available to me. I am going to raise an issue that is not within my sweep of portfolio interests, although it was, in a tangential sense, when I first entered this place, because I once had responsibility for community services. This is more of a child protection issue. I profess to absolutely no mastery in this space. Thankfully, these are issues to which, in my life, I have been a stranger. But we have seen over the course of the last five years—this is not an indictment of the government, by the way; it is just a fact—that there has been a steady growth in the number of children who we used to categorise as being wards of the state. I think they are now described as being “in the care of the CEO” in the way that the government structures it. I think there are now more than 5 000 such children. I want to end this contribution on more of a salutary note, not necessarily a sombre note, but with a reminder of why we are in this place and perhaps what we can potentially do with enormous surpluses such as the one that has been gifted to us.

I will not have the opportunity to read the entire article, but I was struck by an op-ed in *The West Australian* in the last few days that hit me in a visceral way that very few articles have. It appeared on page 46 of *The West Australian* of Tuesday, 14 September. It is a story from an anonymous child protection caseworker, titled “Two kids in care show why we need more case workers”. It flattened me. I will not have the chance to read it all in, but effectively it is the story of a caseworker who has two children in her charge—siblings who have intellectual disabilities—and who was attempting to find a safe place for them for the weekend, because their ordinary respite carer was exhausted. The search for an appropriate place started on a Tuesday afternoon and as of 5.30 pm on the Friday, an agreement had been struck to put these children in a place. I will read this in and it speaks of the children —

They are excited. “We’re going for a sleepover!” they exclaim with huge smiles and a sparkle in their eyes. They ask where they are going and who they will be staying with.

From the caseworker —

I can’t even give them a name because it is a roster of staff. I say, “I don’t know but it’s OK, we will meet them together.”

Can you imagine being a child in care and the case worker doesn’t even know who they are dropping you off too?

A whole weekend alone, just you and your four-year-old sibling. I would be terrified.

But these children are not like other children, they see the world differently. They have had incredibly traumatic experiences, but they always think that people are kind and caring, and they trust us to put them with loving people.

We reach our destination. I was shocked. The house did not ease my worries. It was so cold.

There was minimal furniture, no decorations, no toys, and nothing homely.

It felt like we were just providing shelter and someone to ensure their absolute basic needs were met and nothing more. The children stopped at an empty bedroom, one of them shouted “wow, look at this” and they ran around in it. They really are beautiful children. Who gets excited by an empty room?

We said our goodbyes, there were no tears or wanting us to stay, but that did not make me feel any better about leaving them there. We got back to the office at 6.30pm. I cried all the way home, hoping they would be OK.

This job is the stress of wanting the best for these children, being unable to provide that due to under-resourcing, systemic issues and being overwhelmed with the rigmarole of never-ending compliance that eats into your day and prevents you from doing real social work that makes actual positive change in people’s lives.

This is just a snapshot of one of my 16 cases that week and people wonder why we are exhausted and burnt out.

WA desperately needs more case workers; I hope now you can see why.

With that I end.

HON NEIL THOMSON (Mining and Pastoral) [12.32 pm]: I rise today to follow on from the comments made by Hon Tjorn Sibma and bring to the table my views on the McGowan government’s 2021–22 budget. Before I get into a detailed discussion of the measures in the budget, I want to make a comment about my region and the people of my region. We saw yesterday that the current class of Mining and Pastoral Region members will be the last class of Mining and Pastoral Region members to exist in this place. My commitment when I stood for preselection and then as a candidate for election was firstly to represent the views of the people of the region, and I take that commitment very seriously. I am aware that, due to circumstances that I am sure Labor members are very keen to reiterate, I am the only member of the opposition to represent the seats of Kimberley, Pilbara and Kalgoorlie. I share the role with Vince Catania, who represents North West Central. I take that very seriously. I invite electors in my region who are watching online, who are here today or who will read it in *Hansard* and who have issues that they do not feel are being addressed by this budget or by their member of Parliament to contact me about those matters, because the job of the opposition is to raise those issues. We know that politics is a marketplace. We know that by raising issues, the government can then respond. In fact, a degree of goodwill and bipartisanship exists, and that may come as a surprise to many members of the general public, but there is a very important role to raise issues, and I take it very seriously. I want people to take the comments that I make about the budget in that context; I am raising them for my region. I will also speak on matters relating to my portfolio and some of the other portfolios that affect my region. My presentation today will have that dual focus.

I commend the bipartisanship that exists. In fact, the hundreds of pages in the budget papers are the result of many thousands of hours of hard work by public servants, whom we fully support, delivering services for our community, whether they be frontline services in the health sector, frontline policing or delivering infrastructure. We support a large majority of that. In fact, again, it may come as a surprise to many who read in the press about the argy-bargy in Parliament that 90 per cent of the budget papers would be exactly the same if there were a coalition government in office. I say that with some authority because I worked as a public servant for both sides for many years, providing material for budget papers. To a large extent, the business of government continues. Those issues that have a degree of tension are important and they are the ones that I would like to highlight today. If I come across as being overly negative, that is not the intention; it is really to add that tension to the discussion so that we might be able to get some rectification if there has been failure.

My first observation of the budget papers—they are a considerable tome—is that I would give them a C minus for transparency.

Hon Dr Steve Thomas: Very generous!

Hon NEIL THOMSON: Or maybe a D!

I am concerned about the impact of the machinery-of-government reforms. The machinery-of-government reforms were introduced by the McGowan government in 2017–18 after a review by the machinery-of-government committee. What occurred was a considerable consolidation of government agencies to the point at which one director general was reporting to multiple ministers. We see time and again in this place that when the most basic questions are asked of ministers about program activities and spending on programs across the sectors, they are not able to respond in a timely way simply because they do not have the historical information. That is the same theme that comes through after an examination of the budget papers. I do not believe the consolidation of agencies to the extent that occurred in 2017–18 was beneficial for transparency in this state. I believe it has reduced the level of transparency and the ability to scrutinise and understand the efficiency and value for money that we are getting from this record spending budget in both infrastructure and services.

The other issue that I want to raise is that the budget lacks a strategic focus. It shows an increasing dependence in our economy on the enormous iron ore royalties that are coming through in the funding. If it were not for the floor in the GST, there would be a much greater concentration of revenue by percentage in what is quite a vulnerable form

of revenue. One could say that we have too many eggs in our basket. I do not think that any fair-minded person would disagree with that as it relates to the Western Australian economy because we are really riding high on the back of the iron ore price. We have other commodities, of course, and it is good to see a diversification in mining to a certain extent with other rare earth minerals coming online. The gold industry is doing quite well and we are obviously starting to develop other industries, such as lithium. It is good to see that development, but the boom to our budget base is coming from these extraordinarily high iron ore royalties, which reached \$US200 a tonne not that long ago. It is now approximately \$US120 a tonne and that is the basis upon which the government has calculated its revenue stream for the 2021–22 financial year. We could make the reasonable assumption that there is a degree of upside risk in that figure. It would not surprise me if in 12 months when the Treasurer presents the next budget, he tells the Western Australian people that there has been an unexpected increase in revenue. I expect that that is possible. I know that Treasury takes a conservative approach to its assumptions about the price of iron ore. We will see. It is currently sitting around that mark; hopefully, it will not decline. In the short term at least, there might be some upside risk.

We see a widening gap between different parts of our economy. I will go into that in more detail with some examples, which, I think, will be of great interest to members. Western Australia now has a two-speed economy like it has never had before. Over the long term, the assumption that has been made about the iron ore price at \$US66 a tonne is, again, reasonable. I can see why Treasury has chosen that figure.

Hon Dr Steve Thomas: It is probably a good number for 2020–23 at least.

Hon NEIL THOMSON: Yes, but over a longer period—I certainly agree with my colleague—there might be some downside risk because we do not know what is going to happen in the world economy, which impacts the way we should be thinking about this budget, especially at a time when we have record revenues, and what we should be doing to build resilience in our economy to make sure that we can address some of the possible shocks that may occur in the future. We have an international situation; the world has been ravaged by COVID. We have seen cracks in the logistics supply chain across the world. We do not have huge visibility because we are not communicating as well as we used to and we are not travelling, but we have seen that countries are having to borrow a lot more than they previously had to borrow to deal with the challenges of COVID. We should not simply rely on the rise and rise of China over the longer term because we do not know what will happen from both a political and economic point of view. As my colleague Hon Dr Steve Thomas mentioned, we should not be relying on a dam failure in Brazil—we have also seen how COVID has disrupted Brazil’s iron ore production—because one thing is for certain; iron ore production in Brazil will come back with great vengeance and there will be much more competition in the marketplace.

Although the 3.5 per cent growth in gross state product is reasonable, given the iron price one could say that it is quite a low figure. I was in Treasury when the state was getting much higher growth in its gross state product and that was with a lower iron ore price. I understand that we have a moderated figure because of the COVID situation, but the long-term projection of around 1.5 per cent growth in gross state product is not particularly high.

Hon Dr Steve Thomas: They’re always conservative.

Hon NEIL THOMSON: Yes, they are conservative, but I suppose I am outlining the risks going forward because another issue I want to talk about is the widening gap and how it affects my region. I will quote some figures. I will pass on the references to Hansard at the end of my contribution. Let us look at bankruptcies in Western Australia. During the last boom, Western Australia’s percentage of national bankruptcies was between six and seven per cent. This comes from the Australian Financial Security Authority’s figures for total quarterly bankruptcies, which can be found at www.afsa.gov.au. We had about seven per cent of national bankruptcies. During the downturn of 2016, the price of iron ore dropped and there were obviously hard times for many businesses in Western Australia as people were laid off. In the early part of the McGowan government, the rate was about 14 per cent. We are now in a situation in which we have a record iron ore price but as a percentage of national insolvencies, we are currently running at 12 per cent. There has been a reduction in the number of bankruptcies, but as a percentage of national bankruptcies, it is still 12 per cent. That is of grave concern, especially in light of the fact that the rest of Australia is pretty much locked down due to COVID. We are supposed to have this incredible boom but in the last quarter, June 2021, we represented 12 per cent of national insolvencies. When we look at insolvencies in terms of the raw data and some of the regions in which this occurs on an annual basis—I refer to the Australian Financial Security Authority’s regional statistics—we see that parts of our community have been severely affected. When I looked up this data to prepare for this presentation, I was surprised by the numbers even though I had an inkling that it was problem because of what people were telling me, especially about some of the challenges faced by small business. For example, during the financial year, the number of bankruptcies were 102 in Swan; 113 in Wanneroo; 60 in Armadale; 71 in Gosnells; 91 in Rockingham; and 27 in the goldfields. Those are quite big numbers and every single one of them represents a family, business or individual going through enormous stress and challenge in dealing with bankruptcy, which usually comes about because their business has failed, they have lost their job or something has occurred in their life at a personal level that has meant that they have not been able to cover their outgoings and debts and eventually they have had to declare bankruptcy. The number of bankruptcies for greater Perth in the June quarter rose to 247—we would expect it to be heading down—which is an increase of 3.8 per cent.

Hon Dr Steve Thomas: Is this for the current financial year?

Hon NEIL THOMSON: Yes, for 2021.

Hon Dr Steve Thomas: Did you happen to work in JobKeeper and JobSeeker according to that research?

Hon NEIL THOMSON: No, I have not, but that is an interesting point. I will be talking about JobKeeper and JobSeeker shortly because they have certainly had an impact.

If we look at the regions, we see that over the June quarter the bankruptcy rate rose 25 per cent to 265 cases. I looked at this angle for discussion because the two-speed economy is very much an issue in the regions. I will talk about Broome because it is a very salutary example of what is going on in our regions. We keep getting the headlines about how well we are doing, but an increasing number of people are not doing very well.

I would also like to talk about unemployment. We hear from the Chamber of Commerce and Industry of Western Australia about labour shortages. Certainly in the regions, in some particular areas of skill and even in some of the unskilled areas, labour shortages are a massive issue. I certainly have encouraged any young people I know from Perth who are looking for a job to get their bag, put it over their shoulder and get up to the regions, because if they can find somewhere to stay, they will get a job pretty quickly—certainly in the hospitality sector.

The two-speed economy is quite concerning. Let us look at the Australian government's Labour Market Information Portal. The table refers to "Statistical Area Level 2 (2016 ASGS)", but it is for March 2021, which is the most recent data that I could get. It shows that the unemployment rate in Rockingham, the Premier's electorate, is 12.9 per cent. That is a figure we do not hear much about; 12.9 per cent of people in Rockingham who are looking for a job cannot find a job. For Armadale, the unemployment rate is 20.6 per cent and in Alexander Heights, it is 14 per cent. I am very pleased to see that in my region, Halls Creek, the unemployment rate has come down from 40 per cent and it is 24.6 per cent. In Girrawheen, the unemployment rate is 21.2 per cent and in Meekatharra it is 10.7 per cent. This is an example of our two-speed economy. We can get very excited about the incredible revenues here because it is great for the state government. A high iron ore price and a floor on the GST pours money into the state coffers of our Western Australian Treasurer, but many people in our economy are doing it very tough. Small businesses are struggling to remain solvent, and people are struggling to find jobs. That is just the beginning of it.

Let us look at tourism. We hear so much about how wonderfully well tourism is going in our state. The Premier even suggested that maybe the hard border should stay in place to ensure that we can keep all our tourists here, and that would be a good idea for tourism. Once we get beyond the hype, we can see that the tourism sector is doing it really tough. I do not have the figures for hotel occupancy in Perth, but I know from speaking to people in the hotel industry how tough it is in Perth. In fact, I think without the COVID-related quarantine services, a lot of our hotels would be in a lot of trouble right now and, I suggest, even with it may still be struggling. I refer to domestic overnight tourism. The source is Austrade's Tourism Research Australia. Austrade is an Australian government agency. The website is tra.gov.au. That data shows that from March 2020–21 to June 2021, there was a 21 per cent reduction in the number of domestic overnight visitors and a 27 per cent reduction in domestic overnight spend. Of course, we have no international tourism. The numbers are bad; it is such a huge reduction.

Anecdotally, that disparity is because Western Australians do not spend much money when they go on these tours. I have spoken to many tour operators, not only the caravan park owners, but the people who run tours out into the regions and take people on boats and up on planes. The people who run the experience tours are struggling because they do not have the same spend. This is happening particularly in the north. Broome, we could argue, is almost over tourism. Chinatown was full of tourists a month or two ago. But the moment we go beyond Broome and we go to Fitzroy Crossing and the Aboriginal-owned business Fitzroy River Lodge, we see the empty caravan parks. With our hard border, people refer to the road to Kununurra as the longest cul-de-sac in the world. It has really affected our tourism market.

Hon Alannah MacTiernan: You must admit that Kununurra has been doing really well. It's difficult to get a booking in Kununurra.

Hon NEIL THOMSON: In the last few weeks, that is true.

Hon Alannah MacTiernan: Not only the last few weeks. Last year was very hard but this year —

Hon NEIL THOMSON: It went through a period, and that is true. I thank the minister for raising that matter, but these figures show an overall decline in domestic tourism in Western Australia, and that cannot be argued. My point is that we can put aside the data. We can pick up —

Hon Alannah MacTiernan: You can put aside the data and just make things up.

Hon NEIL THOMSON: No, I have just given the minister the data. I have presented the data. There has been a 21 per cent reduction in the number of overnight visitors and a 27 per cent reduction in domestic spend, and that is from Austrade. That is the data on domestic Western Australia. The minister can check that data herself and inform herself. I thank the minister for the interjection.

Hon Alannah MacTiernan: But you obviously go to Kununurra as often as I do and you will see —

Hon NEIL THOMSON: It certainly was hard to get accommodation over the last few weeks. I imagine that will switch a little. The minister should not put up smoke screens. I am very happy for the minister to interject if she wants to, but these are the facts. If members do not want to deal with facts and just see it firsthand, they should take a walk through Northbridge of an evening and talk to the homeless people on the street and ask them whether they feel as though there is a boom, and how they feel about the \$5.6 billion surplus from the Treasurer of Western Australia.

Hon Alannah MacTiernan: So, what do you think would happen if we put all that \$5.6 billion into immediate stimulus in the economy? I mean, what do you actually think it would do to the economy?

Hon NEIL THOMSON: I will get to that, minister. I will outline. I am not going to take that interjection. I would like to explain it, Acting President.

The ACTING PRESIDENT (Hon James Hayward): Please do.

Hon NEIL THOMSON: I believe this budget needs a vision. A part is missing. I will go through a few points. There are a few things here. We have seen quite a considerable rise in general government expenditure. I certainly will need to do more analysis of it and the causes of it. Our role in opposition is to ask the questions in the Committee of the Whole. But I have a suspicion that some of that rise is due to the fact that our machinery-of-government reforms have not been as effective as we would like them to be. I have some evidence of that.

Hon Dr Steve Thomas: It would be nice if we could get some answers to questions on that.

Hon NEIL THOMSON: It would be. I think the lack of leadership in some areas is coming out. Incredible pressure is being put on our senior public servants who have to report to multiple ministers. It does not bode well for service delivery. It is no more apparent than in the health sector. It is in absolute crisis. There are code yellows and all these things happening in the health sector. Our public servants are under incredible stress. We see that playing out in the media. For example, at the hospital in Port Hedland our public servants have a lot of challenges.

We see a massive emphasis on Metronet in the budget. The total spend, if we include last year's spend and the projected spend, is about \$7.4 billion. I want to make it absolutely clear that I am for public transport. I think it is vital for our urban form and development, but I think there needs to be much greater scrutiny of these contracts and the delivery of these services, because we have to explain why the transport budget represents almost 50 per cent of our capital expenditure.

We are seeing a desperate and ad hoc response to the housing crisis, which is of the government's own making because of the lack of investment or the lack of doing things in relation to the housing sector. Certainly, it does not need a consolidated account investment. The housing industry could have easily been stimulated during its downturn through the resale of houses and construction. I saw that in my town of Broome where many homes owned by the state were left vacant. Considerable funds were spent on refurbishing those homes.

Sitting suspended from 1.00 to 2.00 pm

Hon NEIL THOMSON: I was talking about the strategic vision of the budget. I want to focus on the need to move beyond that and look at the diversification of our economy and the development of a broader economy in Western Australia. I point to one particular item, which I commend—\$50 million being put towards hydrogen energy. I support that. I think more effort, not just on business cases, needs to be put into the regulatory framework, which restricts the development of the solar industry in particular. We have had discussions about that before. I know that issues of land tenure are of massive concern. More effort needs to be made to ensure that we can move more quickly into this new economy. I am a very strong supporter of the green energy idea.

I turn to the issue of the two-speed economy. Earlier, we mentioned the issues of business failures and the challenges faced by the tourism industry, particularly in the regions. I commend the small business community across Western Australia during this difficult time for its resilience and ability to make good of a difficult situation, particularly around labour shortages. We heard comments from the minister across the floor earlier about the shortage of labour. That is a big issue. I commend small businesses. During my discussions with people in the hospitality sector in particular, I heard about the high levels of burnout of chefs and people working in restaurants in our regional towns, and the challenges they face. We need to do whatever we can in the budget to bring people to these areas from other jurisdictions. We have had some discussions about that. When it is safe to do so, that will be an absolute necessity because our industry has relied a lot on those seasonal workers, whether they be in the hospitality or the agricultural sector.

I am winding up my comments relating to the overall situation of the budget. Despite the massive contribution of the iron ore sector, there are still projections that our debt will rise. That will create challenges for us, particularly in reference to some of the comments I made earlier about the downside risk of that revenue stream.

Hon Alannah MacTiernan: Member, are you conscious of how we've priced iron ore? We have priced our revenue.

Hon Dr Steve Thomas: Earlier, he agreed to some of that.

Hon NEIL THOMSON: I did, and I did say it was a conservative —

Hon Alannah MacTiernan: We have taken into account the downside risk.

Hon NEIL THOMSON: I note those interjections. But the point I am making is that we need to diversify our economy so that we are not so reliant on iron ore in the future.

In relation to specific measures in the budget, I want to comment on the health portfolio. I welcome the \$1.9 billion cash injection and the \$1.8 billion that will go towards the new women's and babies' hospital. That should be commended. We have had quite a bit of discussion in this place about the previous government. I note that under the previous government, three tertiary hospitals were built in Western Australia, including the Fiona Stanley Hospital, which was mooted under the former Carpenter government. I acknowledge bipartisanship and continuity, but I make the point that we have an ageing population and increasing demand. We have had some population growth, albeit at a lower rate. Over the last four years, not enough has been invested in our hospital system. I point to some of the regional shortfalls, particularly in my region. I will comment further on some of those regional initiatives. We need to create more resilience in our hospital system. In particular, I think we are ill-prepared for the post-COVID pandemic situation when there is a broad acceptance that the vaccination rates are at an acceptable level. That level is yet to be clarified by the Premier, but the road map that has been presented by the commonwealth indicates that the level will be 80 per cent. Once we see that, COVID could be circulating through the community. That will put incredible pressure on our health system, which is already under incredible strain. My concern is that we have not invested enough to speed up vaccination rates in the regions. I point particularly to the Pilbara, which has the lowest vaccination rate in Western Australia. Western Australia and Queensland have the lowest vaccination rates in Australia. I believe we should be doing more to accelerate the vaccination rate.

Several members interjected.

The ACTING PRESIDENT: Order, members!

Hon NEIL THOMSON: There are deep concerns in relation to that and I am here to present the concerns I hear about in my region.

In relation to housing, I acknowledge and endorse the allocation of \$750 million for social housing, but, once again, we are playing catch-up. For four years there has been a lack of investment in social housing. Waitlists have increased and the number of social houses built under the McGowan Labor government has reduced.

Several members interjected.

The ACTING PRESIDENT: Order, members! I am struggling to hear Hon Neil Thomson.

Hon NEIL THOMSON: I am worried about the concept of spot purchases in the social housing spend. In my region I have seen the use of spot purchases and, in relation to Government Regional Officers' Housing, private homes being used to house public servants. This puts pressure on the supply of homes. I believe it is much better to invest more in the construction of new homes to increase the stock of public housing. I point to the fact that currently in Broome, there are no options for people who are seeking shared equity. Opening Doors WA is a program that has been around for some time. If members look on the website of the Department of Communities, they will see that the number of homes available for shared equity in Broome for the general community is a round number—that is, zero. That has created a huge issue for people transitioning from social housing into home ownership. Previous governments have been proud of the development of a concept of a housing continuum that takes people from homelessness to some sort of protected accommodation, to social housing, to shared equity and then through to full home ownership. That should be the aim of our public housing program. This is not apparent under this government. Again, there has been a kneejerk reaction to that shortage. We have seen a kneejerk reaction to a much reduced public housing spend—they are the facts—over the last five years of the McGowan government.

I now move to other matters and want to touch again on the issue of transparency, which I am concerned about. When we move to the Committee of the Whole stage, I will do my utmost to be forensic and ask the right questions. As a former public servant I know how easy it is to muddy the waters in relation to the budget papers. Unfortunately, I have seen that in practice, but I also know when clarity is put forward. I think much greater clarity is needed, particularly with super agencies, as I explained earlier. That was made apparent yesterday when I asked three fairly straightforward questions and not a single one could be answered on the day. For example, I asked a simple question about the transport spend in the regions. I know from my Treasury experience that there is a system whereby someone can simply enter a query and the numbers will come up. I hope that capacity still exists today, but it seems from the answers that I received—the fact that the minister could not answer those questions—that the Minister for Transport cannot get that data in a timely manner. Similarly, there has been a lack of clarity in the area of full-time employees in the Aboriginal heritage space. The Department of Aboriginal Affairs has been subsumed into the Department of Planning, Lands and Heritage, the main focus of which is on planning environment and, obviously, the big end of town—the developers. The minister could not furnish me with any information about the number of employees of Aboriginal descent working in the Aboriginal heritage space. I find that very concerning.

I asked another question about mental health funding and the Mental Health Commission. There is no agreement, even though the budget has come down, about where that money will be spent on a regional basis. I am concerned about the ability of this government to know what is going on when it comes to controlling the budget and getting the very best value out of the budget.

We spoke about the election. It was a very difficult outcome for the Liberal Party, and I am sure the Labor Party is riding high on that; we have seen that in its attitude toward some of the commitments it made prior to the election and how quickly they have been washed away after the election. We warned people about the danger of a lack of transparency and lack of accountability. We warned people about the Labor Party being able to deliver on those election promises. I think this budget demonstrates yet again the inability of the government to deliver outcomes in a timely and efficient way.

I come now to Metronet because it deserves greater scrutiny. A spend of \$7.4 billion last year and over the forward estimates has to be scrutinised. This is a massive blowout on what was initially put out. I searched through news articles prior to the 2017 election and found that figures of less than \$2 billion were being quoted. Yes, that was for stage one, but now we have a figure of \$7.4 billion—nearly \$8 billion—which represents nearly 50 per cent of the transport infrastructure spend. Something is not quite right about this. I am the one, as a member for the Mining and Pastoral Region, who needs to explain to the people of my region why there is insufficient funding for pensioner travel subsidies, why students are struggling to get sufficient funding for access to education and why the patient assisted travel scheme is not sufficiently covering all costs that should be covered. They are the issues that I need to explain. Although I am not opposed to things like a gold card that caps fares at zone 2 prices so that, effectively, travel beyond two zones is free, there needs to be equity—a word that seems to be missing in the Labor Party's vocabulary at the moment—in relation to how the rest of the state is treated in these matters. I have some questions about that.

This government seems to have a “build it and they will come” attitude in relation to these things. But even on the “build it and they will come” attitude, the government seems to be years behind on its infrastructure building program. That may be true, but I have received complaints about the rollout of some Metronet designs. The Bayswater station is one that comes up. I am not passing judgement, but some people in the community call it a monstrosity of urban design. I comment because I note—I commend the government on this—that in the Main Roads division of the budget there is a transfer to the Department of Planning, Lands and Heritage for precinct planning for the High Wycombe and Redcliffe stations of \$875 000 in 2021–22 and \$5.5 million in 2022–23. I stress that it is really important that there is proper planning and preparation on these major projects so that they become a lasting legacy for the community and not some kind 1960s transport dream of some sort of huge viaduct through the middle of the community, but rather we have an asset that enhances the urban form and that the people of Western Australia can be proud of. The detailed contracts for the delivery of these projects will require much deeper scrutiny because it is such a huge part of the budget. It is important that the government has sharpened its pencil to the utmost degree and that those contracts are being delivered with the utmost efficiency.

Continuing with my portfolios of Planning; Lands; and Heritage, I note that there is \$250 000 in the budget for further consultation on the draft Aboriginal Cultural Heritage Bill 2020. I understand that a further \$1 million is with the Department of the Premier and Cabinet to support the development of the bill. That seems like a very low number given the concerns I am hearing from the community about consultation. I travelled to Yule River and saw firsthand the Aboriginal community's concern about the lack of consultation. I implore the government to spend more time consulting the community and making sure it gets these things right before it brings such bills to this place. The government certainly has the power to push things through this place without any restriction. It should make sure it does its homework and brings these matters to this place in a way that will result in the best outcome for the community.

I mention also the Aboriginal Lands Trust. I welcome the intent of the state with respect to the long, failed history of divestment in that space, on both sides of politics. Since Neville Bonner's report over 25 years ago, very little has been achieved in this space. However, I am concerned about the inability to deliver on the promises, given the woefully insufficient funding that has been given to the Aboriginal Lands Trust, for both its operations and the divestment process. There is no point giving land that is degraded and has liabilities to traditional owners. There has to be proper work done around tenure and making sure those assets are of value to our community.

I will now touch on the issue of planning reform. I see on page 727 of the budget papers another \$1.3 million allocated in 2021–22 for phase 2 of the action plan for planning reform. This is also a concern. I believe it is incumbent on that process to make sure the case is made for any long-term changes to the planning system. There was a level of bipartisanship and Hon John Day, someone with whom I worked, had a lot of respect for the former Minister for Planning who sits in this place today. Development assessment panels were certainly something they both agreed on. However, under the cover of COVID-19, this government introduced the State Development Assessment Unit. My understanding is that there is a desire to consolidate that view and have it as a long-term process, but the government needs to make a case for why. Has this process resulted in better and faster approvals? There is no evidence to indicate that. In fact, although a review has been undertaken, it has had quite the contrary outcome. What bothers me is the concentration of power around the minister, and that is not good for the state. The Department of Planning, Lands and Heritage website states that the minister, with the assistance of the department, would receive and undertake an early assessment of an application to determine whether the proposed development would likely be of state and regional significance. To me, that puts the minister in a very difficult position. From that process, it is then referred to the Premier. I do not even know what the Premier's role is in relation to this assessment, but the final decision is

made by the Western Australian Planning Commission. The Planning Commission is an esteemed body of directors general and one or two experts. These people have a strategic overview of the state and should not be the place where assessments are made for individual applications. With the \$1.3 million and about \$600 000 in the forward estimates as part of its stage 2 planning reforms, the government has decided that it will somehow concentrate power into the hands of the minister and the Planning Commission. It needs to make a very good case because the complaints I am hearing from local government on this are significant. The overriding of local planning schemes can only corrode the integrity of the government and undermine the good standing of the planning minister. My point is that this needs to be developed in a way that continues the long tradition of a robust and independent planning system in which the people of Western Australia can be confident in relation to community consultation and respect of the wishes of the community through local planning.

In the time remaining I will touch on the regional aspects in the budget. It is important that I do so. I made the point earlier that the Mining and Pastoral Region is close to my heart and I am committed to represent to the best of my ability the needs of that community. I will start with the electorate of North West Central. North West Central remains one of the most disadvantaged regions in the country, with scattered small towns. Anyone who has been through there would know how widely dispersed it is. I believe there are only 8 000 or 9 000 electors in that place from the border close to the Northern Territory all the way through to Kalbarri and up to Exmouth. It is a significant area. I welcome the additional funding following cyclone Seroja and the enhanced state recovery structure. I put on the *Hansard* record a concern that is coming from the community, and I hope the Minister for Energy reads this. I am sure he has representations. There is a lot of concern about the value of managing Kalbarri in relation to the south west interconnected system because the unreliability of power has been an ongoing matter. I throw this out there for consideration. The reliability of power in that community would be better served with a completely independent system managed through Horizon Power, given we are moving to a new type of energy environment. I am sure the minister is thinking about these things, and I hope so, because I feel it is important to put that on the record. I welcome the funding for Meekatharra and Tom Price Hospitals and I will watch closely the delivery of that funding. It is important that this government be held to account on the delivery of the budget measures.

I want to finish my comments on North West Central with a matter reported in the *Kalgoorlie Miner* of 14 September 2021. I will read an article that quotes an elder from Kanpa, Preston Thomas, someone whom I know. He raised the issue of the waste management service in Warburton and surrounding communities barely functioning. I quote —

... Aboriginal communities which are home to more than 1000 people, leaving household rubbish and toxic waste such as asbestos from construction and demolition sites uncollected in public areas.

People have been forced to burn waste to dispose of it, exposing them to toxic emissions which can cause a range of potentially life-threatening diseases.

Meanwhile, water pipes in Warburton—the region’s largest community—are ageing, split and cracked, triggering concerns toxins could be contaminating the water via leaks into the pipes.

Preston Thomas, a Kanpa elder from the Ngaanyatjarra Lands, said the Government should use its strong economic position to step in and ensure basic services were available in the communities.

I say to Mr Thomas, “Hear, hear!” It is vital that we provide for our communities. When we meet the people in those communities, it does not feel like Western Australia is having a resources boom—quite the opposite. We absolutely need more focus on those very remote areas to ensure that they have an acceptable level of standard of service.

In relation to the Pilbara, I again have to step through this very quickly in the remaining time that I have. I welcome the step-up, step-down facility in Port Hedland. Mental health is a massive issue in our regions. However, I have no confidence in its delivery; I worry about the delivery of that project. We are still waiting for that facility in Broome. I understand that early planning work has been done, but the delays are unacceptable. Another issue is Hedland Health Campus. I have said many times that we need to make that an absolute priority. We need to protect our economic hub. We need to invest more.

I would also like to put on the record my commendation to the City of Karratha for having the foresight to step up and fill the gap in dealing with the housing crisis in the north of the state. That is a tremendous outcome. It is interesting that the previous Barnett–Grylls coalition government made a massive investment in housing in the north of the state. That was highly criticised by the Labor Party when it was in opposition. That government made a massive investment to deliver affordable housing into Karratha and Port Hedland. The local government is now stepping in to fill the gap.

I have both the Kimberley and Kalgoorlie in my electorate, and I need to get through them. I would like to make a few points about the Kimberley. Well done to the government on Derby District High School. I will be watching that project to make sure it is delivered. The funding for the Broome boat ramp is disingenuous. It will not be enough to fully fund it. I doubt that a single sod of dirt will be turned. This government seems to be very keen on doing a lot of sod-turning exercises. When we look at the number of times government members present themselves for photos of themselves throwing a bit of dirt around, we would almost think they are spending their time building

these projects. I would like to see the Broome boat ramp delivered in this term of government. The allocation of \$7.8 million for the juvenile justice strategy is also simply insufficient. We need more funding for this because it is a major initiative for the future of our children. Again, housing is a massive issue. I will not go into that any further, because we have talked about that already.

I have heard the calls from police—which is very unusual—and have seen the reports in the media, about the challenges of policing in a place like Fitzroy Crossing. We need to do more in our communities to ensure that people are safe.

The final point I make about the Kimberley is will this government please have a look and talk to somebody about the checkpoint at the Western Australia–Northern Territory border at Kununurra. I have heard reports that people have to be asked to turn off their phones so that another person can turn on their phone to download a G2G PASS. Would it not be great if the right facilities were provided at that point to deal with the inevitable issue of needing to hold people for a period while they are tested for COVID-19? That would be fantastic.

Noting the time, in relation to the goldfields, I welcome the funding for Coolgardie–Esperance Highway at Emu Rocks. I again note that the federal government is largely responsible for that. I also welcome the installation of audible edge lines on Great Eastern Highway. I must say, as someone who travels that road—I am sure Hon Kyle McGinn would agree—that the section of road between Southern Cross and Coolgardie is substandard given the amount of traffic it carries.

The redevelopment of Laverton Hospital has been delayed. We have seen the slow pace of rollout of that project.

We need to deal with youth crime. Members would have seen the statistics that I received after I asked a question about the problem of youth crime in Kalgoorlie. We need to invest more in intervention to deal with youth crime.

In summing up, it is vital that we have a clear strategic vision. The post-COVID-19 resilience plan needs more investment. The Labor government needs to make sure that it delivers on its election promises. I will raise one other matter. I cannot find in the budget papers the dialysis centre at Halls Creek. I will give the government a heads-up here. There was a promise to do that, and it was a great promise. I would like to be confident that that project is underway. We need to deliver for Western Australia, and we need to deliver for the Mining and Pastoral Region.

Debate adjourned, on motion by **Hon Pierre Yang**.

CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2021

Committee

Resumed from 15 September. The Deputy Chair of Committees (Hon Peter Foster) in the chair; Hon Samantha Rowe (Parliamentary Secretary) in charge of the bill.

Clause 8: Section 8 amended —

Progress was reported after the clause had been partly considered.

Hon SAMANTHA ROWE: Where we left off yesterday was that Hon Nick Goiran had asked a question about the case to which he had referred, in which departmental officers had taken a baby to visit their father in prison. The department strengthened practice guidance following the review into that case, and following a jurisdictional scan of what other state and territories have in their practice guidance regarding prison visits. There is a hierarchy that now determines how child protection workers practice. Firstly, they must follow legislation—the act. Secondly, they are guided by the policies and procedures of the department in the *Casework practice manual*. Thirdly, they are assisted by management and senior staff in their district, inclusive of consultants like education officers and Aboriginal practice leaders. Fourthly, they make their best professional judgement based on their knowledge and experience, and all the information that is available to them at that moment in time. Rarely, if ever, are important decisions like contact made by a caseworker in isolation of their line manager. It is more common that a decision is reached based on a broad range of consultations, including with professionals, family and other key stakeholders.

Hon NICK GOIRAN: With regard to this strengthened practice guidance and the hierarchy, is there a document that can be tabled that reflects this updated practice?

Hon SAMANTHA ROWE: I am advised that there is not an actual document.

Hon NICK GOIRAN: Perhaps I might assist. I understood that there had been some change as a result of this case. I imagine that the change has been documented somewhere, so perhaps that documented change could be identified and, if possible, tabled.

Hon SAMANTHA ROWE: I am advised that we can provide that to the honourable member at a later stage.

Hon NICK GOIRAN: While we are talking about matters that can be provided at a later stage, is there any update on the updated consultation summary document? The other matter that I think was being worked on was the status of the three on-hold recommendations from the statutory review.

Hon SAMANTHA ROWE: I am advised that an update on the three recommendations, which are non-legislative, can be provided to the member outside of this process, as can the updated consultation document.

Hon NICK GOIRAN: A couple of things flow from that. One is that I would like an indication of when that is going to be done. I can understand that those involved perhaps want a little time. We are not sitting for the next three weeks, but no doubt those involved in the minister's office and the department will be busy as the other place undertakes its analysis of the budget next week, so I can understand that they might want a little time to prepare information about the three recommendations that are on hold before providing it. I agree that that does not need to be provided for the purposes of this bill, but could I still have some indication of when it is anticipated that it will be provided? That is the first thing. The second point is that it would be highly desirable to have the consultation document for the purposes of this debate. The parliamentary secretary might recall that I mentioned yesterday that my purpose was to identify whether any stakeholders who were consulted over that period remain dissatisfied with any elements or clauses of the bill so that we could identify and simply focus on those clauses rather than going through a more laborious analysis and scrutiny of the bill. Although I can understand that some time is requested in which to provide information on the three recommendations that are on hold, I strongly encourage that the consultation summary be provided at the earliest possible opportunity.

Hon SAMANTHA ROWE: I am advised that we can provide before the next sitting of this place an update on who was consulted.

Hon NICK GOIRAN: I thank the parliamentary secretary; I think that will be most useful. We will use our best endeavours to get what we can done this afternoon—ideally, the entire bill—but if we do not manage to complete it, that would certainly expedite things on the next occasion. Would it also be possible to be provided before the next sitting with an update on the three statutory recommendations that have been placed on hold?

Hon SAMANTHA ROWE: I am advised that because they are not directly related to this piece of legislation, that piece of work will be done once we have completed the committee process.

Hon NICK GOIRAN: I ask the parliamentary secretary to help me understand that. That piece of work on the three non-legislative recommendations that are on hold, which I understand to be recommendations 1, 2(a) and 4 dealing with Aboriginal representation on the cross-sector panel, the cross-sector carer assessment framework and community sector compliance with carer assessment standards in regulation 4, can be done—that is, an update or explanation can be provided of why they are on hold. I did not quite catch the end part. When exactly will that be done?

Hon SAMANTHA ROWE: I am advised that we do not have a date for when that will be completed, but we can keep the honourable member up to date.

Hon NICK GOIRAN: Maybe just to tie off this loose thread, I will ask this: is this the type of matter that could be provided if a question without notice were asked, or would more notice and more resources be required and would it therefore need to be provided on notice?

Hon SAMANTHA ROWE: I am advised that it can be given to the member once it is ready, but there is no sort of time frame for that.

Hon NICK GOIRAN: That is perhaps the only obtuse answer I have had so far in the course of the Committee of the Whole House process. For the purposes of my notes, I will simply make a note that it will be provided by the government in the fullness of time, and we can explore that on another occasion. The department's strengthened practice guidance can apparently be tabled. When might that be able to be provided?

Hon SAMANTHA ROWE: I am advised that the *Casework practice manual* can be provided to the honourable member within a couple of weeks.

Hon NICK GOIRAN: The parliamentary secretary will recall that I was concerned yesterday about the insertion of “develop” in this clause. At the moment, there is an expectation that contact will be maintained, and the parliamentary secretary helpfully provided an explanation of why this new concept of developing contact has been added. The parliamentary secretary will recall that I wanted to be satisfied that by doing this we will not exacerbate the set of circumstances that occurred in the case I referred to yesterday. The parliamentary secretary has essentially indicated this afternoon that strengthened practice guidance now exists, and that the hierarchy and relevant extract will be provided in a couple of weeks. In that explanation, the parliamentary secretary indicated that such instances would rarely occur without some form of interaction with the line manager. Was the line manager involved in the case that I referred to yesterday?

Hon SAMANTHA ROWE: Honourable member, I am not in a position to discuss that case during this process.

Hon NICK GOIRAN: Is that because of any legislative or confidentiality barriers, or is it just because that information is not readily available this afternoon?

Hon SAMANTHA ROWE: It is because it is not related directly to the bill.

Hon NICK GOIRAN: I do not agree with that. Clause 8 seeks to insert a new concept, not just of maintaining contact, but we are saying to Department for Child Protection and Family Support workers, “We want you to take

into account not just the maintenance of contact with the parents, but also the developing of the relationship.” There are many circumstances in which we might think that is appropriate; indeed, yesterday the parliamentary secretary gave the example of a situation in which there might have been no contact, and that is why there needs to be an aspiration to develop that contact. In the absence of what we know about the enhanced or strengthened practice guidance, this type of language might lend itself to a child protection worker facilitating the very type of contact that was, in my view, inappropriate two years ago, with the murderer in jail.

The parliamentary secretary indicated in her response that, essentially—I am paraphrasing—we do not need to be too concerned about that because there is a strengthened, enhanced practice guideline. She mentioned that there is a hierarchy and that the first part of the hierarchy is legislation. In other words, clause 8, which is before us at the moment, is one of the top elements of the hierarchy that is supposed to give us some confidence that this incident that happened two years ago no longer needs to be a point of concern. I am trying to test how that works in practice. The parliamentary secretary explained earlier that these decisions are rarely made without the line manager. It would assist me to know whether or not, in the case that caused this concern in the first place, the line manager was involved. If the line manager was involved, it does not provide much confidence because one of the safeguards is, supposedly, “Well, don’t worry about it, because the line manager will be involved.” I think there is a direct intersection between that case and this provision. If the explanation as to why that information cannot be provided today is that it is considered to not be relevant to clause 8, I respectfully disagree. I ask for some consideration to be given, if the information is available this afternoon. If it is not available this afternoon—we simply do not know whether or not the line manager was involved—that is fine; we can move on and I can perhaps pursue that in another forum.

Hon SAMANTHA ROWE: I am advised that the legislation provides a framework for guiding decision-making based on policy and professional judgement in individual cases. It is not appropriate for us to go into detail on individual cases during the Committee of the Whole.

Hon NICK GOIRAN: With regard to the different factors that need to be taken into account under this hierarchy, it starts with legislation. The workers look at the manual, then look for some assistance from management, and then use their best judgement. In what circumstances would the child’s wishes not be taken into account when making decisions about developing contact with the parents?

Hon SAMANTHA ROWE: I am advised that child participation comes under clause 10. That covers the child’s wishes and views, which are obviously very important and are always considered in these decisions.

Hon NICK GOIRAN: They are always considered in these decisions.

Hon Samantha Rowe: Subject to the child’s maturity.

Hon NICK GOIRAN: That takes us to my original question: under what circumstances are a child’s wishes not taken into account when making decisions about developing contact? Is the child’s maturity the only factor? If the answer to that is yes, what guides the maturity of the child? I can appreciate that not every six-year-old child is the same as another, but what types of factors are taken into account, and is there some guidance taken by age, and what might that be?

Hon SAMANTHA ROWE: I am advised that there is no hard-and-fast rule in terms of age; it is determined on a case-by-case basis, and on how old the child is.

Hon NICK GOIRAN: I am trying to get some rough guidance. An infant plainly would not qualify.

Hon Samantha Rowe: Correct.

Hon NICK GOIRAN: At what point do caseworkers start to say, “We now need to give this some serious consideration”? We are moving into a grey area. We know that at six months of age, we are not taking a child’s wishes into account because they are not mature enough to be able to do so. But might that apply at the ages of two, four or six? I would like some form of rough guidance. The caseworkers must have some guidance, because there must be some threshold level at which they must first consider this matter.

Hon SAMANTHA ROWE: I am advised that if the child is able to express their wishes, those wishes are taken into account.

Clause put and passed.

Clause 9: Section 9 amended —

Hon NICK GOIRAN: Section 7 of the act provides that the paramount considerations are the best interests of the child. It is times like this that we love amendment bills because they can get very complicated.

Hon Alannah MacTiernan: They can help spin out the time.

Hon NICK GOIRAN: Right on cue, the Minister for Regional Development enters the arena! Thank you, Minister for Regional Development!

Clause 9 has three instructions in paragraphs (a) to (c). I draw the parliamentary secretary's attention to instruction (c), in particular the insertion of proposed paragraph (gb), which states —

the principle that objectives of planning for a placement arrangement for a child include, subject to protecting the child from harm and meeting the child's needs, the following —

- (i) to place the child with a member of the child's family;
- (ii) to place the child with the child's siblings ...
- (iii) to place the child with a person who is willing and able to encourage and support the child to develop and maintain contact with the child's parents, siblings and other members of the child's family ...

The concept of "in the child's best interests" appears to be a higher standard than "protecting the child from harm and meeting the child's needs". Recommendation 36 of the *Statutory review of the Children and Community Services Act 2004*, which formed the basis for this amendment at proposed section 9(gb)(i), has the higher requirement, "as determined to be appropriate and in the best interests of the child". If the parliamentary secretary can gather the argument, we are talking about two standards here: the best interests of the child, and the notion of protecting from harm and meeting the child's needs. Recommendation 36 of the statutory review seems to recommend the higher standard, yet this one seems to be watered down. What is the explanation for that?

Hon SAMANTHA ROWE: I am advised that the best interest principle under section 7 of the act trumps all the other principles, so it is given paramount consideration.

Hon NICK GOIRAN: I agree that that is the case. If we keep that in mind, the statutory review specifically refers, with the same language, to "in the best interests of the child", my question is: why at this clause will we lessen the standard by referring to "protecting them from harm and meeting a child's needs"? It seems odd to now introduce this lesser standard. I absolutely agree that the higher standard trumps everything and is the umbrella standard, but why has a decision been made to deviate from the language in recommendation 36 by using language that, at least on the face of it, appears to dilute the standard?

Hon SAMANTHA ROWE: I am advised that it is not a lesser standard.

Hon NICK GOIRAN: In other words, "protecting them from harm and meeting the child's needs" is in accord with the "child's best interests", but that is very specific, whereas the other standard is broader. I still do not appreciate why we are narrowing the standard, which may be a better way of describing it rather than calling it a lesser standard. It seems to have been narrowed so that it is not as broad as what is in recommendation 36.

That said, I note that the document entitled *Children and Community Services Amendment Bill 2019: implementation of review recommendations*, which has been provided by the minister's office, indicates that recommendation 36 of the statutory review has been implemented in a number of sections. Thankfully, there is a blue bill on this matter, and some of those sections include proposed sections 9(g), 9(gb)(i) and 143A(4). Recommendation 36 of the statutory review states —

The Act should contain a new principle that, if a child is removed from the child's family, arrangements for the child's long-term stability should be considered in accordance with the following order of preference, as determined to be appropriate and in the best interests of the child:

- (a) reunification with the child's parent(s);
- (b) long-term care with other relatives;
- (c) long-term care with other appropriate persons.

Is it the intention at recommendation 36 to ensure long-term stability of a child by, in order of preference, working towards reunification or by long-term placement with the family or long-term placement with another person?

Hon SAMANTHA ROWE: I am advised that that is correct.

Hon NICK GOIRAN: That being the case, how is that captured by the bill?

Hon SAMANTHA ROWE: I am advised that it is a combination of proposed sections 9(g), 143A(4) and 9(gb)(i). It is a combination of all those.

Hon NICK GOIRAN: I refer to my copy of the blue bill. Proposed section 9(g) states —

the principle that planning for the care of a child who is in the CEO's care should occur as soon as possible in order to promote long-term stability for the child and should, as soon as possible, include consideration of whether it is appropriate to work towards returning the child to the child's parents;

That is the first of the three principles. The second is found under proposed section 9(gb), which states —

the principle that objectives of planning for a placement arrangement for a child include, subject to protecting the child from harm and meeting the child's needs, the following —

- (i) to place the child with a member of the child's family;

I turn to the final principle that the parliamentary secretary referred to, which is found in proposed section 143A(4), which states —

A proposal under section 143 for a protection order (time-limited) must —

- (a) outline proposed arrangements for working towards the child being returned to or placed with the child's parents; or
- (b) if the CEO is of the opinion that such arrangements would be contrary to the best interests of the child or not practicable—contain an explanation of the reasons for the opinion.

The order of preference is not clear in those three proposed sections. I am seeking confirmation on whether the order of preference is somehow captured by the bill.

Hon SAMANTHA ROWE: I am advised that proposed sections 9(g) and 143A(4) are part of recommendation 36(a), reunification with the child's parent or parents; proposed sections 9(gb)(i) and (ii) relates to recommendation 36(b), long-term care with other relatives; and proposed section 9(gb)(iii) relates to recommendation 36(c), long-term care with other appropriate persons.

Hon NICK GOIRAN: I agree. How do we know that that is the order of preference? Those three things have been included in the legislation but the recommendation states that these things need to be considered in a certain order of preference. The person has to say that the top priority is (a), the second is (b) and the third is (c). I agree that all three elements are captured in different parts of the bill, but it does not look like there is a new principle. Recommendation 36 says that the act should contain a new principle, so it is like a direction, saying that if someone is going to be in a situation, matters should be considered in a particular order of preference. That mechanism, if you like, for an order of preference is not apparent in the bill but maybe it is hidden in a clause to which the parliamentary secretary can draw my attention.

Hon SAMANTHA ROWE: I am advised that the way it is set out is the way that parliamentary counsel put it together. The actual explanation will be in the policy in practice—the care practice manual.

Hon NICK GOIRAN: I will make a comment—it is not a question—and then we can move off this clause. I make the observation that that is not what recommendation 36 stated. Recommendation 36 says that the act should contain a new principle. It goes on to say that certain things “should be considered in accordance with the following order of preference”. I accept that we are being told that it will be in the manual, but that is not the act. Despite the fact that, as I said, the statutory review says that it should be enshrined and elevated into legislation, it will be found in a practice manual. That is not what recommendation 36 states. That said, in order to facilitate some progress, at least we can be satisfied that it is the government's and the department's intention for the consideration to be in the order of preference, as set out in recommendation 36. It is not apparent to me why that has not been elevated into the act in the bill before us, as recommended.

Clause put and passed.

Clause 10 put and passed.

Clause 11: Section 12 amended —

Hon NICK GOIRAN: I have two topics to cover under clause 11, which seeks to amend section 12. The first is the requirement to develop a connection to Aboriginal culture and traditions. Under clause 11(2), we are seeking to delete from section 12(2) the existing paragraph (d) and insert a new paragraph (d), which includes subparagraph (ii), which states —

is responsive to the cultural support needs of the child and is willing and able to encourage and support the child to develop and maintain a connection with the culture and traditions of the child's family or community;

In what circumstances would a person, who is not an Aboriginal or Torres Strait Islander, be required to support a child to develop a connection with the culture and traditions of the child's family or community?

Hon SAMANTHA ROWE: I am advised that it would have to occur in every circumstance.

Hon NICK GOIRAN: The question that follows is: what support does the department offer to enable those particular carers, who are not Aboriginal or Torres Strait Islander, to be able to do this?

Hon SAMANTHA ROWE: I am advised that training and programs are provided for foster carers.

Hon NICK GOIRAN: With respect to this clause, it states on page 5 of the explanatory memorandum —

With the geographical size and cultural diversity of Western Australia, current paragraph (c) can result in an Aboriginal child being placed with an Aboriginal person with very different cultural traditions at opposite ends of the state and far from the child's family and community.

In recognition of that, I refer to clause 11(2)(c) and (e) on page 11 of the bill. At line 3 we find proposed paragraph (c) and at line 18 we find proposed paragraph (e). My question is: given the diversity of cultural traditions across the state, why is there no requirement in this clause for an Aboriginal person to be responsive to the cultural needs of the child or to support a connection to the child's culture and traditions?

Hon SAMANTHA ROWE: I am advised that every Aboriginal child will have to have a cultural support plan. That is dealt with in clause 15. Regardless of whether a carer is Aboriginal or non-Aboriginal, a cultural support plan will have to be in place.

Hon NICK GOIRAN: There are three categories on page 11—proposed paragraphs (c), (d) and (e). Why are we inserting a requirement about being responsive to the cultural support needs in proposed paragraphs (d) and (e) but not in proposed paragraph (c)?

Hon SAMANTHA ROWE: I am advised that the amendments are consistent with section 12(2)(d). There is an assumption that Aboriginal people will be supportive of those cultural needs.

Hon NICK GOIRAN: That is right, which takes me to the point in the explanatory memorandum that says —

With the geographical size and cultural diversity of Western Australia, ... can result in an Aboriginal child being placed with an Aboriginal person with very different cultural traditions at opposite ends of the state and far from the child's family and community.

That is the issue that I am trying to address here—recognising that a child might be with an Aboriginal family with very different cultural traditions. Is there an expectation that, notwithstanding that, they will still need to be—to use the language of the bill—“responsive to the cultural support needs of the child”? If that is the case, how is that made clear in the bill, because that general assumption is certainly not found in the legislation that I can find?

Hon SAMANTHA ROWE: I am advised that it is expressed in the bill at clauses 37 and 39. With cultural support plans, input will have to come from not only the family, but also future Aboriginal organisations and Aboriginal practice leaders from the department. It is also in proposed section 9(ga)(iii).

Hon NICK GOIRAN: I will make this observation and then move on to the next clause. I do not find that response persuasive because if that were true, there would be no need for the express provisions otherwise provided at proposed section 12(2)(d) and (e) on page 11 of the bill. Proposed section 12(2)(d)(ii) goes out of the way to say that the person needs to be —

willing and able to encourage and support the child to develop and maintain a connection with the culture and traditions of the child's family or community;

Yet it does not say that in proposed section 12(2)(c). It was indicated earlier that it is assumed that there will be a willingness to do so, but given the geographical diversity and cultural diversity in Western Australia, that may not necessarily be the case. If the explanation that is then found in other areas, such as the participation and cultural support plan, was the substantive reason, there would be no need for those other parts. But I think we have examined that sufficiently. At this point I encourage the reviewers and department to give express consideration to this point in the next review, because inevitably these matters will come up for further consideration.

Clause put and passed.

Clause 12: Section 13 amended —

Hon NICK GOIRAN: This clause uses the phrase “Aboriginal people and Torres Strait Islanders”. I seek clarification as to the context in which it is intended to be used. It appears there are three scenarios. We are looking here at the rights of Aboriginal people and Torres Strait Islanders and I am trying to identify whether those rights intended to be collective or individual. Is it intended that they have a right to participate as individual Aboriginal parents over their children, is it intended to be the rights of individual Aboriginal communities over the children in their communities, or is it intended to be the rights of an Aboriginal population group over Aboriginal children?

Hon SAMANTHA ROWE: I am advised that it is a combination of those.

Hon NICK GOIRAN: If it is a combination, whose rights outweigh the others? Would the rights of individual Aboriginal parents, relative to their children, outweigh the rights of their Aboriginal community or the Aboriginal population group over those same children?

Hon SAMANTHA ROWE: I am advised that in an individual case the views of the parents and the views of the child would be taken into account.

Hon NICK GOIRAN: We know they will be taken into account, but which rights outweigh the other? Do the rights of the individual Aboriginal parents, relative to their children, outweigh the rights of the Aboriginal community or the Aboriginal population group?

Hon SAMANTHA ROWE: I am advised that is generally the case, but it depends on the individual circumstances.

Hon NICK GOIRAN: To be clear—I am happy to take the answer by interjection—generally speaking, do the rights of individual Aboriginal parents, relative to their children, outweigh the rights of the Aboriginal community or the Aboriginal population group?

Hon Samantha Rowe: Yes.

Hon NICK GOIRAN: Okay. What happens when an individual is estranged from their Aboriginal family or community and they do not want that community involved in decisions about their child? Is that then taken into account, keeping in mind what we discussed a moment ago about that general principle?

Hon SAMANTHA ROWE: I am advised that any decision that is made has to be with the best interests of the child at heart, so that outweighs everything else.

Hon NICK GOIRAN: We agree. I think it is under section 7 of the act that the paramount consideration is what is in the best interests of the child. That is the umbrella consideration. My question is: if an individual is estranged from their Aboriginal family or community and their view is that they do not want that community involved in any of the decisions about their child, will that be taken into account?

Hon SAMANTHA ROWE: It would depend. It would be taken into account, but it would depend on what was in the best interests of the child.

Hon NICK GOIRAN: If I can interpret what the parliamentary secretary is saying: it will be heard, but it does not necessarily mean that there will be agreement. The person might be estranged from the Aboriginal family and community and express that they do not want the community involved in the decision. That view that they express, and their right to express that, will be taken into account but it may not necessarily be agreed to.

Hon SAMANTHA ROWE: It would depend on the case, yes.

Hon NICK GOIRAN: I close consideration of clause 12 by making this observation. I refer to the situation I talked about earlier when the department decided two years ago to take a baby into prison to visit the father who had murdered the mother. If the department had actually spoken to the family, it would have realised that they did not want that to occur. Although I accept, as a matter of law, the department has to take into account the best interests of the child and that that is the paramount consideration, it beggars belief that the department could somehow consider that that was in the best interests of the child. As the parliamentary secretary has already pointed out this afternoon, the practice has changed since then and there is a new direction, and that will be tabled at some later stage. It would certainly be my ardent hope that if an individual who was estranged from their Aboriginal family or community said they did not want that community involved in decisions about their child, that would be given great consideration, although not absolute consideration. I am not saying that it needs to be the only consideration; I am saying that great weight ought to be given to that. Members can imagine the circumstances I have just raised and understand why people would get very agitated if their views were not taken into account.

In concluding my remarks on this clause, I hope the practice that will develop as a result of this provision will give great weight to the consideration of an individual estranged in those circumstances, albeit I accept that it cannot possibly be an absolute because there also will be circumstances when the person who expresses that view might themselves be a perpetrator of some sort and, therefore, we would want to give very little consideration and weight to that view. However, as a general principle, I would like it to be given weight rather than just a response that it will have to be considered on a case-by-case basis.

Clause put and passed.

Clause 13 put and passed.

Clause 14: Section 22 amended —

Hon NICK GOIRAN: This clause refers to the powers of the chief executive officer. If I am not mistaken, it seems to me that a new power will be given to the chief executive officer to make requests of public authorities. When the CEO makes this request of a public authority, is it the case that the CEO can also request that a written response be given if the relevant officer for a public authority forms the opinion that they cannot comply with the request to provide assistance?

Hon SAMANTHA ROWE: Yes, that is correct.

Hon NICK GOIRAN: What parameters around this power will exist with respect to the reasonableness of the time frame within which the CEO makes the request?

Hon SAMANTHA ROWE: I am advised that the department is working closely with other agencies to operationalise this particular amendment. The CEO letter to other public authorities would be a last resort option.

Hon NICK GOIRAN: Okay. Is this one of those provisions that will commence six months from assent?

Hon SAMANTHA ROWE: Yes.

Hon NICK GOIRAN: Work will be done over the coming six months, as the parliamentary secretary says, to operationalise this particular provision. Is part of that an understanding between the CEO and the relevant public authorities as to what is considered to be a reasonable time frame in which to respond?

Hon SAMANTHA ROWE: Yes.

Hon NICK GOIRAN: This is a very interesting provision. We have here a situation in which the CEO of the Department of Communities can request a public authority to provide assistance with respect to a child in the

CEO's care; and, if the relevant officer for the public authority forms an opinion that they cannot comply with the request, for various reasons, they will be obliged to provide written reasons for their opinion. I make this observation: it is very interesting that, as a matter of law, one public servant will be able to ask another public servant to do something; and, if they say they cannot do it, they will have to give written reasons for their decision. Would it not be a tremendous thing if we had the same thing when it came to government providing information to Parliament—that when the government says it cannot provide information, it should provide written reasons? Here we have public servants being entitled, as a matter of law, to these written reasons. I do not dissent from the importance of that, because we are talking about the CEO with responsibility for children in the care of the state. Nevertheless, I think that principle should be more widely applied.

That said, parliamentary secretary, clause 14 refers to “a public authority prescribed by the regulations”. It strikes me that this is a new provision, so there would be no public authorities currently prescribed by the regulations. No doubt that is part of the work that will be done over the coming six months. Is there an indicative list of which public authorities are intended to be prescribed by the regulations?

Hon SAMANTHA ROWE: I am advised that the proposed agencies would be the Department of Education, the Department of Training and Workforce Development, the Department of Health, the Department of Justice, and the Department of Local Government, Sport and Cultural Industries; there may be some more.

Hon Dr BRIAN WALKER: Just to follow up, I find this very interesting. In this clause, quite a number of rights and privileges are ascribed to the CEO and, indeed, the officers who are caring for the child. They are in loco parentis, I would imagine—they are caring for the child as though they were the parents themselves. Am I correct in that understanding?

Hon SAMANTHA ROWE: Yes.

Hon Dr BRIAN WALKER: Following on from that, we also see that the parents themselves have been subject to the law—the child has been taken away and is in care as a consequence of the parents' failure to perform their duties. That seems to be, I would not say a punishment, but more a consequence of that. Is there on the other side anything similar in proscriptions or in consequences for the CEO or any other officers if they fail in their duties?

Hon SAMANTHA ROWE: I am advised no, but the department does provide a range of support services within the framework of the act to support families.

Hon Dr BRIAN WALKER: If I can carry on with that, this is actually, as we know, the sharp end of this; it is not just a theory. There is a case currently in the courts, so I cannot give any details about it, but a 15-year-old child in a psychotic, delusional state was removed from her home after alleging sexual assault from her father, who was then placed in prison. The six younger children who remained were traumatised. It was proven in court that the forces who had done this had lied. A child, who was in a psychotic, delusional state, was removed and was believed by the authorities. Her father, who was innocent, was subject to quite severe penalties, and the younger children still suffer psychological stress. The girl was then allowed, by the CEO, to roam profligately and have sex with any young male in the area. Nobody seems to have accrued any penalties for that. Is there any provision in this legislation for appropriate penalties to be prescribed for officers who fail in their duty of care for a child?

Hon SAMANTHA ROWE: No.

Clause put and passed.

Clause 15: Section 22A inserted —

Hon NICK GOIRAN: This clause deals with the approval of Aboriginal or Torres Strait Islander representative organisations. The parliamentary secretary might remember that when we discussed the various commencement provisions during the debate on clause 2, this was a curious one; it is probably a standalone provision in the bill, as it does not, at the moment, have an intended start date. The reason for that, as I recall, is that the parliamentary secretary indicated that a pilot program will hopefully be established in the first half of next year and will run for a 12-month period. Noting that that is the intention for the first half of next year, is there an indicative list of the types of conditions that will need to be satisfied to achieve status as an ARO?

Hon SAMANTHA ROWE: I am advised that there is not a list of conditions. That is being worked through. I can tell the honourable member that the Children and Community Services Regulations 2006 will be amended to provide approval criteria and other requirements relevant to ARO placement, consultation and cultural support planning. Regulations may provide, for example, that before approving an applicant as an ARO, the CEO must be satisfied that the applicant is an Aboriginal community-controlled organisation that provides service to, and is recognised by, the local Aboriginal community. Regulations may also provide that placement, consultation and participation in cultural support planning must occur with an ARO that has relevant knowledge of the child, the child's family or the child's community. They are just examples.

Hon NICK GOIRAN: If the CEO grants ARO status, is there intended to be some form of mechanism in order to withdraw that status?

Hon SAMANTHA ROWE: There will have to be something, yes.

Hon NICK GOIRAN: Is the work that is to be done modelled on work that has been done elsewhere?

Hon SAMANTHA ROWE: I am advised that it is informed by previous provisions under section 81.

Hon NICK GOIRAN: I refer to the pilot program that will be established in the first half of next year. At some point, we are going to have approved AROs. At the beginning of next year, there is going to be a pilot program. What will be the official status of the organisations in the pilot?

Hon SAMANTHA ROWE: I am advised that they will be procured under section 15.

Hon NICK GOIRAN: Is that clause 15 of this bill?

Hon SAMANTHA ROWE: I am advised that the minister will make more announcements on AROs in the future; it will be soon.

Hon NICK GOIRAN: What we know so far is that clause 15 has no firm commencement date, but that it will be some time after the pilot program. We know that the pilot program will begin in the first half of next year and is intended to run for about 12 months, so clause 15 may become law sometime at the beginning of 2023. My question is: how can the AROs have status under clause 15 of the bill during the pilot period if clause 15 has not yet commenced?

Hon SAMANTHA ROWE: I am advised that they will still be able to operate under the legislation without clause 15 being proclaimed, because they will fall under current section 81(c).

Hon NICK GOIRAN: I thank the parliamentary secretary; I think that helps. This is the current section 81(c)?

Hon Samantha Rowe: Yes.

Hon NICK GOIRAN: Section 81 states, in part —

Before making a placement arrangement in respect of an Aboriginal child or a Torres Strait Islander child the CEO must consult with at least one of the following —

...

- (c) an Aboriginal or Torres Strait Islander agency that, in the opinion of the CEO, has relevant knowledge of the child, the child's family or the child's community.

So one or more of those general agencies will be part of this pilot program, with a view to testing the arrangement and ultimately becoming an Aboriginal or Torres Strait Islander representative organisation. If that is the case, has funding been specifically allocated towards the pilot program?

Hon SAMANTHA ROWE: I do not have that information here.

Hon NICK GOIRAN: That does not stop us from passing clause 15, but it must be information that is readily in the knowledge of the department. The reason this clause is not being commenced is so that a pilot program can happen next year. Someone in the department must know the cost associated with that. Is that something that could be taken on notice, explored, and then provided at a later date?

Hon SAMANTHA ROWE: I am advised that an announcement will be made in due course.

Hon NICK GOIRAN: I am fascinated. The more we delve into clause 15, the more curious I am. I accept that in due course the minister will apparently reveal the mystery with regard to clause 15. I do not know why the pilot program needs to be as secretive as it is. My advice to the minister and her colleagues is to be prepared for this in the estimates hearings next week in the other place. It simply will not be acceptable to say that she still does not know the cost of the pilot program when one of the provisions in the bill before the Legislative Council will not commence until such time as the pilot program has happened. Nevertheless, it remains the case that, as at 16 September 2021, the Legislative Council of Western Australia has not been informed as to whether there is any funding available for the ARO pilot program.

I have a final question on clause 15. I take the parliamentary secretary to the word “or” on line 8 of page 14. It seems to me that it should read “and”. Can the parliamentary secretary clarify whether it is the government's intention for the CEO to have discretion as to whether the up-to-date list of Aboriginal or Torres Strait Islander representative organisations is made available for inspection by members of the public, free of charge, on the internet or otherwise, as the CEO considers appropriate? I would have thought it was intended to mean “and otherwise”, so that no matter what, as a minimum, the CEO will make sure that this information is available, free of charge, on the internet and otherwise, as the CEO considers appropriate. Can the parliamentary secretary clarify whether it is genuinely intended to be “or”; and, if so, what is the explanation for that?

Hon SAMANTHA ROWE: I am advised that it is meant to be “or”. All the information is meant to be publicly and readily available; therefore, it would be on the internet.

Hon NICK GOIRAN: Can I ask that that be considered? I think it is probably clear that we are not going to get through the entire bill this afternoon. Between now and the next sitting, could this provision be given specific consideration? Maybe it could be checked by parliamentary counsel; it may just be a drafting error. If that is the case, then certainly, on behalf of the opposition, I indicate that we will support any brief recommittal to fix that. It seems, at first glance, to be a drafting error; that seems to be consistent with the response that has just been provided—

that it is intended that the information will always be available, free of charge, on the internet. I just ask that that be considered. The parliamentary secretary does not even need to respond to that; I am just making an observation. In a different Parliament I would move an amendment at this point to delete “or” and insert “and”, but in the forty-first Parliament there is absolutely no point in doing such a thing. I just ask that that be considered by the government.

Clause put and passed.

Clause 16 put and passed.

Clause 17: Section 28 amended —

Hon NICK GOIRAN: The proposed changes at clause 17 have their history in recommendations 48 and 49 of the statutory review. The explanatory memorandum states that the changes proposed by this clause address an oversight identified in practice. How was this oversight identified?

Hon SAMANTHA ROWE: I am advised that it was identified by departmental lawyers.

Clause put and passed.

Clauses 18 to 20 put and passed.

Clause 21: Section 39 amended —

Hon NICK GOIRAN: Clause 21(3) sets out that proposed section 39(2B)(e) will only come into effect when the clause does. When is that intended?

Hon SAMANTHA ROWE: It will be six months after royal assent.

Clause put and passed.

Clauses 22 to 24 put and passed.

Clause 25: Section 44 amended —

Hon NICK GOIRAN: Clause 25 deals with the proposed conditions of a proposed protection order. Is it usually the case that conditions are placed on special guardianship orders?

Hon SAMANTHA ROWE: Yes, and it is one condition relating to contact.

Hon NICK GOIRAN: There is one typical condition that is imposed. Is there a form of words that can be provided for that, or a document that sets out the typical condition?

Hon SAMANTHA ROWE: I am advised, no; it will depend on the court order.

Hon NICK GOIRAN: I am almost reluctant to ask the question, but I will ask it anyway, and I suspect the parliamentary secretary will need to take it on notice. It is unlikely the information will be readily available. How many special guardianship orders were sought in the last calendar year? If the information is not readily available, can it be provided at a later stage?

Hon SAMANTHA ROWE: I am advised that it can be provided at a later stage.

Hon NICK GOIRAN: If it is provided at a later stage, can the parliamentary secretary advise how many of them had this particular condition imposed?

Hon SAMANTHA ROWE: I am advised that that information may not be recorded.

Hon NICK GOIRAN: Can we conclude on the basis that if it is recorded, it might be provided? If it is not recorded, then that is regrettable.

Clause put and passed.

Clause 26: Section 50 amended —

Hon NICK GOIRAN: We are dealing with the issue of supervision orders. Recommendation 50 of the statutory review appears to be relevant. It states —

The Act should be amended to clearly allow protection orders ... to contain a condition as to the parent with whom a child should live.

This explanation is provided at page 135 of the statutory review, leading into the recommendation where it states —

A protection order ... enables the CEO to supervise the wellbeing of a child for the period of the protection order without assuming parental responsibility. A number of conditions can be placed on a protection order ... to support parents to care for their child while under the supervision of the Department.

It says further on —

Although section 50(3) was originally intended to maintain the status quo in respect of a child’s living arrangements, the section has lacked clarity on whether the current wording allows for a condition which alters the living arrangements of a child in preference of one parent over another regardless of the pre-order arrangements.

It says further on —

The Review agreed that despite its original intent, enabling the Court to make a condition on a protection order ... as to the parent with whom the child is to live, could be useful in family violence situations to support a protective parent and prevent the need to bring the child into the care of the CEO.

Is the parliamentary secretary in a position to advise who has been consulted on the drafting of clause 26, which arises from recommendation 50 and, specifically, whether any experts in the field of prevention of family and domestic violence have been consulted?

Hon SAMANTHA ROWE: We do not have the information of who was consulted but there was a discussion, I believe, at the time of the review, and we believe family and domestic violence was discussed at that time.

Hon NICK GOIRAN: Recommendation 50 at page 135, following that discussion and the review, states —

The Act should be amended to clearly allow a protection order ... to contain a condition as to the parent with whom a child should live.

It should be amended to “clearly allow a protection order to contain a condition as to the parent with whom a child should live.” Clause 26(3) states —

A protection order ... may include a condition requiring the child to live with a specified parent of the child, but otherwise must not include a condition about —

- (a) the person or persons with whom the child is to live; or
- (b) who is to have responsibility for the day-to-day care, welfare and development of the child.

The parliamentary secretary will see that it narrows the scope of the provision and it seems to again dilute what was originally said in recommendation 50. I can understand that some consultation occurred during the statutory review, which led to recommendation 50. I am trying to ascertain who was consulted, which resulted in clause 26 being a divergence to recommendation 50?

Hon SAMANTHA ROWE: I am advised that the wording does not dilute the recommendation. I do not have who was consulted.

Hon NICK GOIRAN: Is the data on the number of protection orders that have been obtained readily available?

Hon SAMANTHA ROWE: I am advised that we do not have it right now but we can get it for the honourable member.

Hon NICK GOIRAN: Yes, please; if the parliamentary secretary can. I am looking for the most recent available data on how many protection orders the department is currently managing? Can that be provided at a later stage? Can the parliamentary secretary also indicate whether it is possible to provide the number of supervision orders in place compared to other orders, such as until 18, time-limited, or special guardianship orders?

Hon SAMANTHA ROWE: Yes.

Clause put and passed.

Clause 27: Section 61 amended —

Hon NICK GOIRAN: Can the parliamentary secretary turn to clause 27(3) and the insertion of new subsection (2A). It appears to go beyond the recommendation of the statutory review. During a briefing, I think it was, or in subsequent information provided to the opposition, I was advised that clause 27(3), which looks to insert (2A), and clause 27(4)(a), are intended to implement recommendation 8 of the statutory review, which states —

The Act should be amended to require the Department to demonstrate its application of the section 12 placement-hierarchy in the section 61 and section 143 reports it must provide to the Children’s Court during protection proceedings, including the consultations under section 81 and other efforts it has made to make placements in accordance with the hierarchy.

Clause 27(3) inserts (2A) and states —

The Court must, in assessing the suitability of the proposed special guardian, have regard to the following as if the order were a placement arrangement —

Is it correct that the matter is placed before the court rather than the department if we consider what is set out in recommendation 8, which requires that it be the department rather than the court?

Hon SAMANTHA ROWE: I am advised that the department has to put a report that will address those issues before the court.

Hon NICK GOIRAN: The report of the department will then give effect to recommendation 8, which will then be considered by the court under amended section 61.

With regards to Aboriginal children, the reference in clause 27(3) and the insertion of proposed subsection (2A), which refers to the principles set out in section 12, will that prompt or create the need for a new assessment of available carers to be undertaken in terms of the placement principle hierarchy?

Hon SAMANTHA ROWE: I am advised that it is unlikely.

Hon NICK GOIRAN: Why is it unlikely?

Hon SAMANTHA ROWE: I am advised that the department would not apply for the orders unless it supported that special guardianship order. It would not apply for them if it was not happy to go ahead.

Hon NICK GOIRAN: Is it only the department that can apply?

Hon SAMANTHA ROWE: No.

Hon NICK GOIRAN: What would happen in the scenario when the department is not the applicant?

Hon SAMANTHA ROWE: I am advised that if a carer applies, the department still has to provide a report to the court.

Hon NICK GOIRAN: The report that is provided by the department to the court when it is considering whether to make such an order will take into account, for an Aboriginal child or a Torres Strait Islander child, the principles set out in section 12, which takes me back to the original point as to whether that will then trigger the need for another assessment to be done by the available carers. We need to remember that there is the placement principle and the hierarchy. My concern is that if a potential carer was found, how does that upset this arrangement that people are applying for with respect to the special guardianship order?

Hon SAMANTHA ROWE: I am advised that it is unlikely but there are a few circumstances in which it may be triggered.

Hon NICK GOIRAN: I am concerned about this point. We pass these pieces of legislation; we sign them off and make our best endeavours, but those on the front line end up working with the legislation that we pass. When we say that something like this is unlikely, that may well be the case but when it occurs, that is when mayhem ensues. I do not want that to occur. I know that the government does not want there to be any mayhem in this situation either. Again, I ask those with overall carriage of this matter to give this particular issue further consideration. Maybe a form of words could be inserted at this point to make it clear that it is not the intention. That said, if it is the intention that a reassessment be carried out, that should also be made clear. I cannot imagine that would be the case because it would cause further stress to those involved. If we are sufficiently satisfied that there is not a set of circumstances in which that would be appropriate, I think it is important to say so.

With respect to the enforcement of these conditions on the special guardianship orders, who has responsibility to ensure that the conditions are met?

Hon SAMANTHA ROWE: I am advised that the parties to the proceedings have that responsibility.

Hon NICK GOIRAN: One of the parties to the proceedings is the department. Is the department then responsible for overseeing that the conditions are met?

Hon SAMANTHA ROWE: Honourable member, no.

Committee interrupted, pursuant to standing orders.

[Continued on page 4067.]

QUESTIONS WITHOUT NOTICE

ROYALTIES FOR REGIONS — 2021–22 STATE BUDGET

738. Hon Dr STEVE THOMAS to the Minister for Regional Development:

I refer to the minister's answer to question without notice 694 asked on 14 September 2021 and part (4)(b) of that question.

Please provide a breakdown of the \$496.119 million cost for 2021 election commitments by project or program.

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

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

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

Election Commitments	Cost (\$ million)
Aboriginal Ranger Program	45.000
Aboriginal Social and Emotional Wellbeing	17.573
Aboriginal Tourism Fund	12.128
Agrifood Activation Fund – Food Technology Facility Project (Peel)	10.000
Albany Senior High School	8.500

Albany Trails	3.200
Aquaculture Development Zones	2.200
Baler Primary School	3.500
Baynton West Primary School	5.500
Boost to Food Industry Innovation	4.000
Broome Aboriginal-led Specialist Family Violence Court	4.765
Broome Senior High School	4.400
Bunbury Prison Alcohol & Other Drug Unit	8.664
Carnarvon One Mile Jetty	4.500
Cassia Primary School	4.500
Climate Resilience Fund	15.000
Collie Industry Attraction Fund	20.000
Community Alcohol and Other Drug Integrated Services in the South Metropolitan Health Service Region (Peel)	8.623
Country Firefighters Recruitment	13.751
Dampier Peninsula and Buccaneer Archipelago Visitor Plan	0.400
Dampier Primary School	1.000
Danggu Geike Gorge Upgrades	1.750
Donnybrook District High School	1.000
Drummond Cove Coastal Protection Project	3.207
Dwellingup Trails Gap Project	2.700
Eaton Community College	7.000
Feasibility Study for AMTECH for Bunbury Geographe	2.000
Geraldton Hospital Co-location	2.000
Grain Freight Upgrades	22.000
Halls Creek District High School	10.000
Halls Creek Town Development Masterplan – State Contribution	3.500
Harvey Trail Precinct	0.105
Implementing the Peel–Harvey Estuary Protection Plan	5.000
Industry Growth Partnership Processed Oats Industry	10.121
Industry Growth Partnership Wine Export	1.500
Kalbarri Island Rock	0.250
Kalgoorlie CFRS Station Upgrade	1.200
Karijini National Park Upgrades	16.000
Kimberley and Pilbara Solar Schools Program	4.573
Kimberley Wilderness Walk, Wunaamin Miliwundi Ranges	0.850
Mandurah Estuary Bridge Duplication	55.000
Meekatharra Hospital	15.670
Mount Augustus Tourism Infrastructure	10.000
Murujuga National Park (Conzinc Bay)	5.000
Northern Native Seed Initiative	4.393
Oakajee Strategic Industrial Area Access Road	7.500
Olabud Doogethu Halls Creek Youth Justice Reinvestment Project	1.452
Patient Assisted Travel Scheme	19.701
Peel Regional Trails	2.000
Regional Airfare Zone Cap for Regional Residents	19.800
Regional Blackspot Program	14.799
Regional Exhibition Touring Boost	4.000
South Bunbury Education Support Centre	3.000
Strong Spirit Strong Mind Public Education Campaign to Run State-Wide	9.203
Sub-acute Mental Health Services in South Hedland	14.771

Tambrey Primary School	0.750
Torndirrup National Park, The Gap	3.300
Truck Rest Stops	5.000
Western Desert Justice Program	1.500
Women's Community Health Services: Kimberley Women's Health Program	2.820
Yawuru Conservation Park	4.500
Total	496.119

NET DEBT — 2021–22 STATE BUDGET

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

I refer to the 2021 budget papers, which indicate that total public sector net debt is expected to drop to \$32 billion this financial year but rise to \$35 billion by 2023–24 and \$36 billion by 2024–25 and the minister's refusal to answer my questions yesterday, so I ask them again.

- (1) What was the total public sector net debt when the McGowan government came to power in March 2017?
- (2) Is total public sector net debt budgeted to be higher or lower in 2024–25 than the level the McGowan government inherited in 2017 and by how much?

Hon STEPHEN DAWSON replied:

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

- (1) When the McGowan government came to power in March 2017, total public sector net debt was budgeted to reach \$43.7 billion.
- (2) Total public sector net debt in 2024–25 —

Several members interjected.

Hon STEPHEN DAWSON: Are members listening? If they do not listen, I do not have to give the answer. The answer is —

- (2) Total public sector net debt in 2024–25 will be lower than the \$43.7 billion of net debt that the McGowan government inherited when it came to power in 2017. I refer to the 2021–22 budget paper No 3.

CONSTITUTIONAL AND ELECTORAL LEGISLATION
AMENDMENT (ELECTORAL EQUALITY) BILL 2021

740. Hon TJORN SIBMA to the parliamentary secretary representing the Minister for Electoral Affairs:

I refer to the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021.

- (1) When did cabinet approve the drafting and printing of the bill?
- (2) Whose instructions and assistance did the Parliamentary Counsel's Office rely upon when drafting the bill?
- (3) What involvement, if any, did the Western Australian Electoral Commission have in drafting the bill?
- (4) What involvement, if any, did members of the Ministerial Expert Committee on Electoral Reform have in drafting the bill?

Hon MATTHEW SWINBOURN replied:

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

- (1)–(4) The drafting of bills is a decision of cabinet and is cabinet-in-confidence.

Several members interjected.

The PRESIDENT: Order! Thank you, honourable members. Cross-chamber chat is discouraged.

FOSTER CARE REFRESH PROJECT

741. Hon NICK GOIRAN to the parliamentary secretary representing the Minister for Child Protection:

I refer to the *Foster care refresh project*.

- (1) Has the preparation of an implementation plan that will include specific time frames, lead areas and phased actions been commenced?
- (2) If yes to (1), who is preparing this?
- (3) Further to (1), when is it scheduled to be completed?

Hon KYLE McGINN replied:

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

- (1) Yes.
- (2) The Department of Communities.
- (3) It is scheduled to be completed in December 2021.

PREGNANCY AND INFANT LOSS REMEMBRANCE DAY —
HARVEY HOUSE AND MEMORIAL GARDEN

742. Hon DONNA FARAGHER to the minister representing the Minister for Health:

I refer to the Premier's statement in the Legislative Assembly on 15 October 2020 regarding Pregnancy and Infant Loss Remembrance Day and his comments that —

Throughout 2020 we have been working to subdivide Harvey House and the memorial garden from King Edward Memorial Hospital. Although this process has not been simple, work has been ongoing.

- (1) What options has the government identified to subdivide Harvey House and the memorial garden from the hospital?
- (2) Does it remain the intention of the government to subdivide the site; and, if not, why not?

Hon STEPHEN DAWSON replied:

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

- (1) Following the announcement of the relocation of King Edward Memorial Hospital in April 2019; the Department of Health, the North Metropolitan Health Service and the Women and Newborn Health Service were requested to investigate a solution to divest the KEMH site and find a definitive owner to protect and secure the future of Harvey House and the rose garden. The Department of Planning, Lands and Heritage advised that the fastest solution was for DOH to offer a licence to a not-for-profit group. The WA Medical Museum Board, the current custodians of Harvey House, was identified and agreed to enter into a licence to manage Harvey House and the rose garden.
- (2) Yes.

POLICE — OPERATION TIDE

743. Hon PETER COLLIER to the minister representing the Minister for Police:

I refer to the 440 police officers currently transferred to Operation Tide.

- (1) Without providing specific officer numbers, will the minister identify the general tasks undertaken by those currently working in Operation Tide?
- (2) If not, why not?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of this question. The following information has been provided to me by the Minister for Police. Western Australia's police officers and police staff have done an outstanding job during the COVID-19 pandemic to keep Western Australians safe. The McGowan government thanks the police personnel attached to Operation Tide, which was established in response to the pandemic, for their dedicated service. The Western Australia Police Force advises as follows.

- (1) Tasks include overall incident management, including planning, logistics and operations; airport, maritime and road border operations; hotel quarantine at hotels for high-risk travellers and breaches; quarantine compliance and assurance, including breaches; G2G PASS assessment and processing; G2G Now compliance and monitoring; presentation for testing compliance and investigation; sports and major events; industry liaison; communication and information; direction writing; reporting team; and contact tracing assistance and lockdown management.
- (2) Not applicable.

ABORIGINAL HERITAGE SITES — WOODSIDE ACID GAS EMISSIONS — BURRUP PENINSULA

744. Hon Dr BRAD PETTITT to the Minister for Aboriginal Affairs:

I refer to question on notice 193 and the minister's answer (a)–(b) that states "Woodside holds two section 18 consents" under the Aboriginal Heritage Act for activities on the Burrup Peninsula. However, Woodside's website lists five section 18s for those operations on the Burrup Peninsula.

- (1) Can the minister please advise which is correct—two or five section 18 consents?

- (2) Will the minister table the section 18 consent instruments referred to in (1) held by Woodside?

Hon STEPHEN DAWSON replied:

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

- (1) Woodside holds two section 18 consents specifically relating to the operations of a liquefied natural gas plant. With respect to records prior to 2010, significant resources are required to retrieve and review hard copy records that relate to section 18 notices that Woodside hold in relation to the Burrup Peninsula.
- (2) Copies of the two section 18 consents referred to in part (1) are attached and I table them.

[See paper [691](#).]

DIGITAL CONNECTIVITY — REMOTE ABORIGINAL COMMUNITIES

745. Hon WILSON TUCKER to the Leader of the House representing the Premier:

I refer to the answers to my question without notice 428 on 5 August and question without notice 544 on 18 August in which I was advised that the state government does not collect data on internet connectivity in remote Indigenous communities. I draw to the Leader of the House's attention target 17 of the National Agreement on Closing the Gap, which states that by 2026 Aboriginal and Torres Strait Islander people should have equal levels of digital inclusion. How does the government intend to meet its obligations under the National Agreement on Closing the Gap without data on the levels of internet connectivity in remote Indigenous communities?

Hon SUE ELLERY replied:

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

Digital inclusion goes beyond internet connectivity. It covers digital access affordability of the internet and devices and digital skills. The Western Australian government will work with Aboriginal Western Australians to determine ways to achieve better digital inclusion. That work is aligned to the objectives of the draft, *Digital inclusion in Western Australia: A blueprint for a digitally-inclusive state*. The WA government recognises that connectivity in regional and remote areas is a significant barrier that must be addressed. That is why the WA government is implementing the regional telecommunications project, an \$85 million initiative, administered by the Department of Primary Industries and Regional Development, with mobile network operators and the Australian government's mobile black spot program as partners.

The current source of data about information technology and Aboriginal people, including accessing the internet, supplied equipment and access to government services, is the Australian Bureau of Statistics' *National Aboriginal and Torres Strait Islander social survey*. The Australian digital inclusion index also collects and publicly reports on data measuring digital inclusion for Aboriginal people. In 2016, the ABS Census also included a question about internet access in dwellings with at least one Aboriginal person residing. This question did not appear in the 2021 Census.

POLICE — DRUG TESTING

746. Hon SOPHIA MOERMOND to the minister representing the Minister for Police:

I refer to comments made by Professor Dan Lubman, AM, executive clinical director at Turning Point and director of the Monash Addiction Research Centre at Monash University, as highlighted in tabled paper 507.

- (1) Is the minister aware of impairment testing versus presence testing?
- (2) If not, why not?

Hon STEPHEN DAWSON replied:

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

- (1)–(2) The Road Traffic Act 1974 includes offences regarding alcohol and drug presence and impairment.

HOUSING — EMERGENCY ACCOMMODATION

747. Hon MARTIN ALDRIDGE to the Leader of the House representing the Minister for Local Government:

I refer to Caravan Parks and Camping Grounds Regulations 1997 and temporary housing solutions such as caravans and accommodation pods deployed to assist with recovery following natural disasters such as the Wooroloo bushfire and tropical cyclone Seroja.

- (1) Has the minister given written approval under regulation 11 for the temporary or semi-permanent utilisation of emergency accommodation in the following local government areas: City of Swan; Shire of Mundaring; Shire of Northampton; Shire of Chapman Valley; and Shire of Morawa?
- (2) Is the minister considering amendment to the regulations to provide automatically for emergency accommodation in future circumstances alleviating unnecessary administrative burdens placed on disaster affected persons and local governments?

Hon SUE ELLERY replied:

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

- (1) Yes, the minister has approved applications in accordance with the regulations. I note that local governments can also approve temporary accommodation on a property for limited periods under the regulations. The Department of Local Government, Sport and Cultural Industries has been working with local governments to provide for timely review and approval for temporary accommodation for people impacted by recent natural disasters. The state government has been engaging with local governments to obtain information to facilitate bulk approvals in a timely fashion, where required.
- (2) The current regulations provide for the relevant local government to approve temporary accommodation on a property for limited periods. The minister may then approve that occupation for a longer period. It is important that local governments assess applications to ensure that the temporary occupation is compliant with relevant health and safety standards. This ensures that any potential issues associated with water, power and waste disposal are properly identified, addressed and managed.

NATIVE FOREST SURVEY

748. Hon JAMES HAYWARD to the minister representing the Minister for Environment:

I refer to the Western Australian Biodiversity Science Institute 2021 survey relating to the native forest industry.

- (1) Who was allowed to complete the online survey, and how many times was an individual able to complete the survey?
- (2) Who drafted, and who ultimately approved, the questions in the survey?
- (3) Is the minister able to provide a breakdown of respondents to the survey by postcode?
- (4) Does the minister consider an opinion survey to be a scientific report?

Hon STEPHEN DAWSON replied:

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

- (1)–(3) I table the Western Australian Biodiversity Science Institute's *The value and use of Western Australia's native forests now and into the future—Survey summary report*. If the honourable member would like a further breakdown of respondents by postcode instead of geographical area, I request that this is put on notice.

[See paper [692](#).]

- (4) Not applicable.

Hon Dr Steve Thomas: How many trees did it take to print it off?

Hon STEPHEN DAWSON: Quite a lot.

Hon Dr Steve Thomas: It would've been softwood.

The PRESIDENT: Order!

RAIL REALIGNMENT — KALGOORLIE

749. Hon NEIL THOMSON to the minister representing the Minister for Transport:

I refer to the proposal to realign the rail corridor through Kalgoorlie in order to enhance land availability and improve intermodal transport.

- (1) Is the minister aware of the offer by the federal government to fund \$2 million for a feasibility study on the condition the state provides \$500 000?
- (2) Is this matter now budgeted and in the state's work program?
- (3) If no to (2), why not?

Hon SUE ELLERY replied:

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

- (1)–(2) Yes. That is why \$2.5 million has been allocated to the Kalgoorlie rail realignment under "New Initiatives" on page 584 of budget paper No 2, volume 2.
- (3) Not applicable.

SOCIAL HOUSING — REGIONS — MODULAR CONSTRUCTION

750. Hon STEVE MARTIN to the Leader of the House representing the Minister for Housing:

I refer to the government's budget announcement allocating \$70.4 million for construction of 134 modular homes on department-owned land in the regions over 2021–22 to 2022–23.

- (1) What regions and parcels of land have been identified for the 134 homes?

- (2) How many homes will be allocated to each region and over which years?
- (3) How many square metres is the internal footprint of the proposed modular homes and how many bedrooms will each modular home offer?
- (4) What is the anticipated construction time for functional delivery of the modular homes?
- (5) Have any construction contracts been approved by the government for the delivery of the modular homes; and, if so, with which companies?

Hon SUE ELLERY replied:

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

- (1)–(5) The modular program is currently in the design phase, with the size, layout and location of each individual modular building being consistent with the Department of Communities' social housing functional brief for traditional in situ construction. Locations will be determined based on waitlist demand, land availability and other factors, including local building industry capacity. The details of the contracts awarded for modular construction will be publicly available when the relevant program design phase and procurement processes are finalised.

CORONAVIRUS — SKILLED AGRICULTURAL WORKERS —
BLADIN VILLAGE, NORTHERN TERRITORY

751. Hon Dr STEVE THOMAS to the Minister for Agriculture and Food:

My question without notice of which some notice, but not as much as I thought, unfortunately, was given is to the Minister for Agriculture and Food, but I understand that she has an answer prepared.

Hon Alannah MacTiernan interjected.

Hon Dr STEVE THOMAS: I missed the response; sorry.

The PRESIDENT: Honourable member, just focus on the question in front of you.

Hon Dr STEVE THOMAS: Certainly. Thank you, President.

I refer to the potential development of Bladin Village as a quarantine hub in the Northern Territory to allow workers to enter Australia to work in areas of worker shortage, including agriculture.

- (1) Did the response that the minister gave Hon Colin de Grussa to question without notice 688, asked on 9 September 2021, in which she said the government had “been doing the costings” indicate that a formal proposal or business case is being progressed for the use of Bladin Village?
- (2) If yes to (1), when will the proposal or business case be completed and when will it be sent to the commonwealth?
- (3) If no to (1), is a business case or formal process going to be written or developed?
- (4) If no to (3), why not?

Hon ALANNAH MacTIERNAN replied:

I thank the member for some notice of the question.

- (1)–(4) My advice is that as of today the Northern Territory government is still uncertain about whether it is prepared to allow this facility to open. Of course, it is within its jurisdiction. It has pointed out to the commonwealth, I understand again today, that it needs assistance with health and policing if this facility is to be opened. Although it is true that we have been looking at the numbers and it would be a costly proposition, there is no point in advancing this until such time as the Northern Territory is comfortable with or it has agreed that it is prepared to allow that facility to be used. Again, we say that there are members opposite who have friends in the Liberal Party at the federal level, presumably, and the National Party, presumably—I am not quite sure how things are going between the Nationals WA and Barnaby at the moment.

This clearly is something whereby we need the federal government to make a decision that it is going to help the states. We all know that each state is struggling to provide the medical and police services necessary to keep the system afloat. The commonwealth has been prepared to provide help in New South Wales. What the Northern Territory and ourselves are asking is can it —

Hon Dr Steve Thomas: I asked about the preparation of a business case.

Hon ALANNAH MacTIERNAN: There is no business case until such time as we know that we can have a facility. There is no possibility of this thing getting legs unless the Northern Territory government is confident that it can open, and it is asking for the commonwealth to help it with its medical and policing side.

MINISTERIAL MULTICULTURAL ADVISORY COUNCIL

752. Hon TJORN SIBMA to the parliamentary secretary representing Minister for Citizenship and Multicultural Interests:

My question is dated 8 September. I refer to the Ministerial Multicultural Advisory Council.

- (1) On how many occasions in 2021 has the MMAC met with the Minister for Citizenship and Multicultural Interests?
- (2) I refer to the comments of the Minister for Health that the Roll Up for WA COVID-19 vaccination campaign, and I quote —

...specifically targets culturally and linguistically diverse communities through a range of channels and creative assets.

Was the MMAC consulted, or did it provide advice, in relation to the development of that aspect of the vaccination campaign?

- (3) Were any other CALD groups or associations consulted in the development of campaign collateral; and, if so, which ones?

Hon SAMANTHA ROWE replied:

I thank the member for some notice of the question and I provide the following answer on behalf of the Minister for Citizenship and Multicultural Interests.

- (1) The Minister for Citizenship and Multicultural Interests chairs the bimonthly meetings of the Ministerial Multicultural Advisory Council. So far in 2021, the council has met three times.
- (2) The Premier, Minister for Health, Minister for Citizenship and Multicultural Interests and Chief Health Officer have met with the MMAC in relation to the Roll Up for WA COVID-19 vaccination campaign.
- (3) The Office of Multicultural Interests, together with the Department of Health and the Department of the Premier and Cabinet, has been in frequent contact with culturally and linguistically diverse communities regarding COVID-19 and the vaccination rollout. This has included forums on the vaccination rollout with a number of CALD community groups and associations. These have included representatives from Afghan, African, Arab, Chinese, Indian, Korean, Malaysian, Filipino and other CALD communities.

CHILDREN'S COURT OF WESTERN AUSTRALIA ACT — REVIEW

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

I refer to the 70 recommendations made in the statutory review of the Children and Community Services Act 2004 undertaken by the Department of Communities in 2017, and note the recent advice to the house from the Parliamentary Secretary to the Minister for Child Protection that recommendations 27 through to 34 fall under the jurisdiction of the Attorney General as they intersect with Family Court proceedings.

- (1) Has any work been undertaken by the Department of Justice in relation to these recommendations?
- (2) If yes to (1), will the Attorney General table the most recent document created as part of that work?
- (3) When was the Children's Court of Western Australia Act 1988 last reviewed?
- (4) When was the Young Offenders Act 1994 last reviewed?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide the following response on behalf of the Attorney General.

- (1)–(3) Work has recently commenced and is now currently being undertaken by the Department of Justice in respect of a first-time review of the Children's Court of Western Australia Act 1988. This review will include comprehensive stakeholder consultation and will consider the relevant recommendations set out in the statutory review of the Children and Community Services Act 2004. As a result, no document currently exists that can be tabled.
- (4) The Young Offenders Act 1994 falls under the portfolio of Hon Bill Johnston. Any questions relating to this legislation should be referred to the Minister for Corrective Services.

EMPOWERING COMMUNITIES PROGRAM

754. Hon DONNA FARAGHER to the parliamentary secretary representing the Minister for Community Services:

I refer to the Empowering Communities program delivered through the Department of Communities.

- (1) How many centres that were previously unsuccessful in the tender process is the department currently working with to transition to the Empowering Communities program?
- (2) Will the minister provide a list of the centres referred to in (1)?

Hon SAMANTHA ROWE replied:

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

- (1) It is nine centres.
- (2) This part of the answer is in table format. I seek leave to have the response incorporated into *Hansard*.

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

(2)

Organisation Name	Service Name
Blue Sky Community Group Inc	Lockridge Community Centre
Eaton Combined Playgroup Inc	Eaton Family Centre
Forest Lakes/Thornlie Family Centre Inc	Forest Lakes/Thornlie Family Centre
Kulungah-Myah Family Centre Inc	Kulungah-Myah Family Centre
Meerilinga Young Children's Services Inc	Meerilinga Children and Family Centre – Ballajura, Beechboro, Kingsley and Woodvale
Victoria Park Community Centre Inc	Victoria Park Community Centre
Warnbro Community and Family Centre Incorporated	Warnbro Community and Family Centre
Whitford Family Centre Inc	Whitford Family Centre
Woodlupine Family Centre Inc	Woodlupine Family Centre

POLICE — MENTAL HEALTH SUPPORT SERVICES

755. Hon PETER COLLIER to the minister representing the Minister for Police:

I refer the minister to his response to question without notice 692 of Thursday, 9 September, and question without notice 699 of Tuesday, 14 September.

Will the minister confirm that the critical incident response crisis support service in its entirety consists of an on-call psychologist and an on-call chaplain, and that the cost to the Western Australia Police Force has been \$708 844 in 2018, \$1.326 million in 2019 and \$1.4 million in 2020?

Hon STEPHEN DAWSON replied:

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

The Western Australia Police Force advises that those costs provide for the psychologists and chaplains who can be rostered to provide this service. These costs include the on-call psychologist and chaplaincy services that provide a critical incident response and crisis support services after hours to ensure a 24/7 capability.

PATIENT ASSISTED TRAVEL SCHEME — ELECTION COMMITMENT

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

I refer to the Premier's election promise to increase funding for the patient assisted travel scheme from \$60 per night to \$100 per night, as posted on his Facebook page on 13 January this year.

- (1) On what date will the increase in the PATS subsidy come into effect?
- (2) What is the cost of this commitment for —
 - (a) 2021–22; and
 - (b) each year of the forward estimates?
- (3) Will the Premier further commit to increasing other PATS subsidies, such as the private vehicle or accommodation subsidies, to better reflect the true costs for regional residents who must travel to access essential health services?

Hon SUE ELLERY replied:

- (1) I have been advised that the accommodation subsidy increase is anticipated to take effect from the week commencing 13 September 2021.
- (2) (a) In 2021–22, it is \$4 366 000.
(b) In 2022–23, it is \$4 708 000; in 2023–24, it is \$5 104 000; and in 2024–25, it is \$5 523 000.
- (3) The 2021–22 state budget invests an additional \$19.7 million to increase support for the accommodation allowance from \$60 per night to up to \$100 per night. This represents a 66 per cent increase in the accommodation allowance and it expands eligibility for patient support escorts, enabling vulnerable patients

to be accompanied by a support person when travelling for medical appointments. Separate to this, the government continues to fund the Country Age Pension Fuel Card subsidy, which is worth \$575 per annum for eligible recipients.

FOREST PRODUCTS COMMISSION — FOREST STEWARDSHIP COUNCIL ACCREDITATION

757. Hon JAMES HAYWARD to the minister representing the Minister for Forestry:

I refer to accreditation from the Forest Stewardship Council of the Forest Products Commission.

- (1) Does the minister consider accreditation from the FSC possible if forestry activities are not sustainable?
- (2) If yes, will the minister inform the Western Australian public that FSC-accredited timber is not sustainable?
- (3) If FPC-managed forestry in Western Australian native forests is not sustainable, at what point in time did it become unsustainable?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The Minister for Forestry has provided the following answer.

- (1)–(3) The Forest Products Commission has never received Forest Stewardship Council accreditation for its jarrah harvesting operations.

RENAL DIALYSIS UNIT — HALLS CREEK

758. Hon NEIL THOMSON to the minister representing the Minister for Health:

I refer to the election promise made on 12 January to construct a renal dialysis centre in Halls Creek.

- (1) Will the minister please confirm whether this centre is fully funded in the Western Australian 2021–22 state budget?
- (2) If not, what is the status of this project?

Hon STEPHEN DAWSON replied:

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

- (1)–(2) The McGowan government is committed to delivering on the promise of a \$24 million renal hostel to Halls Creek. Further work, planning and costings are being undertaken to progress this election commitment.

ENVIRONMENTAL PROTECTION AMENDMENT ACT — REGULATIONS

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

I refer to comments made on page 681 of budget paper No 2, volume 2, regarding the 17 staff temporarily assigned to support the development of subsidiary legislation to implement the Environmental Protection Amendment Act 2020.

- (1) Has this work been completed; and, if not, what tasks remain outstanding, and by when will those tasks be completed?
- (2) To where will these temporary staff move once they complete this work, if they have not already done so?

Hon STEPHEN DAWSON replied:

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

- (1)–(2) Additional temporary staff are being recruited to support the implementation of the amendments to the Environmental Protection Act 1986 and the development of Environment Online. The amendments to the EP act are commencing in phases, with part IV, “Environmental impact assessment”, and part V, division 2, “Clearing of native vegetation”, scheduled to start later in 2021. Environment Online is also being implemented in a staged way, with the first stage scheduled for early 2022. The additional temporary staff will be employed on fixed-term contracts for up to three years.

NATIVE FOREST — LOGGING

760. Hon JAMES HAYWARD to the Leader of the House representing the Minister for Emergency Services:

I refer to the McGowan government’s decision to end all native forest logging.

- (1) Has the minister been briefed on the impact that the end to native forestry in WA will have on bushfire risk?
- (2) If yes to (1), will the minister table advice received about impacts on the bushfire risk if regrowth in native forests is not harvested?
- (3) Does the minister have any concerns regarding bushfire risk in regrowth native forests?
- (4) If yes to (3), what options or activities are available to manage the bushfire risk in regrowth native forests?

Hon SUE ELLERY replied:

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

(1)–(2) Not applicable.

(3)–(4) The state government is committed to treating bushfire risk and continues to support prescribed burning in our south west native forests as the primary fuel reduction strategy to protect communities and the environment from the devastating impacts of large-scale, high-intensity bushfires. The Department of Biodiversity, Conservation and Attractions is responsible for fire management and mitigation in public forests within the south west. The activities undertaken to manage bushfire risk in regrowth native forests vary depending on the dominant species and stage of development. In general terms, such areas may be subject to fuel reduction via planned burning or ecological thinning to enhance the development of overstorey canopy. The maintenance of fire access tracks in regrowth forests also facilitates land management activities and bushfire response.

The current *Forest management plan 2014–2023* provides for active forest management through fuel reduction, prescribed burning and maintenance of an appropriately skilled and resourced fire suppression capability. I am advised by the Minister for Environment that active management of forest fuels within the south west will continue to be a priority as part of the development of the next forest management plan. Prescribed burning undertaken over the past 60 years in south west Western Australia has demonstrated the effectiveness of fire as a land management tool in mitigating the size and impacts of large-scale, high-intensity bushfires when applied consistently and at an appropriate scale across the landscape.

**VOLUNTARY ASSISTED DYING
SCHOOL HEALTH NURSES**

Questions without Notice 715 and 731 — Supplementary Information

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [5.03 pm]: I would like to provide answers to question without notice 715 asked by Hon Martin Aldridge on 14 September, and to question without notice 731 asked by Hon Donna Faragher yesterday. I seek leave to have both incorporated into *Hansard*.

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

Question without notice 715 —

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

(1) The following table outlines the numbers of medical practitioners and nurse practitioners that are registered and trained to act as a coordinating or consulting practitioner (noting that for nurse practitioners this request is taken to be numbers that are able to act as an administering practitioner as per the Act). I seek leave to have the information incorporated into Hansard.

Region	Medical Practitioner	Nurse Practitioner	Total
Metro	31	0	31
Peel	1	0	1
Goldfields	0	0	0
Great Southern	1	0	1
Kimberley	1	0	1
MidWest	1	0	1
Pilbara	0	0	0
South West	3	0	3
Wheatbelt	0	0	0
Total	38	0	38

(2) It is presumed that by ‘notifications’ the Honourable Member refers to the submission of forms to the Voluntary Assisted Dying Board. As at 13/09/2021, the Voluntary Assisted Dying Board has received the following forms. I seek leave to have this information incorporated into Hansard.

Form	Number of submissions
First Request	172
First Assessment	71
Consulting Assessment	49
Final Request	36
Administration Decision and Prescription	33

- (3) The Voluntary Assisted Dying Board has provided the following information to the Minister. I seek leave to have this information incorporated into Hansard.

Date provided	How many Western Australians have registered their interest in accessing VAD?	When is the first person likely to use it?
08/07/2021	16	At this stage it is not possible to predict when the first person is likely to actually access VAD.
20/07/2021	32	At this stage it is not possible to predict when the first person is likely to actually access VAD.
27/07/2021	47	The Board advises that voluntary assisted dying has been accessed.
03/08/2021	53	The Board advises that voluntary assisted dying has been accessed.
10/08/2021	66	The Board advises that voluntary assisted dying has been accessed.
17/08/2021	79	The Board advises that voluntary assisted dying has been accessed.
07/09/2021	116	The Board advises that voluntary assisted dying has been accessed.

- (4) The Voluntary Assisted Dying Board has not made any referrals under s188c of the Act.

Question without notice 731 —

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

The Child and Adolescent Health Service has been provided with an indicative budget for the 2021/22 financial year and will be advised of its final budget by the Department of Health in the coming weeks. Following this a determination will be made regarding the quantum of funding for the provision of school health nurses.

QUESTION ON NOTICE 155

Paper Tabled

A paper relating to an answer to question on notice 155 was tabled by **Hon Stephen Dawson (Minister for Mental Health)**.

HOSPITALS — EMERGENCY CODES CORONAVIRUS — GERALDTON HEALTH CAMPUS

Questions on Notice 160 and 231 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [5.04 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answers to question on notice 160, asked on 16 June 2021, and question on notice 231, asked on 10 August 2021, by Hon Martin Aldridge to me, the minister representing the Minister for Health, will be provided on 12 October 2021.

PAPERS TABLED

Papers were tabled by **Hon Alanna Clohesy (President)** and **Hon Sue Ellery (Leader of the House)**.

LEGISLATIVE ASSEMBLY ESTIMATES HEARINGS

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [5.05 pm]: Members, when the house rises this evening, I ask that you take a moment to clear your desks of personal and work material prior to leaving Parliament as this chamber will be occupied by the Legislative Assembly next week for its budget estimates hearings. Any items remaining on desks tonight will be cleared by Council staff and retained until the next sitting week.

CHILDREN AND COMMUNITY SERVICES AMENDMENT BILL 2021

Committee

Resumed from an earlier stage of the sitting. The Chair of Committees (Hon Martin Aldridge) in the chair; Hon Samantha Rowe (Parliamentary Secretary) in charge of the bill.

Clause 27: Section 61 amended —

Committee was interrupted after the clause had been partly considered.

Hon NICK GOIRAN: Clause 27(4)(c) and (d) places conditions on the special guardianship related to contact and cultural support. The parliamentary secretary indicated before the interruption for questions without notice that the persons responsible for ensuring that those conditions are met will be the parties to the proceedings. What I am actually seeking is who enforces those conditions. Even though the parties might have responsibility to ensure that the conditions are met, what is the oversight mechanism that is in place in the event that those conditions are not met?

Hon SAMANTHA ROWE: I am advised that any of the parties can seek to revoke the order. Is that what the member was asking?

Hon NICK GOIRAN: No. When a special condition is in place in a particular case, the parties to the proceedings have responsibility to ensure that the conditions are met, but who provides the oversight to ensure that is being done? What happens if the conditions are not met due to, for example, negligence or a lack of conscientiousness? Who will make sure that those special conditions will be met?

Hon SAMANTHA ROWE: I am advised that it is possible for a party to consult with the department, but the department does not have a supervisory role, if you like.

Hon NICK GOIRAN: When these conditions are made by the court, how would anyone know if the conditions are ever met? It is one thing for a court to make an order; it is another thing for the order to be enforced. There is an obligation, pursuant to a court order, to undertake certain things. I am just seeking to ascertain whether there is any oversight of that. It may be the case that there is no oversight at all.

Hon SAMANTHA ROWE: It is up to the parties; there is no supervisory role. If the parties are concerned, they can go to the department and raise those issues. It is like a Family Court order.

Hon NICK GOIRAN: With regard to cultural support plans, are they going to be required when a special guardianship order is sought by a carer?

Hon SAMANTHA ROWE: Would the member mind repeating that question?

Hon NICK GOIRAN: Are cultural support plans going to be required when a special guardianship order is being sought by a carer?

Hon SAMANTHA ROWE: Yes.

Hon NICK GOIRAN: In what circumstances would the provisions under clause 27(5) be invoked?

Hon SAMANTHA ROWE: Honourable member, I just need to clarify that last question. If it is a carer application, the department has to provide a section 61 report. That report does not have to have a cultural support plan attached to it.

Hon NICK GOIRAN: If an application for a special guardianship order is sought by a carer, a cultural support plan will not be required. Why is that the case?

Hon SAMANTHA ROWE: It is because the department does not always support a carer application.

Hon NICK GOIRAN: Is it common that the department would not support such an application? In that respect, is there data available as to how many SGO applications are typically made by a carer, and how many of those applications are supported or not supported by the department?

Hon SAMANTHA ROWE: I am advised that we can get the data about the number of carer applications for the member.

Hon NICK GOIRAN: I thank the parliamentary secretary for that; if that can be provided at a later stage, that would be good. But the question still remains: is it common that the department does not support a carer's application?

Hon SAMANTHA ROWE: I am advised that most applications on which the carer and the department are in agreement are made by the department. Before the member continues that line of questioning, can I provide some information the member asked for earlier at clause 8. It is an extract from the casework practice manual the member asked for. I seek to table that.

[See paper [694](#).]

Hon NICK GOIRAN: We are basically saying that when the department supports the desire by the carer, the application will typically be made by the department. When the department is not supportive of the desire, we typically find that the carer will make the application themselves. As a result of that, because the carer makes the application, essentially, without the support of the department, even though the department has to prepare a report, we are now saying that the department need not go to the expense and trouble of preparing a cultural support plan. Is that right?

Hon SAMANTHA ROWE: If they do not support that carer application, that is correct.

Progress reported and leave granted to sit again, on motion by Hon Samantha Rowe.

ELECTORAL REFORM — LEGISLATIVE COUNCIL

Statement

HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary) [5.22 pm]: Thank you, President. I am looking forward to finally being able to respond to some of the comments made during this morning's non-government business. I particularly note from the start that the motion was moved and thereafter every speaker on the opposing side kept trying to get us to speak. I want to put on the record that I stood every single time this morning seeking the call but was not given it. I now rise to give the opposition some reality checks, which I do not think they put on the record this morning. A few honourable members refused to acknowledge some of the disgraceful acts of the opposition on regional representation.

I would like to start with addressing representation of the regions within one electorate. I have absolutely no doubt that the Labor Party will continue to represent regional Western Australia and will have its offices in regional Western Australia. However, I have fears that the opposition will not do that because its track record in that space is horrendous—absolutely horrendous. I will go through it and I hope honourable members are listening because they threw a lot of dirt out this morning but did not cop much of it back. Now we have the opportunity to put it on the record.

Firstly, Hon James Hayward made a very passionate speech this morning about regional representation, about members being in the regions and having their offices in the regions. I am aware of one of Hon James Hayward's very close friends, "Big Nick" Fardell, who is also aligned with the member for North West Central and who was number one on the Mining and Pastoral ticket in the 2021 election. Let us be very clear—number one. He was the number one pick to represent the National Party in the Legislative Council, which Hon James Hayward seems so concerned about, but he is not concerned about the comments this person has made about this place. Let me put this on the record. On Monday, 3 May, "Big Nick" was asked on ABC goldfields radio about the review of electoral reform. "Big Nick" said that the review did not go far enough because it had ruled out abolishing the Legislative Council. The National Party's number one preselected candidate wanted to abolish this place, yet you stand in this place and talk to us about regional representation. I can tell you now that you need a reality check, mate, because your number one on the ticket does not even want to have representation from the regions or Western Australia in this house!

This is going to clarify it for the member, so he should have a good listen because he failed to acknowledge it this morning. "Big Nick" said —

I'm a fan of actually scrapping it.

It works in other places. We're the most over represented population in the world.

He is saying that there is too much representation in this state —

I'm going to do a petition to say who wants to save \$50 million and get rid of 36 politicians ...

Get rid of 36! We are proposing 37 members from one region, yet the member's party had someone representing it who wanted to abolish the upper house and save \$50 million.

Several members interjected.

The PRESIDENT: Order!

Hon KYLE McGINN: That is an absolute disgrace! He also said —

A lot of the people in the upper house are nameless people and faceless people. So we don't know about them.

...

If you're going to be fair dinkum, rule that in and have a fair dinkum conversation ... it saves \$50 million a year. I'm sure everyone who pays taxes would like the government to save \$50 million a year.

That is disgraceful! He was the number one candidate on the Nationals' ticket—part of its little crew—who got preselected for the Mining and Pastoral Region.

Several members interjected.

The PRESIDENT: Order!

Hon KYLE McGINN: I want to mention former member Hon Jacqui Boydell. Her office was in the regions, in Port Hedland and then in Karratha, but she got pushed out of the way for this guy who wanted to abolish the house he was running for. What a joke! If you want to stand here and talk about regional representation, be honest to the constituents; do not lie, mate, because this is so obvious!

Several members interjected.

The PRESIDENT: Order!

Hon KYLE McGINN: I can tell you right now that there is more to come.

The PRESIDENT: Order! I invite the honourable member to direct his comments through the chair.

Hon KYLE McGINN: Thank you, President. I just got a little passionate after I heard this flow of garbage from opposition members this morning. They were goading us into speaking, but we could not get the call, so I am really enjoying putting this on the record.

Now to the Liberal Party. Here we go. This is fun. Let us go back to "The Clan". The Liberal Party's own assessment in its report, which it has done nothing about because the powerbrokers are still swanning around absolutely free—there has been no retribution—states —

An example of the substantial decline in Party memberships is the appalling lack of infrastructure in the North-West. That of the 69 branches in the federal seat of Durack, just 14 are constitutional ... in the sense of having pre-selection entitlements, while another three are otherwise constitutional. Given the constitutional number of members for a country branch is ten, there is no excuse for this appalling state of affairs.

Unbelievable! They cannot even operate a Liberal Party branch, yet they are talking to us about regional representation. I find it hilarious!

Several members interjected.

The PRESIDENT: Order!

Hon KYLE McGINN: Hon Neil Thomson should look back at his member for the Agricultural Region from the last term Jim Chown and ask himself this one question: where was the office of the member for the Agricultural Region? It was in—wait for it—West Perth! It was in West Perth, members, and that is not the only one.

Hon Alannah MacTiernan interjected.

Hon KYLE McGINN: Is it not hilarious! Do members know why opposition members are so petrified of this reform? It is because they cannot put themselves in the regions if there are no regions allocated.

During the last Parliament, Hon Jim Chown did not have an office in his electorate. But it gets better, members, because I did a bit more research about the member who moved the motion. For the benefit of Hansard, I have a picture of the homepage of Hon Martin Aldridge's website when he first started here in the Legislative Council. His beautiful memoir states that he is very passionate about the regions. But when you look at his contact details, it reads —

Hon Martin Aldridge MLC
Member for the Agricultural Region
Level 1, 8 Parliament Place
West Perth ...

Oh my God! How many times do we have to point out that the opposition constantly works on fear and loathing! Regional Labor Party members have proven that their offices are in the regions and that they listen to their constituents.

Hon Neil Thomson interjected.

Hon KYLE McGINN: Okay, the *Kalgoorlie Miner*—good job.

Several members interjected.

The PRESIDENT: Order! Hon Kyle McGinn.

Hon KYLE McGINN: Hon Neil Thomson will learn that a quick 15 seconds inside a paper does not make him a good politician!

Throughout this debate, I implore my constituents and the people of Western Australia —

Hon James Hayward interjected.

The PRESIDENT: Member! No interjections, please, members.

Hon KYLE McGINN: — do not fall victim to the fear and dribble that comes from the opposition because even with the current structure that is in place, members opposite cannot properly represent the regions. Their offices are outside the regions. It will be interesting to see how they will operate under the new reform when the electorate votes and it is an equal vote and it has an opportunity to vote for parties that are structured, have 500 members and have been a party for longer than six months, because this will bring integrity back into the politics. I agree with the comments made by the Minister for Regional Development this morning. When members read this report, they will see that the minor parties will still play a part in this house—absolutely. It is a shame that the opposition is telling lies instead of representing its constituents in the regions.

Statement

HON JACKIE JARVIS (South West) [5.32 pm]: I also stand to make a member's statement about the Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021. This morning, Hon Martin Aldridge pointed out that because I had not done a Facebook post—I must confess that my hardworking staff assist me with social media—apparently it was a sign that I do not support the upcoming bill. I asked my staff to clear the decks today. I said, “Be prepared. We might get a lot of inquiries from constituents—phone calls, emails, who knows what might come in.” The only inquiries we got were from the media—not a single one of my constituents contacted me. Moreover, not a single one of my constituents contacted me when Mia Davies was on ABC South West WA a few weeks ago urging people to go to the offices of members who represent the south west. I received one email from the president of the Shire of Wagin, who, I believe, might be a former Liberal candidate. Unfortunately, under the current system, the Shire of Wagin does not fall under my electorate so I will not be responding to that email. I am looking forward to my next term of Parliament when I will be able to represent the views of Wagin as well.

Hon James Hayward told us how busy he is; he is the sole Nationals WA member for the south west. He is right; it is a big electorate of 38 000 square kilometres. Of course, it does not compare with the Mining and Pastoral Region

and the Agricultural Region, but it is still a big electorate. James, as the sole Nationals MP in the south west, would indeed be busy. I wonder how much busier he will be when the voters of the south west realise that he is their Nationals member, because every time I come to Perth, I drive past a big billboard that says “Nationals” that features Hon Mia Davies and Wayne Sanford, who was the Nationals’ candidate for Collie–Preston. Unless it has been taken down in the last few days, that billboard is still there. Every time I drive past it, I wonder whether people think he got elected because his picture is still up there! You might want to replace it with your picture, James, as a local representative.

Hon James Hayward: I will take that one on board!

The PRESIDENT: Hon James Hayward.

Hon JACKIE JARVIS: Sorry; Hon James Hayward.

If people on this side of the house are wondering whether they recognise that name, Wayne Sanford, before he was the candidate for the Nationals WA in Collie–Preston, was the Labor candidate for the federal seat of Forrest before he jumped ship to the Nationals. Gosh, what a year to jump ship from the Labor Party. I have it on good authority that he was not nearly as good a candidate as the candidate for Forrest in 2010!

Hon Dr Steve Thomas: Declare a vested interest!

Hon JACKIE JARVIS: I thank the Leader of the Opposition for the interjection. Like me, Hon Dr Steve Thomas got elected to this place with a quota of 29 000 votes. The Labor Party received 114 000 first preference votes in the South West Region. The Liberal Party received 37 000 primary votes in the South West Region. It was not a good year for the Libs in the south west. The attempted greenwashing by the then Leader of the Liberal Party probably did not help in Collie. After those 114 000 votes came our way, they got allocated across in the current quota system. I got 29 300 votes in my quota and Hon Dr Steve Thomas got 29 300 votes in his quota. He then had to give away his extra votes as part of his preference. More than 8 500 votes went to Hon James Hayward. Hon James Hayward got his 12 000 primary votes and Hon Dr Steve Thomas then gave him his 8 500 preference votes. Under the proposed new system, those 8 500 votes would go into the larger Liberal Party pool. He could give them to one of his Liberal Party colleagues who lives in the Mining and Pastoral Region or the Agricultural Region.

Several members interjected.

Hon JACKIE JARVIS: Exactly! That is the key. That concept —

Several members interjected.

Hon JACKIE JARVIS: President.

The PRESIDENT: Order!

Hon JACKIE JARVIS: That concept is why I will support the electoral reform bill. Unfortunately, all three of our Agricultural Region Labor members are out on urgent parliamentary business.

Hon Stephen Dawson: But the four mining and pastoral ones are here.

Hon JACKIE JARVIS: Good to see. I know for a fact that Hon Sandra Carr is returning to her electorate on urgent parliamentary business.

Hon Alannah MacTiernan: And all the south west members are here to support you, member.

Hon JACKIE JARVIS: Their electorates are where they live and have their offices. Of course, our Agricultural Region MPs have offices in the regions, in Esperance, Geraldton and Northam. That will be really crucial. We will not abandon the regions, and I will tell members why. It is because no party can get their legislation through this house without getting those regional votes. There are 1.7 million registered voters in Western Australia and more than 400 000 in country WA. They are dispersed over a massive landmass. If we do not collect as many of those votes as possible, we do not sit here with the balance of power. It is incredibly important that we keep our MPs in those regional towns because we need them to gather all those small numbers of votes, such as those 8 500 votes that Hon Dr Steve Thomas had to give away to Hon James Hayward. They are all gathered up together. The Constitutional and Electoral Legislation Amendment (Electoral Equity) Bill will put more power into WA, because any party that ignores those over 4 000 votes in country WA and cannot secure those votes will not get enough seats in this house to get their legislation through without doing deals with the opposition or crossbenches.

Members are crazy if they think this electoral reform will somehow mean that we will ignore regional WA. They should get their calculators out—that is what I have been doing—and crunch the numbers, because I am not making this up. Country WA is incredibly important to the Labor Party and we will keep our place in country WA.

Statement

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Mental Health) [5.39 pm]: I, too, want to rise to give a brief statement, noting of course others have expressed an interest in doing so. I was in my office

listening to the contribution of Hon Jackie Jarvis when I heard her mention correspondence that she received from the Shire of Wagin president. I, too, received correspondence last night. It was titled “Electoral Suicide”. I found that offensive. As the Minister for Mental Health, I do not think it is appropriate for the Shire of Wagin president to talk about suicide. I sat in this chamber yesterday and listened to a great contribution from Hon Colin de Grussa, who is away on urgent parliamentary business, about mental health. This is a real issue in society. People take their lives. To have this joker talk about suicide in a message like that is grossly offensive. Can I say that I am very proud to be part of the Labor team that is bringing progressive legislation to this Parliament. Since I was elected to Parliament, I have always espoused that we should have one vote, one value. Regardless of where you live in Western Australia, your vote should be equal to everyone else’s. That is what I believe and that is what I have always believed, so I certainly will not be crossing the floor, not for this joker and not for anyone. I urge the president of the Shire of Wagin not to use language like that, because language can have an effect on people. It certainly affected me. To talk about suicide in that way is absolutely atrocious. I support this legislation, as do all honourable members in this place. We look forward to having a debate in this place. It will be a sensible debate. We will not be using words that this joker from Wagin used, which, as I said, are offensive.

ELECTORAL REFORM — REPRESENTATION — REGIONS

Statement

HON WILSON TUCKER (Mining and Pastoral) [5.41 pm]: I rise this evening to respond to the motion on regional representation that was raised in the house yesterday. I was out of the house on urgent parliamentary business yesterday and missed the opportunity to respond to that motion, so I will make my views known now.

It was an excellent motion by Hon Martin Aldridge and I feel compelled to speak, given that my name was called out in the report by the Ministerial Expert Committee on Electoral Reform, which was tabled in this place yesterday. I was also named by the Premier in the other place during question time, apparently as the reason for this historic upper house reform, which I thought was very flattering, but which we all know is untrue. I think that everyone in this chamber knows the real reason behind the reform, and I am glad that yesterday and today several media outlets posted articles and opinion pieces that see through this lie.

I would like to put on record the comments of Antony Green in a blog post yesterday. Antony and I typically do not see eye to eye and we are certainly not on each other’s Christmas card lists; however, I do find myself agreeing with Mr Green in this case. In his latest blog post on electoral reform he said —

Are the reforms justified by Wilson Tucker ... being elected from 98 votes?

In short, no. The government has been very cute in constantly referring to Tucker’s victory as justification.

I would also like to point out that Antony Green was consulted by the expert committee on the production of the electoral reform report. I think that by now we are all familiar with the words of the Attorney General in a media conference yesterday in which he stated that Labor has been waiting 120 years to implement one vote, one value. There were grumblings in the previous Parliament about electoral reform, but the only thing that has changed since the fortieth Parliament and the Premier’s remarks regarding one vote, one value not being on the agenda is the fact that Labor now has majority control of both houses and the ability to ram through this change.

I want to state, as I have previously, that I am not here to defend group voting tickets. I understand and acknowledge that my election to this place exposed a flaw in the current voting system. Do I think that GVTs are flawed and should be abolished? Absolutely. I welcome the recommendations by the expert panel on GVTs. I think the expert committee did a good job in the short time frame it was given and with the narrow terms of reference with which it was provided. I have learnt a saying recently: you do not form a committee unless you know the outcome. That is exactly what we are seeing here today.

The expert committee was given its marching orders, and went on a witch hunt against minor parties and is stacking the odds in the government’s favour for the next term of Parliament. I think it is sad and unfortunate, and clearly a calculated move by the government, that the conversation about group voting tickets is being conflated with the issue of one vote, one value. Mathematically and on paper one vote, one value sounds like a great thing, and is being touted as a win for democracy, but in reality this change is at the expense of country WA.

I would like to point out an article in the *Kalgoorlie Miner* published today that quoted Hon Kyle McGinn in relation to me not speaking for the regions. He said —

His office is in West Perth and he was living in the US when he got elected ...

Both these points are absolutely true; however, I think the magnifying glass can swing both ways when we talk about criticising people for representing regional WA. I think it is entirely appropriate, given the seriousness of this reform, to see a consensus vote by this house on this issue.

Hon Kyle McGinn: How do you tie that in?

Hon WILSON TUCKER: Loosely!

I live in Perth, and I have taken several opportunities recently to travel to regional WA, and it is something I plan on doing for the next three and a half years. I plan on moving to the regions in the future to meet with people in the soon-to-be extinct Mining and Pastoral Region about the issues and opportunities faced in the region. As Hon James Hayward pointed out in previous comments, there are a number of complex issues, and I do not think anyone honestly believes that this reform will result in better outcomes for country WA.

There is an act in place that states that if representation in this house is reduced—we have 36 members and if we reduce those members—it triggers a referendum, a vote by the people, which I think is entirely appropriate, given the seriousness of parliamentary representation. I think the same should be applied to the reduction of regional representation in WA.

Hon Kyle McGinn interjected.

Hon WILSON TUCKER: If it is increased, I think that is fine, but if it is reduced I think a referendum is triggered. If the government will not hold a referendum on this, I think it is entirely appropriate that this house has a conscience vote when the bill is introduced into this place.

AUSTRALIAN CITIZENSHIP DAY

Statement

HON KLARA ANDRIC (South Metropolitan) [5.46 pm]: I rise tonight to bring to the attention of the house that Australian Citizenship Day is taking place tomorrow on 17 September 2021. This year, 17 September holds even greater significance as it marks the twentieth anniversary of Australian Citizenship Day. This day gives an opportunity for all Australians, whether citizens by birth or choice, to come together as a nation to honour what is great about Australia and being Australian. It is also an opportunity for all Australians to reflect on the meaning and importance of Australian citizenship and the responsibilities and privileges we have as citizens. It is a chance for us to take pride in our citizenship, celebrate our democratic values and think about what unites us as Australians. I would like to add that it is also important for those of us who come from far and wide and make this beautiful city our home, never to forget where we come from and how proud we should be of our heritage.

As I mentioned in my inaugural speech, here in Australia, migrants and migrant communities have had a lasting impact and helped shape our country into the diverse place it is today. It was 33 years ago that I, too, became an Australian citizen at a ceremony very similar to the City of Cockburn citizenship ceremony I attended on Tuesday night, where we welcomed 94 new citizens from 33 countries. This was the final step in their journey to becoming an Australian, and I wish to congratulate them all once again. I would like to thank Mayor of Cockburn, Logan Howlett; deputy mayor, Lara Kirkwood; executive of governance and strategy, Don Green; Councillor Phoebe Corke; and all the City of Cockburn staff who organised the citizenship ceremony, and for the invitation. Our diverse backgrounds and voices are what enrich our multicultural communities and strengthen our society, and an Australian citizenship is an important step in one's migration story.

As the first Serbian-born person elected to the Parliament of Western Australia, and the first female born in Serbia to be elected to a Parliament in Australia, and—as another addition to multiculturalism—as someone who is of Hungarian descent, I share the lived experience of that journey to become an Australian citizen. Like many Western Australians and members of this house, I, too, am a proud migrant.

It is important to know that more than one-third of Western Australia's population was born overseas. In fact, now, more than ever, Parliament reflects the diversity of our community and the richness of its culture. We know that Parliament reflects this, because I have a list of members of this house who were born overseas. I point out that this is in no order of my preference for any member in this house. Hon Neil Thomson was born in New Zealand; Hon Dr Brian Walker was born in Malaysia; Hon Sophia Moermond was born in the Netherlands; Hon Martin Pritchard was born in the United Kingdom; Hon Ayor Makur Chuot was born in Ethiopia; Hon Dr Sally Talbot was born in the United Kingdom; Hon Jackie Jarvis was born in England; Hon Lorna Harper was born in Scotland; Hon Stephen Dawson was born in Ireland; Hon Shelley Payne was born in Canada; and Hon Pierre Yang was born in China.

This is a fantastic reflection of our members of Parliament. It is something that I am certainly proud of. I look forward to welcoming many more new Australians in the future, and to celebrating Australian Citizenship Day tomorrow.

WA AFRICAN COMMUNITIES AWARDS

Statement

HON AYOR MAKUR CHUOT (North Metropolitan) [5.51 pm]: I want to reflect on a very important event that I attended on Saturday, 4 September. It was a great honour to be among members of my African community at the fourth gala event for the WA African Communities Awards. I went to that event with my colleagues Minister Amber-Jade Sanderson, Minister Bill Johnston, and the member for Mirrabooka, Meredith Hammat. It was such a good night and I am happy to be able to reflect on it.

The WA African Communities Awards recognise the achievements and contributions of African communities in our society, and the non-African communities, businesses and organisations who make a great impact on the lives of African-Australians in Western Australia. May I congratulate all the finalists again, as I did on the night. The

wonderful work they do is very important and will encourage other people to also do wonderful things in our community. A highlight of the night was that one of my great mentors, Janine Freeman, whom we all know, was acknowledged with a Community Pillar Award. Because it was an African event, it was really great for the African community to see that western community leaders are making a contribution to our society. I was really happy to see Janine smile and dance as usual with the community.

I would also like to acknowledge Joe Tuazama and his team. Joe is a great leader, and he has a great team. This was the fourth gala night to celebrate these awards. We should all be proud of things like that in our community, because they help bring African and western communities together. It is also another way of enabling people to see the beauty of Africa. Africans love their colours. This was a night to wear our kanga and other colourful attire! Also, I had my make-up on that night, and that was really good. Thank you so much, President, for allowing me to stand and speak.

DR DAVID ANTHONY MORRISON — TRIBUTE

Statement

HON NEIL THOMSON (Mining and Pastoral) [5.54 pm]: I rise tonight to reflect on the life of Dr David Anthony Morrison. He was referred to as Dave, David or Morri by his friends, family and work colleagues. In doing so, I want to acknowledge his son Ben and other family members who allowed me to make a statement. David recently passed away after a long battle with early onset dementia. He was in his early 70s and he did not get time to enjoy his retirement. But the disease of dementia does not define him. David was an intellectual giant who combined his intellect to applied policy in the public service for the service of all Western Australians. David happened to be my direct line manager for 18 years, including at the Department of Agriculture as it was then known, and the Department of Treasury. He had a distinguished career in the public service. He obtained a PhD at the University of Western Australia where he studied agricultural economics and did groundbreaking research in the area of water trading and economics. He also had a leading role in the development of economic modelling of dryland farming, and was a key proponent of the development of the model of an integrated dryland agricultural system, which I believe is still being used by consultants today. He was a strong proponent of cost-benefit analysis in the department, and that discipline took root and was a major path for the distribution of resources across the Department of Agriculture, as it was then called.

He moved to Treasury and became the director in charge of the competition policy unit. He later headed up the branch responsible for microeconomic reforms in the state and travelled a lot to the eastern states as part of the Council of Australian Governments reforms. He was part of what we call the Hilmer generation, with the reforms that were introduced by Prime Minister Keating and continued on in a bipartisan way. He was certainly someone who was a mentor to me and valued by many in the public sector. He was not someone to play politics in the office, and I think that is why Dave never got to be director general. Dave was someone who just wanted to do his job right. He coached and supported people throughout his career. He was certainly a fantastic operator and someone who did not like fanfare. He just got on with the job quietly, which reflected the incredible discipline that we see in the public sector. It is people like Dave who we do not often acknowledge in the fullest of ways. I would like to reflect on the hundreds of public servants who do a fantastic job. They do not seek adoration or acknowledgement, but they do a fantastic job for us in this Parliament. Dave was one of those people who served many ministers on both sides of government for many years. Dave's funeral was held only last week and I pass on my condolences to the family again, because he was much loved by his family.

Next week happens to be Dementia Action Week. As I said, Dave was not defined by his disease, but I want people to reflect on this illness over the week that runs from 20 to 26 September 2021. Dementia impacts close to half a million Australians and almost 1.6 million Australians are involved in their care. I was extremely touched at the funeral to see Dave's carers there, absolutely grieving. They had obviously built a strong attachment to Dave over his period of care. Without carers we would not be able to deal with this scourge. It is a growing disease. One of the goals of Dementia Action Week is to deal with the discrimination that people with early onset dementia suffer, even in the workplace. The more awareness we have of the scourge, the better, because it can affect all sorts of people, including someone who is an absolute intellectual giant like David with an outstanding academic and public sector record.

David sought to define himself through objectivity and through evidence, research and data. That really showed when his dear wife, Lou, passed away over a decade ago. I do not recall the exact date, but she had a rare bone cancer. I was working for Dave at the time and I remember that he spent hours doing research. In fact, he got to the point where he was giving advice to some of the medical practitioners who were treating Lou. That was the sort of person David was. He was certainly someone who cared for me. As someone who worked for him, I deeply appreciated him. I recall a little anecdote: he rang me at home one day, just when someone was breaking into my house. I put the phone down and ran to chase this person, and when I came back half an hour later, the phone was still off the hook and Dave was still on the line, waiting to hear how I went. Apparently, he told all his family about that. I found that out at the funeral; they remembered me because of that little anecdote. That was the sort of person David was; he wanted to make sure that people were okay. I really appreciated that.

I want to salute David Morrison. He was a quiet achiever in the public service—someone who did not want notoriety. I also want to show my respect for all the hardworking public servants who service us and to reflect on Dementia Action Week, which is coming up, and do my little bit to reach out to those with dementia. Thank you, Dr David Anthony Morrison; you will be sorely missed.

Members: Hear, hear!

ENVIRONMENTAL SUSTAINABILITY

Statement

HON DR BRIAN WALKER (East Metropolitan) [5.59 pm]: In the few minutes left, I simply wanted to thank Hon Klara Andric for referring to the flowers that have come into Western Australia and taken root here. I look at Hon Ayor Makur Chuot, who is standing as a flower in the springtime here. This image comes to me, because we have also been talking in the last week about protecting old-growth forests. This brings to mind, of course, our imperative to look after the environment to sustain life. Of course, my passion here would also be to help hemp restore the land—that is something we can debate in the future. But what bothered me was the comparison made in recent reports to Australia now being looked at internationally as the dirty boy of the world—the last country to sign in to the requirements to manage carbon emissions and clean up our environment, and with a federal government that is not standing up to the task of looking after our environment. I think it ought to be reflected that we, who not just represent our state but are also the flowers, if you like, of Western Australia, can lead the way in sustainability. I call to mind that it is our duty to do this. I will finish on that note of positivity.

House adjourned at 6.00 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

HOSPITALS — BEDS

155. Hon Martin Aldridge to the minister representing the Minister for Health:

I refer to all public hospitals, including public hospitals with private operators, and the availability of beds at those hospitals, and I ask:

- (a) for the North Metropolitan Health Service:
 - (i) what was the average number of daily active beds for each month in the 2018–2019 financial year across each hospital;
 - (ii) what was the total bed capacity for the same time period as (a)(i) for each hospital; and
 - (iii) how many days each month did each hospital experience access block of more than ten percent of beds within the emergency department;
- (b) for the South Metropolitan Health Service:
 - (i) what was the average number of daily active beds for each month in the 2018–2019 financial year across each hospital;
 - (ii) what was the total bed capacity for the same time period as (b)(i) for each hospital; and
 - (iii) how many days each month did each hospital experience access block of more than ten percent of beds within the emergency department;
- (c) for the East Metropolitan Health Service:
 - (i) what was the average number of daily active beds for each month in the 2018–2019 financial year across each hospital;
 - (ii) what was the total bed capacity for the same time period as (c)(i) for each hospital; and
 - (iii) how many days each month did each hospital experience access block of more than ten percent of beds within the emergency department;
- (d) for the Child and Adolescent Health Service:
 - (i) what was the average number of daily active beds for each month in the 2018–2019 financial year across each hospital;
 - (ii) what was the total bed capacity for the same time period as (d)(i) for each hospital; and
 - (iii) how many days each month did each hospital experience access block of more than ten percent of beds within the emergency department; and
- (e) for the Western Australian Country Health Service:
 - (i) what was the average number of daily active beds for each month in the 2018–2019 financial year across each hospital;
 - (ii) what was the total bed capacity for the same time period as (e)(i) for each hospital; and
 - (iii) how many days each month did each hospital experience access block of more than ten percent of beds within the emergency department?

Hon Stephen Dawson replied:

(a)–(e) [See tabled paper no [693](#).]

In 2019, the Department of Health (DoH) used the BedState system to produce a response to Legislative Assembly Question on Notice (LAQON) 5454.

Work is being undertaken by DoH to develop a more timely and accurate central repository of available bed information and in the interim, the methodology for reporting available beds has been changed to utilise Health Service Providers local expert knowledge.

As a result, accurate comparison of LAQON 5454 and this new response is not possible, due to the amendment in methodology.

HEALTH — BUDGET

233. Hon Dr Steve Thomas to the minister representing the Minister for Health:

I refer to the media release of 8 August 2021, outlining the Government's announcement of \$1.9 billion to be added to the health budget in the upcoming State budget, and I ask:

- (a) how many of the 332 new beds to be opened will be housed in existing buildings and how many will be in as yet unbuilt wards;
- (b) how many of the new 332 beds will come from currently existing but unstaffed beds or wards;
- (c) how many of the 100 new doctor and 500 new nurse positions will be permanent full-time positions;
- (d) what is the annual budget impact of the additional wages of those additional staff and new beds;
- (e) will this additional wage cost continue past the next election when the Government's iron ore revenue is expected to correct to normal long run levels; and
- (f) if yes to (e), what savings will the Government make to cover the additional annual costs?

Hon Stephen Dawson replied:

I am advised:

- (a) 143 of the 332 new beds are in existing buildings
140 of the 332 new beds have required, or will require, construction works in existing buildings in order to open
30 of the 332 new beds are Hospital-In-The-Home (HITH) Mental Health model of care
19 of the 332 new beds are unbuilt.
 - (b) 45 of the new 332 beds are from existing buildings but unstaffed beds or wards
 - (c) Individual staff preference and operational need will determine the mix of permanent and full time roles. The State Government is committed to maximising permanent employment where possible.
 - (d) Once the new beds become fully operational, the annual budget for the new beds will be over \$165 million, which includes over \$105 million on additional wages.
In addition, \$66.6 million of capital budget has been allocated over the forward estimates towards increasing bed capacity in the system.
 - (e)–(f) Recurrent wage costs will be a reflection of the staff required to provide services. The State Government will continue to fund health services at significant levels to meet demand.
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