Parliamentary Debates
(HANSARD)

FORTIETH PARLIAMENT
FIRST SESSION
2019

LEGISLATIVE COUNCIL

Wednesday, 12 June 2019

Legislative Council

Wednesday, 12 June 2019

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

CHAMBER SEATING PLAN

Statement by President

THE PRESIDENT (Hon Kate Doust) [1.02 pm]: As a result of Hon Charles Smith's advice yesterday that he is now sitting as an Independent member of the Legislative Council, I have authorised new seating arrangements in the chamber, effective immediately.

MATTER OF PRIVILEGE

Statement by President

THE PRESIDENT (Hon Kate Doust) [1.03 pm]: Recently, I have become aware of a matter of privilege that I have determined is of sufficient substance to warrant consideration by the Council under standing order 93. Accordingly, I have referred the matter to the Standing Committee on Procedure and Privileges for inquiry and report to the Council.

SOUTH METROPOLITAN TAFE — AUTOMATION COURSES

Statement by Minister for Education and Training

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [1.03 pm]: Today I was pleased to attend with the Premier the announcement of two groundbreaking automation courses that will commence at South Metropolitan TAFE's Munster campus from semester 2, 2019. This is the first achievement of the resource industry collaboration between the McGowan government, South Metropolitan TAFE and Rio Tinto, with Rio Tinto contributing $2 million towards the new training program. The collaboration was announced by the McGowan government in October 2017 to build the skills and capabilities of the Western Australian workforce, preparing the workforce for industry advancements and innovation. The collaboration includes Rio Tinto and other major employers, such as Fortescue Metals Group, BHP and Komatsu, as well as representatives from TAFE, Scitech and the University of Western Australia.

The new automation courses are a first for Australia and will provide two portable, accredited qualifications recognised by industry. The WA mining industry is a global leader in automation and these new courses will allow us to maintain our competitive advantage as a leader in automation technology in Australia and ensure that Western Australians have the skills for the new jobs being created through technological innovation. A certificate II in autonomous workplace operations will be delivered as a pilot for vocational education and training students from Cecil Andrews College, Gilmore College, Baldivis Secondary College and Karratha Senior High School. There is also a course titled "Working Effectively in an Automation Workplace", which is a skill set that trade-qualified workers and apprentices can use to improve their skills in automation.

I would like to thank Rio Tinto for its financial contribution toward the collaboration, and South Metropolitan TAFE for working closely with the resource sector to deliver qualifications that will benefit many industries that are experiencing technological advancement through automation.

AGRICULTURE — DOPPLER RADAR — GERALDTON

Statement by Minister for Agriculture and Food

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [1.05 pm]: We have good news for all those farmers and Bureau of Meteorology radar tragics in the midwest—the Geraldton Doppler radar is back online. The $2.3 million enhanced Geraldton Doppler radar is providing real-time rainfall intensity, wind speed and direction information, updated every six minutes over an increased radius of 150 kilometres.

Western Australia's agricultural region is now almost entirely covered by Doppler radar as a result of the state government's $28 million investment to enhance the technology across the grain belt. This upgrade will be great for farmers in the midwest. As farming becomes more sophisticated, it is important that we have better weather forecasting services. Together with the state's network of 176 automated weather stations, the bureau's network of 80, and the Doppler radar information, agribusinesses are able to make more informed, data-driven decisions that reduce risk and increase business profitability. WA agribusinesses are using this real-time data to refine time of sowing opportunities, tailor fertiliser and spray applications, attend to livestock, and undertake maintenance across increasingly large properties, saving farmers time, effort, money and stress.

When the Bureau of Meteorology completes its planned upgrade of its Esperance facility to Doppler capability in 2020, WA will have the best weather service in the country. These new facilities will also assist emergency services' response programs, such as in the event of bushfires and marine rescue operations, supporting our regional residents and visitors.

PAPERS TABLED

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

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES — INFORMATION RELEASE

Notice of Motion

Hon Simon O'Brien gave notice that at the next sitting of the house he would move —

> That the Standing Committee on Procedure and Privileges is granted authority by the Legislative Council to make any orders and do all things necessary and expedient to ensure that any documents or data created or received by a current or former member of the Legislative Council are released to an investigative agency only where —
>
> (a) its description falls within the lawful scope of any warrant, notice to produce, or other similar power granted to an investigative agency under a written law; and
>
> (b) the documents or data is not proceedings in Parliament within the meaning of article 9 of the Bill of Rights 1688 or does not otherwise fall within the scope of parliamentary privilege.

Standing Orders Suspension — Motion

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

(1) That the notice of motion given today by Hon Simon O'Brien be made an order of the day for this day's sitting; and

(2) so much of the standing orders be suspended so as to permit the motion to be made order of the day 1 and moved at this day's sitting.

BUSINESS OF THE HOUSE — CONSIDERATION OF COMMITTEE REPORTS

Standing Orders Suspension — Motion

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

> That so much of standing and temporary orders be suspended so that consideration of committee reports not be taken at this day's sitting.

PRIVATE PROPERTY RIGHTS

Motion

HON RICK MAZZA (Agricultural) [1.10 pm]: I move —

> That the house —
>
> (a) recognises the fundamental proprietary right of private property ownership that underpins the social and economic security of the community;
>
> (b) recognises the threat to the probity of the Torrens title system, which guarantees disclosure, and re-establishes the necessity for registration of all encumbrances that affect land including environmentally sensitive areas, bushfire-prone areas and implied easements for Western Power that currently sit behind the certificate of title;
>
> (c) recognises the property rights of government-issued licences and authorities including commercial fishing;
>
> (d) asserts that fair and reasonable compensation must be paid to the owner of private property if the value of the property is diminished by a government encumbrance or resumption in order to derive a public benefit; and
>
> (e) directs the Standing Committee on Public Administration to conduct an inquiry into the matters described above—with them as its terms of reference—and to report to the house within nine months of the date of the referral.

Property rights can be traced back 800 years to the Magna Carta. The Australian Human Rights Commission identified the recognition and protection of property rights as an area of key concern during its 2014 national consultation on rights and responsibilities. Property rights are also featured in the United Nations Universal Declaration of Human Rights, and also in section 51(xxxi) of the Australian Constitution, which provides that the commonwealth government may make laws for the acquisition of land, but only "on just terms". Murdoch University

law lecturer Lorraine Finlay, whom I will reference during my speech, in her paper, "Environmentally Sensitive Areas in Western Australia: Highlighting the Limits of the 'Just Terms' Guarantee", states that "on just terms" safeguards do not apply to the states, and locking away or "sterilising" private property does not constitute acquisition. Property rights are linked with economic growth in the sense that they provide landowners with the security and incentive to save, invest and be a part of a community. This is especially true for farmers who make their livelihoods off the land. Most people aspire to own their own homes, and the family home is generally the single biggest asset that people have. Private property underpins the economic security and wealth of individuals and companies in a capitalist society, and any erosion of the rights of private property ownership is an erosion of the very fabric of our society.

The system of recording, managing and securing title to land in Western Australia is known as the Torrens title system, named after Sir Robert Torrens, introduced in South Australia in 1857 in an effort to simplify the deeds system inherited by Australian colonies from England, which was the chain of title system. The Torrens system was based on the registration of ships, whereby the original title register is maintained with a duplicate issued to the owner as proof of ownership and encumbrances affecting the title registered on it. The Torrens system is worth defending, as it has been adopted in some form by Great Britain, Canada, the Dominican Republic, Ireland, Israel, Malaysia, New Zealand, the Philippines, Russia, Saudi Arabia, Singapore, Thailand and the United States, amongst others. So sleepy little Adelaide was the catalyst for the Torrens title system, which has been adopted by many countries around the world to register and maintain records of landownership.

The May 2004 report of the Standing Committee on Public Administration, titled "Impact of State Government Actions and Processes on the Use and Enjoyment of Freehold and Leasehold Land in Western Australia", is a beast of a report. The Leader of the House mentioned to me that she spent four years of her life that she cannot get back, as a member of the committee, on that report. The report contains nine chapters—I confess that I have not read every single chapter—12 appendices and five government responses. At paragraph 2.80, the report states —

> *Butterworths Australian Legal Dictionary* defines *"Torrens title"* as follows:
>
> > *"A system of land title where a register of land holdings maintained by the State guarantees indefeasible title to land included in the register. The system gives title by registration, as opposed to old system title, which depends on proof of an unbroken chain of title back to a good root of title."*

This is known as the indefeasibility of title. One key feature of the Torrens system is the registration of all matters that affect the use or enjoyment of the land registered on the title. These include encumbrances such as easements, covenants or claims by other interested parties. The registration of a section 70A notice under the Transfer of Land Act 1893 is often used to alert prospective purchasers of potential circumstances that might impact the enjoyment of that property. Local governments often register section 70A notices for matters such as a mosquito-prone area where there may be a risk of contracting mosquito-borne diseases, such as Ross River virus, or other hazards.

The Water and Rivers Commission registered section 70A notices under the Country Areas Water Supply Act 1947 in the 1970s and 1980s to alert potential buyers that injurious compensation had been paid to a previous owner of the land for a prohibition on land clearing; future proprietors were subject to the clearing restrictions but could not claim any further compensation. Way back in the 1970s and 1980s, when environmental preservation was beginning to gain some momentum, there was concern about clearing causing salinity in a lot of catchment areas, so the Water and Rivers Commission at the time put these section 70A notices on titles to alert future people dealing with that title to the existence of these restrictions and conditions. At least, at that time, they consulted with the owner and worked out an injurious compensation, which was paid to the owner, and that registration was then on the title. If certain information is known at the time of purchase, a sale may have not proceeded in the first place, or offers made with restrictions in mind. Australia needs to strike a balance between protecting property rights, protecting the environment and also providing compensation to affected landowners. People should not have to seek out information themselves that could have implications on their land use. Many matters affecting land are now behind title and the information needs to be sought out separately from a title search, which undermines the integrity of the Torrens title system.

Easements are an issue for landowners. The Western Power website states that the electricity network covers more than 255 000 square kilometres, meaning powerlines and structures are located on or near private property. Easements allow Western Power to access land to build and maintain infrastructure on private property. The website states —

> If you have an easement registered on your property, there may be some restrictions on the activities you can perform or structures you can place within the easements.

There are guidelines for restricted activity and these include: altering or disturbing the present ground level; constructing or erecting any building or structure; construction of fencing greater than two metres in height; constructing, erecting, improving, enlarging or altering any stormwater drain, basin or drain; growing, cultivating or maintaining any vegetation exceeding one metre in height; stacking or storing any material or garbage; using

machinery or vehicles that exceed 4.5 metres in height; and parking any vehicle or machinery exceeding 2.5 metres in height. If that easement is registered on the title, anybody who is going to deal in that title is aware of those restrictions, and that is fair enough.

The May 2004 standing committee report I referred to earlier refers to Western Power and landowners in recommendations 7, 8 and 9. Recommendation 7 states —

> **The Committee recommends that Western Power Corporation notify landholders of the intended use of chemicals on electricity transmission line poles on the landholders' property. Such notice should:**
>
> **(a) be in writing and be sent to the landholder;**
>
> **(b) specify the chemicals to be used; and**
>
> **(c) be provided well in advance of the intended treatment date.**

Recommendation 8 states —

> **The Committee recommends that Western Power Corporation arrange, at the request of any landholder and at the expense of Western Power Corporation, for the independent testing of both electricity transmission line poles treated with chemicals and any livestock that may have come into contact with such poles.**

Recommendation 9 states —

> **The Committee recommends that the details of all significant communications between Western Power Corporation field officers and landholders be confirmed in writing to the landholder, and that all other communications be confirmed in writing when requested …**

Some issues arise when there is an implied easement, because those types of easements are not on the title. I had a lot of contact from a constituent in the Busselton area who complained bitterly about the fact that he had bought a property that did not show an easement, but there was an implied easement to Western Power. The Western Power document titled "Working safely around the Western Power network" states on page 12 —

> An easement may not be registered on the property, however the restriction zone will still impact land use.

His complaint was that Western Power was accessing his property without notifying him and—the usual thing for a farmer—leaving gates open. He was quite embittered by the fact that he was unaware of this particular easement. I do not know how accurate his complaint is, and maybe if we are successful with the motion today, a committee could look into some of those concerns.

Another encumbrance on land that has come to light in more recent times following the Waroona and Yarloop fires relates to bushfire-prone areas. Bushfire-prone areas are located throughout WA, which means that some properties are designated as bushfire prone. This can trigger the need for a more detailed assessment of bushfire risk, such as a bushfire attack level assessment, before building on a property. Those assessments include BAL–LOW; BAL–12.5, which is low risk; BAL–19, which is moderate risk; BAL–29, which is high risk; BAL–40, which is very high risk; and BAL–FZ, which is a fire zone. With a BAL–FZ, it would be very unlikely that a person could build anything. For some of the bushfire attack levels, such as BAL–19 or BAL–29, building or extending a property would require substantial expense to abide by the requirements of the Western Australian Planning Commission to make sure that the property was protected at that bushfire attack level.

The Department of Fire and Emergency Services website says that under the Real Estate and Business Agents and Sales Representatives Code of Conduct 2016, real estate agents must make reasonable efforts to obtain all available material facts to the transaction and communicate that information to any person affected by them. However, it says that there is no specific definition of what constitutes a material fact, which I find quite problematic. If that is not on the title, it is not easy for a real estate agent to identify an area that might be bushfire prone. It is a little disappointing that the government has not put at least a section 70A notice on titles of properties in bushfire-prone areas to alert people to this matter. The main way that people will find out that their property is in a bushfire-prone area is when they apply for a building licence. If they apply for a building licence to either build a new home or make extensions or alterations to their home and it is in a bushfire-prone area, the planning department of the local shire will require the applicant to undertake a BAL assessment. As I said earlier, that could run into tens of thousands of dollars of expense if it is quite a high rating. What is interesting about this is that a condition of the building licence approval is that the owner, at their expense, has to register a notice on their title to say that it is in a bushfire-prone area. Even though the government does not want to put notices on titles—maybe it will cost too much to do that—to add insult to injury, if a person does not know that their property is in a bushfire-prone area and they apply to build on it, under the approval process, they have to, at their expense, put a notice on the title so that anybody who deals with it in the future is aware that it is in a bushfire-prone area. If local government can put a section 70A notice on the title for mosquito-borne virus risk, I am sure that the state government would be able to do something similar for bushfire-prone areas.

State government laws bypass the "on just terms" guarantee in the Constitution. The WA Minister for Environment is allowed to declare areas to be environmentally sensitive areas, which makes it an offence to clear native legislation unless it is done under legislation. If this is disobeyed, heavy fines can be given. It could be $250 000 for an individual and up to $500 000 for companies, with daily penalties of $50 000 for individuals and $100 000 for companies if they continue to offend. This includes the grazing of cattle. Grazing is considered to be clearing. In many cases, a primary producer will need a permit to graze, and sometimes those permits last for two to five years, but can be cancelled at any time.

In August 2015, the Standing Committee on Environment and Public Affairs, which was ably chaired by Hon Simon O'Brien, released its report "Petition No. 42—Request to Repeal the Environmental Protection (Environmentally Sensitive Areas) Notice 2005". That report had a number of findings. The committee found that around 98 042 parcels of land in Western Australia are not crown reserves or state forest and include land that is an ESA. These are privately held titles. In the report, the committee acknowledged that writing to all owners of ESAs would be an extensive task, which was apparent from the number of parcels of land that were ESAs. The committee said that writing to all affected owners would be a big undertaking but it should have been done 10 years ago when the ESA notice was introduced. There was a comment from the then minister that it would be very difficult to get consent from all those landholders to register something on the title to advise future owners that there were issues surrounding the land that they were buying. People are still buying and selling land with ESAs and they are unaware of it. Banks lend money and they are unaware of it because it is not on the title. As I say, it undermines the integrity of the Torrens title system. We are all quite aware of the case of Peter Swift, who bought his farm 12 years ago and was charged by the department. He was found not guilty, but he was out of pocket for a lot of money. Peter Swift has campaigned for a long time to get some justice and some compensation for the fact that he was unable to use the land as he should have been able to use it. I think he recently drove a prime mover up to Dumas House to see the Minister for Environment and the Premier to try to work something out. I know Peter. He has been placed on suicide watch at times because of the pressure that has been put on him. He is financially ruined. He has had to deal with all these issues without compensation.

Another issue about private property rights is that it is not just about real property or land. It also relates to private ownership of cars or boats; they are private property. One of those relates to fishing rights. Fishing rights in Australia exist in four primary forms. This is recognised in common law, is explained in Warwick Gullett's book *Fisheries Law in Australia* and is highlighted on page 16 of the April 2011 report "Improving Commercial Fishing Access Rights in Western Australia". It is interesting to note that on page 86 of the "2017 WA Labor Platform", under section 332, it states —

> **c)** That Government must ensure management arrangements are developed in full consultation with stakeholders and the wider community and based upon the best available information and research;
>
> **d)** Stakeholders have the right to expect a transparent and accountable process when management and regulatory decisions are made …

On page 87 of the "2017 WA Labor Platform", paragraph 334 reads —

> WA Labor will:
>
> **d)** Seek to more clearly define the property rights of commercial fishing license and authority holders;

Late last year and early this year, there was furore within the crayfish industry when the government decided to take a quota. The decision sent shockwaves through the industry to the point that the banks were starting to reassess the security of the money they had lent. Private property rights are extremely important; they make sure that people feel secure. When a private property right is diminished to derive public benefit, compensation should be given to landowners, particularly when the value of the land is diminished by the public benefit as derived in the case of environmental consideration and other things.

I have a lot more to say on this issue, but I am running very short on time. I hope that this motion is supported by the house. A lot more work needs to be done in this area. There were two partial reports before 2004, which were not completed—the 2004 report, which, as I said, is a beast of a report, and report 41 of 2015. I am hopeful that this issue will be referred to the Standing Committee on Public Administration to conduct further inquiry and hopefully resolve a lot of the issues that have been dogging property owners in this state for a long time. We must maintain and uphold the integrity of the Torrens title system, which should be restored.

HON JIM CHOWN (Agricultural) [1.34 pm]: I congratulate Hon Rick Mazza for bringing this motion on private property rights in this state to the house for discussion. Private property rights has been an issue for previous governments and it is an issue for the current government. Governments, including the government to which I belonged, never address this issue adequately, appropriately or to the standard that private property owners expect. This is another occasion on which members of Parliament can voice their opinion about private property rights, and I certainty support the intention of Hon Rick Mazza's motion.

As Hon Rick Mazza stated, the commonwealth Constitution allows for fair and just compensation, but there is no such thing in this state. We have a private property rights charter, which contains a lot of flowery words but which is not at all binding. On the issue of fair compensation on just terms, the charter states —

> Laws for the compulsory acquisition of privately owned land should provide for compensation in an amount that will, having regard to all relevant matters, justly compensate the landowner for the acquisition of the land in a manner which is fair to the community and the landowner.

That quite lengthy statement says nothing about fair compensation for those people whose land is blighted or acquired for the public good. On the issue of consultation—I will get back to this with regard to environmentally sensitive areas, which are under discussion in the motion—the charter states —

> Before taking government action that will have a direct adverse effect on private property rights in land, the land owner should be consulted where this will not unduly compromise the advancement of the relevant community benefit or public interest

The charter has a bet each way and, quite frankly, it has no relevance under law; rather, it is just a guideline. We need a bit more than that. Hon Rick Mazza's motion states that private property underpins the social and economic security of the community, and that is absolutely correct. I will provide some general information from the Property Council of Australia. Nationally, the property industry employs 1.4 million Australians, more than any other sector in the community. Property has overtaken health care and social assistance as the biggest direct contributor to employment in this nation. The property industry has also extended its lead as the biggest direct contributor to gross domestic product, and it contributes $87.9 billion annually in combined Australian, state, territory and local government tax revenues. It is vital to creating jobs and communities, with more than one in four Australians relying on the industry. Private property and the right to private property are absolutely essential for our financial and social wellbeing.

Private property rights has been an issue under common law in the United Kingdom going back centuries. I love the statement by economist William Blackstone, who in 1773 said —

> There is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property …

That flowery statement holds true today. I will spend a bit of time on this because it is absolutely important that we understand how private property affects us financially and how its benefits and the ownership of such benefits the community at large. If we look at China, for example, it was a communist country for many, many years. In April 2017, the Chinese Premier of the People's Republic of China—I have trouble pronouncing his name—Li Keqiang announced that full private ownership of land would be restored in China's cities. As a result, the population of Shenzhen increased from 175 000 to 10.7 million after Chinese people were given the right to own private property in the countryside if they had enough money to put down the required deposit. That was driven solely by the ability to own property.

History has better examples of the importance of private property ownership to the wellbeing of an economy. We all benefit from a strong economy. One of the best examples is Finland and Estonia, which are neighbouring countries that are culturally similar and share many values. In the 1930s, they shared a similar standard of living. However, in 2000, the average Finn earned two and a half times to seven times more, than the average Estonian. Of course, the difference between Finland and Estonia is that for 50 years, Estonia was under communist rule and private property ownership was not allowed. When the Berlin Wall came down, we saw the difference in the standard of living between East and West Germany. That difference was politically driven because on one side of the wall, people could own private property, gain benefits from that ownership and work towards that property appreciating in value while on the other side of the wall, property was owned by everybody and nobody had an incentive whatsoever to get on with the job and take a commercial risk. Professor Allan Meltzer said —

> In each of these comparisons, culture, language, and traditions are the same. Outcomes are markedly different. The countries with capitalist institutions and the market system grew richer; the others faltered or went backwards.

The underwriting parameter of that was the ownership of land. As stated in a paper —

> Today, property rights are often worked out among individuals or firms first and then recognized by law. However, governments at all levels continue to weaken or attenuate property rights on a daily basis with a barrage of regulations affecting the use of private property.
>
> The two essential elements of property rights are (1) the exclusive right of individuals to use their resources as they see fit as long as they do not violate someone else's rights and (2) the ability of individuals to transfer or exchange those rights on a voluntary basis. The extent to which those elements are honored and enforced will determine how effectively prices in an economy will allocate goods and services.

As Hon Rick Mazza correctly stated, some incursions that have resulted from legislation or regulation are based on environmental issues. The issue of environmentally sensitive areas is a good example, because over 98 000 parcels

of lands throughout the state, mainly in the south west land division, as the Bureau of Meteorology calls it, have been affected. As part of the charter, and as per the recommendations of the committee chaired by Hon Simon O'Brien, we know that these landowners have no idea that they do not have any say on their property—none at all. They are happily farming their properties—grazing them, ripping them up and planting them—without any knowledge of this, because they have never been informed. The only information I can find about environmentally sensitive areas on private property is a map. It is a pretty small map with little dots all over it. Landowners have to somehow find out whether a dot on an ESA is part of their property. It is ridiculous. The previous government did nothing to address this. In my opinion, we have a very good Minister for the Environment. I do not know whether he will do anything about it—I place a great burden on the minister's shoulders with that statement! It is a serious matter.

Let us look at the history of ESAs. Before we had ESAs, we had the evaluation of the wetlands of the Swan coastal plain in Western Australia, which designated a number of areas along the Swan coastal plain as wetlands and environmentally fragile areas on which people could not do anything. However, those wetlands encompass a number of areas that are now under housing. There was a great outcry at the time, when the now Premier was Minister for the Environment. As minister at the time, he came back to this place and said that this policy was rubbish and that we should get rid of it. That is what happened, in a nutshell. However, it was replaced by these environmentally sensitive areas, which actually expanded the area that was covered—it was not just the Swan coastal plain but right through the south west land division. That was no solution at all. The report "A Methodology for the Evaluation of Wetlands on the Swan Coastal Plain, Western Australia" states that only 3.8 per cent of the area of the coastal plain is currently assigned as a conservation management sensitive area. That is 3.8 per cent! What is going on here? I assume that that 3.8 per cent is totally translocated into ESAs. Of the tens of thousands of hectares that are now part of an environmentally sensitive area, which is unknown to landowners on many occasions, only a minuscule percentage of that area is environmentally sensitive. It is like some dork in the department went dot, dot, dot, dot anywhere there was a possibility of an area being environmentally sensitive, and made it law. That is not good government. It is a very good example of private property being blighted by a decision of a department and endorsed by a minister, without any due diligence at all—none. It is wrong. It undermines the value of those properties. As Hon Rick Mazza correctly stated, it is not even stated on the title. Landowners do not know. The recommendations of the committee chaired by Hon Simon O'Brien should at least be carried out. The thousands and thousands of landowners who have an ESA on their properties should be notified of that in writing and at least have a right of appeal as to why an area of their properties has been designated as environmentally sensitive. That does not happen either. It is crazy days.

I am very concerned about this matter. Imagine us having an environment minister in the future, regardless of which government is in power at the time, who is not as pragmatic as Hon Stephen Dawson and decides to take action on these breaches. That happened to Mr Peter Swift, who had no idea he had an ESA until he had a knock on the door and was told he was in breach of the regulation. Mr Peter Swift went through the wringer. He went to court. He was prosecuted in 2009 by the Western Australian state government's Department of Environment and Conservation for clearing vegetation on his Manjimup property without authorisation, contrary to sections 51C and 99Q of the Environmental Protection Act 1986. Mr Swift maintained his innocence against the charges and provided aerial photographs that showed that the land clearing had taken place before he purchased the property in 2007. He had photographic evidence that the land clearing, for which he was being charged, was not done by him, as he did not own the property when it occurred. In the end, Mr Swift was cleared of all charges in 2013, but he was left $360 000 out of pocket for defending his rights, as a private property owner, against a department that would not see sense, as it was trying to make a point and send a message to everyone that ESAs cannot be farmed on.

I go back to my previous point. Landowners do not know. If they have not been notified in writing and it is not on their title, how would they know? It is just a map. It is just wrong. Poor Mr Swift was cleared of all charges in 2013. However, the experience left him severely physically and mentally drained, as I believe it would anybody. This farm was meant to be his retirement fund. He had his life savings in it, until this department Nazi turned up and decided to pursue it.

Several members interjected.

Withdrawal of Remark

The PRESIDENT: Member, I find that —

Hon JIM CHOWN: I withdraw that statement.

The PRESIDENT: I am glad you have done that. Thank you.

Debate Resumed

Hon JIM CHOWN: The regulations relating to the Western Australian Environmental Protection Act, which contain the provisions of subsidiary legislation pertaining to the declaration of environmentally sensitive areas, was not mentioned on Peter Swift's record of title; he was just expected to know. I do not know how he was expected to know, but he was expected to know. In fact, as Hon Rick Mazza has already stated, the Torrens system is a great system as it actually discloses all encumbrances on a property before someone buys or gains an interest

in the property. But if things like ESAs are not actually stated, how would someone know? Mr Swift's unfortunate experience could be the experience of anybody. I suggest that it could be the experience of any landowner in my electorate. It is not a good situation.

This is a very good example of how governments can do better. The government needs to say, "Right, let's start again. Let's inform landowners of their responsibilities under the relevant regulations and acts, or we do not do it." I would like any government to say, "We understand and comprehend what has happened." It should not be done in a property rights charter that contains vacuous statements of intention, but in an actual piece of legislation that gives not only some authority to government, but also rights to private property owners in regard to fair and just compensation. I am fully aware that, through these sorts of conversations taking place in this place, departments become more sensitive to their responsibilities when they compulsorily acquire land for public good. For example, if Main Roads Western Australia seeks to compulsorily acquire land for roads et cetera, it must jump through a number of hoops, including finding offsets if that is required. If it is acquiring private property, one policy is that it must pay 10 per cent more than the going rate for that property. The price of that property is assessed by three independent valuers, two of whom I think are chosen by the owner of the property and one by the department. Also, the value is based on the value of the land on the first day after the election of a government, and which date is renewed with each four-year term. People are paid 10 per cent more than the valuation. They do not have to accept it; they can take it to court if they want. They get a 10 per cent loading on the evaluation they accept, which is negotiable. Any translocation from the owner's property to a new location is free of charge; it is all done for the owner. As I said, most people take that offer because it is a pretty good one. Governments do not just acquire the land after telling the owner what the value is, take it or leave it. Owners can take the case to court, as Peter Swift did, but that will costs hundreds of thousands of dollars.

That is a great step forward but I would like to see this government or a future government introduce a bill of some kind that would give some surety of compensation for blighting or easements that could affect the value of a person's private property in this state. It is lacking; it is a conversation that has been ongoing in this place for many years. I do not know for how much longer the conversation can go on without some action taking place along the lines I have advocated here today.

HON CHARLES SMITH (East Metropolitan) [1.50 pm]: I want to make a short statement in support of this motion this afternoon. The Torrens system is a great Australian invention. Traditionally, under common law one would have to trace back the ownership of land from a crown grant, with the most ancient title being the one in force, unless of course one can find a more ancient title. The Torrens system took a great leap forward in the quest for indefeasibility of title with a system of registration similar to that of ship registration in the United Kingdom. This system of registration revolutionised how we handle property law, with the system being adopted throughout Australia over the next few decades. This system makes the purchase and sale of land remarkably simple, and provides clear notice of any encumbrances on the property, such as caveats, easements, incorporeal hereditaments or restrictive covenants, among other things. Among other things, it paints a clear picture of that property. It therefore begs the question why environmentally sensitive areas, or notice of such, are not registered on the title.

Currently, under section 51B of the Environmental Protection Act 1986, the Minister for Environment may declare by notice an area or class of areas to be an environmentally sensitive area. These ESAs were declared in the Environmental Protection (Environmentally Sensitive Areas) Notice 2005. There is a saying that if we really want to get at our neighbour, have his property heritage listed! A property that is heritage listed does not have a significant market value and puts a significant burden on the owner—particularly if they wish to renovate or carry out repairs. Similarly, to have one's land considered a bushfire buffer zone renders it unusable and sinks the value of the property, and the same can no doubt be said for these ESAs. It therefore begs the question: why are these very important declarations not placed on the certificate of title? One great strength of the Torrens system is the transparency it gives to buyers and sellers, but the power of government to arbitrarily make a declaration of their land, rendering it valueless, creates not only a cautious property environment, but also a "buyer beware" attitude. A prospective buyer is unlikely to check a *Government Gazette* about a property.

This issue of rendering properties valueless also has knock-on effects. Much like those poor people in west Bullsbrook who have PFAS-contaminated water, nobody there will buy a property in a zone that is subject to such regulations, burdens or encumbrances, meaning that if the owner wants to move, they must start anew with nothing. That simply is not fair. We value the concept of a fair go in Australia; indeed, the very spirit of the nation rests on the notion that a man's home is his castle. We all know the famous fights against compulsory acquisition, but not of governmental value destruction. Perhaps this motion is the first step in that revolution. Compulsory acquisition requires restitution at a fair market value. I therefore congratulate Hon Rick Mazza on bringing this motion forward and I offer it my support.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [1.54 pm]: I want to join other members of the house in thanking Hon Rick Mazza for bringing this motion to the house today. It is an exceptionally important motion to the people of Western Australia, albeit probably a bit of a headache for governments and departments to work out how to apply a procedure that would bring some more transparency to property developers, purchasers of land and property owners in general. I guess that is why Hon Rick Mazza has

suggested that the Standing Committee on Public Administration should conduct an inquiry into this matter to try to find some simplistic ways that our government could consider looking at adjusting the current system to make it easier and more transparent for property owners, because that is, after all, exactly what we are talking about.

I was very interested in talking to Hon Rick Mazza about the issue in this motion because I have had an experience with an environmentally sensitive area notice. I owned a property that had an ESA notice on it and when I purchased the property I was unaware that part of the property was impacted by this ESA notice until we went to carry out some work on it. It was at that point that we became aware that there was a natural wetland and soak on the property that impacted on our capacity to produce or agist, or do anything like that. We had to take into account a whole lot of other considerations that, first, we had not budgeted for and, second, had not planned for in how we would manage the land. The ESA notice was very unexpected and set us about trying to understand exactly what our obligations were and how we should manage them. It was a shock to us when we found that out. It was frustrating because it impacted on our plans for the future of that property. I remember thinking to myself at the time that there must have been an easier way for me as the purchaser, and the real estate agent I was dealing with, to have been aware that an ESA notice was on the property, but that simply was not the case.

As has been highlighted by other members in the house, other people have had much more negative experiences and had their lives more greatly impacted on, financially and emotionally, than I have. I was able to work my way through that. I was lucky that I was able to do so because I had people to assist me to do that. Certainly, when a property owner, potential investor, developer or landowner wants to purchase a property and believes they are genuinely doing the right thing in fulfilling their obligation by trying to understand the title covering the property and undertake all the procedures, only to find later that the property is not what it seems and they are to be lawfully held accountable for something they did not intend, it indicates there is an issue with the system. The people of Western Australia believe that our procedures of government should support them, not make it difficult for them to carry out their daily business.

I support the motion. I think landowners and property developers, or whoever they may be, deserve a simpler and more transparent and comprehensive system. They deserve the notice of a committee to work their way through this. As other members have said, although this has been before committees previously, maybe a different view at a different point in time will create a different outcome. The Nationals WA supports the motion, and I thank the member for bringing it to the house.

HON DR STEVE THOMAS (South West) [1.59 pm]: We are very polite in this chamber; we keep offering the call to somebody else. I take this opportunity to say a few words about the property rights debate in Western Australia. It is a debate that I have been fairly intimately involved with for some time. There are not many in the chamber who were around in the thirty-seventh Parliament, which went from 2005 to 2008. Hon Simon O'Brien would probably remember that at that time, in opposition, we had a shadow Minister for Property Rights, Mr Gary Snook. Hon Donna Faragher and Hon Ken Baston were here at that time. A few people would remember that at that stage, in opposition, we took property rights quite seriously. Unfortunately, it is one of those issues that everybody takes very seriously in opposition but they have a slightly different view of the process when they come to government. I suspect that when the minister stands up to give a formal reply, he might make that fairly obvious point.

Nevertheless, let us proceed with this. It was an important issue for us at a time when, as was mentioned previously, we were going through the Swan coastal plain wetland policy, which I will talk about in a little bit more detail, and its transference into environmentally sensitive areas. A bit of history has been mentioned, and it is important to put a little bit of this in context. When members get into a debate with people who own private property, in my view, they always make a number of assumptions. They jump in very early and assume that what a title to property means in Western Australia, or Australia, is different from the reality. It has been said that this process goes back to the Magna Carta, and to some degree it does. During the debate on stamp duties and levies, we talked about the original capacity to put land in a title that could be held by a corporate body rather than a single individual. When the knights went off to the crusade and had to put a person in charge of their land, they did not necessarily get their land back when they returned. This was in the same era as the Magna Carta. It was an era when people were very interested in land title. The reference to the Magna Carta has already been made, but I want to make sure that people are aware of exactly what it says. With the forbearance of the house, I will read from my notes. Paragraph 39 of the Magna Carta states —

> No freeman shall be arrested, or detained in prison, or deprived of his freehold, or in any way molested; and we will not send forth against them, nor set against him, unless by the lawful judgment of his pears or by the law of the land.

Let us be very aware that even at the stage, the Magna Carta—the document that people like to refer to all the time—says that no-one shall be deprived of their land except by a judgement of their peers or by the laws of the land. The first thing I would say to honourable members is that if they find themselves in an argument with someone who says that either the Magna Carta or the Australian Constitution says that no-one can touch their use of their land and no-one can take it off them, that is not what the Magna Carta says and it is not quite what the Australian Constitution says either. The reason is that governments, be they just or unjust, totalitarian or democratic, have always had

a requirement at some point to impact upon some people's land, because, for the greater good, a road, a powerline, some drainage or a pipeline will be needed somewhere. There will be a need to maintain environmental principles and to look after the rest of the community. In Australia—or in Britain, for that matter—we do not own our land to the point at which we have exclusive domination and dominion over those lands. People are always subject to the laws of the land. People were under the Magna Carta and they are under the Australian Constitution, which is why the Australian Constitution has a section that says that if government takes a person's land, it will do so with fair and just compensation. That is important because it is something that is missing in the Western Australian Constitution. There was a private member's bill a Parliament or two ago when a member of the other chamber attempted to put forward and introduce into Western Australian legislation that equivalent term of "fair and just compensation". The bill was called the Taking of Property on Just Terms Bill 2014 and it was very short. The bill suggested —

> A public authority must not take property from a person, whether by direct or indirect means and whether intentionally or otherwise, under a written law or policy except on just terms.

The definition of "take" was quite interesting, because in the definitions in clause 3 of the bill, "take" was defined as —

> (a) to extinguish an interest in property; or
>
> (b) to lower the value of a property; or
>
> (c) to restrict the use and enjoyment of the property by its owner.

I suspect that this bill did not proceed because its impact would have been quite significant. Lots of people are imposed upon by government, particularly in their ability to use and enjoy the piece of property that they own. The definition of ownership of that property has changed significantly over time since the days of the Magna Carta, 800-and-something years ago. I do not remember the exact number, but it was about eight centuries ago. I was not there at the time, minister! I might need to reference Hon Simon O'Brien at some point.

Hon Simon O'Brien: It was 904 years ago.

Hon Dr STEVE THOMAS: Was it 904 years ago? There you go, thank you. I will not ask Hon Simon O'Brien what the weather was like. I am sure we would get delayed!

Hon Simon O'Brien: It was just after morning tea time!

Hon Dr STEVE THOMAS: Yes!

Hon Stephen Dawson: Hon Simon O'Brien has obviously been here a very long time!

Hon Dr STEVE THOMAS: He has not necessarily been here that long in this chamber!

At that time, the definition of what people owned was different from today. There are a couple of definitions I would like to talk briefly about. People get a bit confused about the definition of "fee simple" and owning their land fee simple. Fee simple does not refer to the price paid for the land; it is a reflection back to the fiefdoms that existed. Land title used to exist on a fiefdom system, which would be an inherited title that would go down through British aristocracy. Fee simple is not a cost; it refers to the words "fief" and "fiefdom". This is important to know. Basically, at that point, a person's entitlement to land was only for freemen. I am terribly sorry if a person was enslaved or a female at that time, because they did not have many rights; I am not sure which was worse. Maybe the two words were interchangeable at that point in history, but let us not go there for a minute. At that time, a person owned the lands to the centre of the earth and the air above it.

This has gradually changed. Up until the late 1800s, a person still owned a significant amount of land below them and the air above them in what we used to call the Queen Victoria titles. Some other members are probably old enough to remember some of those titles existing in the 1970s and 1980s. In various property rights debates in the south west, going back a decade or 12 years, the Acting President (Hon Adele Farina) and I had discussions about what the old Queen Victoria titles—the purple titles—were like, because they, in theory, also gave a person all the land down to the centre of the earth and the air above it. There are basically no Queen Victoria titles left, and where they do exist, they are gradually being changed over. There is now a fairly legal and complicated process, whereby a person's freehold title to land—freehold was a shortening of "free for hold", which basically meant that nobody else held a caveat or a title over that land—is not what it used to be. We are still a commonwealth country and we are vested in Queen Elizabeth II for the time being, but, ultimately, a person is effectively granted almost a leasehold title over the land that they, in theory, hold as freehold. This means it is free from encumbrances from somebody else; however, it is not necessarily that person's land to do entirely what they want with.

This is an argument that people get into all the time: they do not own the land to the point at which anything they do on that land is free from interference from anybody else. It was not that way in the Magna Carta, it was not that way even in the Queen Victoria titles, and that is not the situation under the Torrens system that exists now. People own the land and they have the capacity to use and enjoy the land, but precisely how they can keep anything else from happening on that land is the point that we are getting to in the debate today. It is important because there have been some interesting incursions on people's capacity to enjoy that land. I will leave my discussion on the value of the land to the end of this debate because, in many cases, that is the last part of this debate and the bit that really impacts on people's planning.

Comments were made earlier about the wetlands policy on the Swan coastal plain that was mooted from 2005 to 2008. I occupied the same policy position then as I do now as the shadow Minister for Environment. It was interesting to go through that process. I am the first to suggest that genuinely valuable areas of the environment need to be protected. I do not think any member of the chamber has a different view from that; however, the way that we do that is important. It surprised me at the time that when we talked about wetlands designated under the Swan coast plain wetlands policy, the definition of a wetland was extremely vague. Many places that were defined as wetlands were what I would call damp lands or slightly soggy lands. A lot of wetlands were not ponds, lakes or marshes, but areas of land that in winter had water sitting on them and in summer were remarkably dry. Most of those wetlands were initially defined by geomorphic datasets. Nobody walked on the land and looked at it to say what it was like. The geomorphic datasets were effectively satellite pictures and a range of information that came from various government departments. Where it looked like there might be water sitting on the ground in the middle of winter, it looked like a good place for someone to draw a line. As far as I am aware, nobody ultimately went through and did all the work to determine where the wetlands genuinely were versus where the damp lands might have been.

Hon Jim Chown: There was a lack of process.

Hon Dr STEVE THOMAS: There was absolutely a lack of process. Lines were drawn on maps in a bureaucratic process that had no meaning to the people who owned the land, worked on the land and lived on the land.

Hon Jim Chown: They were making very loose assumptions.

Hon Dr STEVE THOMAS: They were making assumptions based on the information they had available, which was entirely and utterly inadequate. The wetlands policy was immensely problematic and it caused great grief and hardship for a number of people. I think everybody has been glad to see the end of it. However, a similar process remains for environmentally sensitive areas. One day when we swap sides with members opposite and I get the opportunity to take the place of the Minister for Environment, I want to have somebody walk over all the spots that we have decided to call environmentally sensitive areas and provide some justification for that.

This is an age-old debate. From my view, the debate is not about what the land title tenure is, because the current land title tenure is probably unable to be shifted. An enormous report that both Hon Rick Mazza and Hon Jim Chown referenced, the parliamentary review on land title in 2004, offered a range of information and recommendations, but basically said that fair and just compensation was the critical part that needed to be looked at. Perhaps we need to have another look at that for genuine impacts. The first thing to work out is whether the impact on the piece of land in particular is genuine. That was the downfall of the Swan coastal plain wetlands policy and, in my view, it is also the downfall of the environmentally sensitive areas policy. Various departments, particularly the Department of Water and Environmental Regulation, have not done adequate work to make sure that every piece of land it identified as environmentally sensitive is genuinely so. That is going to take a significant investment in both time and resources. However, the alternative is to say that the bureaucratic process will have the capacity going forward to encumber land on the basis of a desktop study or a set of geomorphic datasets. That is not sufficient. That is not adequate. We need to make sure that if this matter is looked at by a committee, a genuine attempt is made to ensure that the references are adequate and that somebody with adequate training has walked over each of those sites and made sure that what is theoretically an environmentally sensitive area that requires protection is genuinely an environmentally sensitive area that requires protection. There will be some areas that impact on individuals, and there will be some that impact on somebody's right to farm. It is incumbent on the state to invest adequately to ensure that those people are not disadvantaged.

Things have drifted off lately, but five to 10 years ago there was a great push to have effectively public–private partnerships in natural vegetation conservation.

Hon Stephen Dawson: Conservation covenants.

Hon Dr STEVE THOMAS: Yes, it was through covenants. Some great work was done and more work could be done in that area. However, the reservation I have, which was raised by somebody in relation to heritage listing, is that if we make the requirements and restrictions around those things so onerous that the property becomes devalued instead of increasing in value, people will drift out of the system. The heritage system is a diabolical thing. I agree with Hon Charles Smith that the heritage system has a diabolical impact. Members can call me a heritage heathen if they like, but the reality is that if people purchase an artificial structure, they should have every right to do with that artificial structure as they wish. If they want to upgrade, even to a modern design that I do not particularly like, and if they have made the effort to purchase the property, they should be able to do so. If the government wants to dictate what people can or cannot do on their property, it should be forced to buy it. All the terrace houses that nobody can do anything with should be required to be purchased by the government or it should allow the owners to get on with the job. Back in the days of the Magna Carta, if I were King John, that is what I would do: I would give people the capacity to do what they want with the buildings they have. As I say, I am not the most heritage sensitive individual in the chamber, but that is the condition I would go forward with.

Even in the individualistic rights arena, I accept that land, particularly widespread areas of land, will always have some encumbrances placed on it by government and that the government must have the capacity to do so. It is

incumbent on the government to minimise that and to ensure that it happens only with justification—that is, that the government has taken every step to ensure that the land is required. The impacts on the landowners need to be addressed in a manner far better than they are at the moment. That is no slight on the current government. As I said, a bill was presented to the previous government but it was not debated. Perhaps the bill should have been amended or put forward in a different manner because it was a very wide catch-all bill that would have had some interesting—unintended, I am assuming, but perhaps intended—consequences on the capacity of the state to develop.

There is a long way to go. We have drifted a long way from the opposition having a shadow minister for property rights and it is a long way back to try to put forward property rights but not to the extreme of the ideas that will be presented. The first time someone quotes either the Western Australian or the Australian Constitution, and says that it defines what wonderful property rights we have, run—do not walk away; move quickly—because it is not accurate. We will be bogged down for hours with home-taught, homespun constitutional experts telling us what the Constitution grants us, because it does not. Let us look at what is required to give people a better use, value and appreciation for their property and let us make sure that government, if it is going to impinge upon that, pays for the process.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [2.20 pm]: It is my pleasure to rise this afternoon. I give credit to Hon Rick Mazza, who is tenacious, because the motion he has moved today is similar to a motion he moved in August 2014, early in our careers in this place. He was not successful at the time but he has come back today to have a second bite at the cherry.

This issue has been around for a very long time. Hon Dr Steve Thomas talked about the Magna Carta and the issues that that threw up. But we have also seen property rights and land issues across Australian history. We can look at the Mabo decision, and *The Castle*, with the line, "Tell them they're dreaming." This issue evokes a range of views from the Australian community. Elements of this issue have been looked at by the Parliament before. In the honourable member's opening remarks, he alluded to the fact that the Parliament had previously looked at many of these issues. In fact, during the thirty-sixth Parliament—four Parliaments ago—the Standing Committee on Public Administration and Finance produced a report entitled "The Impact of State Government Actions and Processes on the Use and Enjoyment of Freehold and Leasehold Land in Western Australia". As the honourable member pointed out and as the Leader of the House, who is away from the chamber on urgent parliamentary business, has said before, that committee looked at this issue for three to four years and came back with a 685-page report that has probably not just sat on the shelf for the last few years but certainly has been overlooked. Some elements of it have been put into action since it was tabled. It is certainly an issue that continues to vex the community.

Hon Rick Mazza's motion refers to a nine-month referral. Given that the last committee that looked into many of these issues in 2001 to 2004 took four years, I do not have the member's confidence that the problem will be fixed in that nine-month period. It is a good read. Initially, that committee picked up the threads of two separate inquiries that had been conducted by the Parliament, one by the former Standing Committee on Public Administration and Finance and one by the former Standing Committee on Constitutional Affairs. The inquiry considered two key issues that were central to the previous two inquiries—the erosion of private property rights by the actions of the state government, and land clearing restrictions on agricultural properties. In addition, the inquiry expanded its scope and looked into a range of issues connected with private land ownership in Western Australia. Some of the specific impacts examined in detail by the committee were compulsory acquisition of interests in land; transmission line and water pipeline easements; land use zonings; subdivisions and development approvals; land clearing restrictions in agricultural areas; environmental policies relating to urban bushland and wetland conservation; industrial buffer zones; heritage lists; protection of endangered fauna and flora; conflicting land uses within close proximity; mining rights granted to third parties over privately held land; and notification and recording of restrictions on land use. Although that is broader than the motion moved by the member today, at that time nearly all, if not most, of the issues in the member's motion were looked at.

As we have already heard from a number of speakers, Western Australia has had the benefit of and operating a secure and robust Torrens system in this country for about 140 years. Having read the member's previous contribution, this system started in Adelaide, South Australia, by Robert Torrens. Since that time it has been adopted across this country and, indeed, across a number of other countries in Asia and Europe. I think the member is on record as saying that it has been a good system. In the last Parliament, I remember during debates on electronic conveyancing that a number of people mentioned the Torrens system in their contributions. I think it has served us well. It was a favourite subject of Hon Ken Travers; he often spoke about the Torrens system and its history in this state.

We have had the benefit of operating the Torrens land title system. It has not only provided certainty, but also provided security of land titles through what is a fairly simple, efficient and inexpensive regime. It provides certainty and security of land titles through three key legal principles: the certainty of registered title; guarantees of that registered title by the state government; and compensation payable by the state in certain circumstances, including in fraud and in error. Our secure land title system allows financial investment in land for agriculture, commerce and homes to occur with confidence. Landgate is in operation in this state. It is essentially a world leader in operating a modern land registry that reflects world's best practice in land administration systems.

Western Australia's system of real property law is based on the state owning all land at the outset. The crown, or the state, grants an interest in land, with freehold title being the type of grant that is considered closest to absolute ownership. Private ownership of the fee simple in freehold land is commonly referred to as private real property ownership. In fact, the report of the former Standing Committee on Public Administration and Finance that I referred to earlier looked into this issue. That report states —

> As noted above, it is often falsely claimed that a freehold landholder has a "right" to do what they wish with their land. In reality, however, in the absence of the grant of an express approval from the Crown, a landholder may only do with their land that which is not prohibited by the Crown at that particular moment in time.

Even with the grant of freehold, some rights are reserved to the state and the commonwealth of Australia, most obviously in the rights around minerals. Legal interests in land recorded on the register are guaranteed by the state of Western Australia. Landownership rights in Western Australia are and always have been subject to restrictions that the government may determine as appropriate. The Transfer of Land Act 1893 implements the Torrens system of land title by registration in Western Australia. It created the Western Australian land titles register primarily to record property interests on a central, publicly accessible register. As I said, registration of landownership does not grant unfettered rights to the registered proprietor of the title.

The honourable member has a number of parts to his motion. I will address each one individually. Paragraph (b) states that the house —

> recognises the threat to the probity of the Torrens Title system, which guarantees disclosure, and re-establishes the necessity for registration of all encumbrances that affect land including environmentally sensitive areas, bushfire-prone areas and implied easements for Western Power that currently sit behind the certificate of title;

There never was an intention for such rights and interests affecting land and land use to be shown on the certificates of title, nor to be guaranteed by the government. There is a difference between legal interests in land and factors affecting the use and enjoyment of land. The existence of interests that do not appear on the certificate of title does not threaten the probity and integrity of the Torrens system. This system has flourished in Western Australia for more than 140 years. The state is not willing—in fact, it is not able—to guarantee such a large category of other interests. If all other interests affecting land appeared on the certificate of title, it may, for example, clutter the title with information. It may even make the certificates of title more difficult for people to understand. It may increase the complexity of conveyancing and require professionals to advise of the meaning and the relevance of those interests, and it could also potentially slow down the conveyancing process. It could also increases costs, an issue that we often deal with in this place. The complexity and expense is contrary to the essence of the underlying principles of the Torrens title system, which, as I mentioned previously, is about simplicity, efficiency and cost-effectiveness. The land titles register does not exist in isolation from the wider property law regime. It is part of a broad legal and legislative framework of rights and responsibilities in land. An interest recorded on the register is only one way in which the rights and interests of owners of the land can be lawfully affected. Landownership rights in Western Australia are and always have been subject to restrictions that the government may determine as appropriate.

I want to touch briefly on statutory easements that relate to Western Power. Statutory easements that benefit Western Power do not appear on certificates of title, and there is no requirement that they do so to be legally effective. Such statutory easements are part of a considered government policy and strategy for the provision of essential services to our community. However, a bushfire notification may be placed on a certificate of title at the request of the Western Australian Planning Commission under section 165 of the Planning and Development Act 2005. The Western Australian Planning Commission can also require other notices to be recorded on titles for hazards, and for other factors that seriously affect the use and enjoyment of land. Land use planning may constrain some private property rights to ensure that the private property rights of neighbours and the wider community are also protected. We always need to have a balance in place when dealing with these issues. From the outset, the state has prioritised the collective use or benefits of land over individuals so that those interests affecting land do not impact on the effectiveness of the land title system.

Amendments were made to the Transfer of Land Act to enable information about the land contained in the certificate of title to be linked to the certificate of title, rather than physically registered upon it. In Western Australia we have the Shared Land Information Platform, or SLIP, which was developed by Landgate. It has enabled the agencies that held statutory interests in land to place those datasets on the platform. SLIP is an award-winning platform that enables the sharing of land information and is available to the public for use. SLIP has enabled Landgate to create its property interest reports. The PIR for land contained in a certificate of title includes the interests that affect the use and enjoyment of the land, including, but not limited to, implied easements, declared bushfire-prone areas, environmental protection policies, aircraft noise and groundwater salinity. Anyone can request a PIR on any property online by contacting Landgate. There is a fee of $59, but that provides a comprehensive list of all interests in the land. Like a certificate of title search, the PIR explains each interest in detail and provides information on where further information can be obtained. It is our view that it would be inefficient and impractical to require all interests to appear on a certificate of title.

Part (c) of Hon Rick Mazza's motion reads —

> recognises the property rights of government-issued licences and authorities including commercial fishing;

Licences issued by the government are not legal interests in land, and do not grant ownership rights in land. Fishing licences issued under the Fish Resources Management Act 1994 are statutory rights to take fish. Such fishing licences are not property rights. Water licences issued under the Rights in Water and Irrigation Act 1914 grant the right to take water for a particular use, but do not give ownership of water to licensees. Licences are not real property rights, and they are not, and should not be, recognised under our land title system.

Part (d) of the motion reads —

> asserts that fair and reasonable compensation must be paid to the owner of private property if the value of the property is diminished by a government encumbrance or resumption in order to derive a public benefit …

Compensation regimes apply for taking interests in land for public works purposes, or injurious effects and controls. Privately owned land can be reserved for public purposes by the state or local government via a planning scheme. However, in instances where this occurs, the Planning and Development Act 2005 provides the opportunity for an affected landowner to seek compensation or to have their property purchased. The state may take an interest in land for public purposes, including public works, under part 10 of the Land Administration Act 1997, which establishes a reasonable regime for taking land and interests in land. The regime provides for compensation payable by the state to those landholders, such as freehold owners, who have had their land taken. The amount of compensation is assessed at the date of taking the land, subject to certain requirements being met. Compensation may be payable by the state when injurious effects may be caused by, for example, rezoning of the land for public purposes. Government encumbrances that notify the existence of statutory easements for the provision of utilities such as electricity are essential to protect infrastructure for a modern, advanced society such as that we enjoy in Western Australia.

This issue spans a number of portfolios. Obviously, the Minister for Lands would be the lead minister, but it does touch on the environment portfolio. A number of members have mentioned the parliamentary inquiry in the thirty-ninth Parliament, chaired by Hon Simon O'Brien, on environmentally sensitive areas. I had the pleasure of serving as Hon Simon O'Brien's deputy chair in that inquiry.

Hon Simon O'Brien interjected.

Hon STEPHEN DAWSON: The member has it in front of him.

We spent some time looking at environmentally sensitive areas. I was not the minister then, nor was I the shadow minister.

Hon Simon O'Brien: Now you are in a position where you can do something about it.

Hon STEPHEN DAWSON: Now I am in a position to consider the report in a different light.

Hon Simon O'Brien: Were you captured by your bureaucrats, like every other environment minister we've ever seen?

Hon Donna Faragher: Excuse me!

Hon STEPHEN DAWSON: Member, that is highly inappropriate commentary.

Hon Simon O'Brien: Apart from Donna Faragher!

Hon STEPHEN DAWSON: It is actually Hon Donna Faragher, but she is not the only person who I am sure at times has —

Hon Simon O'Brien interjected.

The ACTING PRESIDENT (Hon Adele Farina): Order, members! This is a time-limited debate, and the minister has the call.

Hon STEPHEN DAWSON: As I was mentioning, environmentally sensitive areas were the subject of that parliamentary inquiry, and obviously Hon Simon O'Brien will allude to that shortly, when he makes his contribution. That committee reported in 2015, and I am told that the former Department of Environment Regulation addressed its recommendations, including by publishing a guide on grazing and clearing of native vegetation, and providing a link to the environmentally sensitive areas notice and clearer access to its website. The former department took on board the recommendations of that committee, and sought to make some of these issues clearer and to provide the information on the website.

Hon Simon O'Brien interjected.

Hon STEPHEN DAWSON: The member can say his bit in a second. I am talking about 2015 and the advice I have been given. Obviously, I was not the minister then. The McGowan government is also progressing amendments to the clearing provisions of the Environmental Protection Act 1986 to ensure that these provisions work more efficiently, and to provide a better process to monitor and maintain environmentally sensitive areas and regulations that would then give accountability to the Parliament.

I have touched on water licences previously. I have mentioned fisheries licences previously. To recap, elements of this issue have been looked at numerous times over the past almost 20 years. Hon Rick Mazza reckons that problems can be fixed in nine months. I do not believe they can. Across a range of portfolios, there has been an effort to address the various elements of this motion. I indicate that we will not support the motion before us.

HON SIMON O'BRIEN (South Metropolitan) [2.39 pm]: I look forward to making a contribution to this debate because I chaired the inquiry that led to the forty-first report of the Standing Committee on Environment and Public Affairs, aided and abetted by some other members, and none more distinguished than my intrepid deputy chairman, Hon Stephen Dawson, who, serendipitously, now just happens to be the Minister for Environment. Thank heavens for that! Maybe some sanity has prevailed. The only other decent Minister for Environment I can remember is Hon Donna Faragher, and there is a story from 2008 that she hates me repeating, so I had better not repeat it or she will be cross with me!

There are some serious matters here. I would like to see some further examination of this area. I urge members to get hold of the forty-first report, because it is a smoking gun into what has been going on with these sorts of property issues, and with particular reference to environmentally sensitive areas notices. I feel rather strongly about this. This was brought to attention by a former colleague, Hon Murray Nixon, who served in this place for a couple of terms and it is a pity that we did not get another term or two out of him. He is a very capable fellow and very committed to this particular area of policy. He drew a number of matters to our attention via a petition. The committee decided that it was so serious that it needed to be looked into through its own standalone inquiry and standalone report, which included a range of findings and recommendations. I may have the time to refer to a couple of those and I commend others to the mover's attention, whether or not this motion gets up. I commend the report to the house because it illustrates how people in the bureaucracy can subvert public policy. There are classic examples of what happens in the environment portfolio. Ministers who do not keep an eye on what is happening in their agencies let them run amok and then when a parliamentary inquiry reports on how they have run amok, the same weak-as-water ministers accept and sign off on the government draft responses provided by those very same officers who have corrupted the system for their own purposes. In refreshing my memory of the forty-first report, I also accessed the government response, and if members think that I sound a bit hot under the collar today, it is because I did that. It brought back to me the absolute insult that was that response of the government of the day—weak as water. In fact, if we accept that, there is no point at all in agreeing to this motion, because there will just be more of the same and more weak-as-water ministerial officers who will pay lip-service to it and say, "We thank the committee for its work. Yes, we are taking this seriously and we will have better consultation processes", while all the time they are pursuing their own agenda and to hell with the rights of the property owners of Western Australia. I urge members to have a look at the forty-first report and discover that, with the virtual stroke of a pen, around 98 000 parcels of land in Western Australia that were not crown reserves or state forests were captured as environmentally sensitive areas. They should read about how, notionally, most of the farming land, particularly on the Western Australian coastal strip and in the south west, would be unavailable because some bureaucrats decided that that was what they were going to do.

Hon Rick Mazza: Seven days' consultation.

Hon SIMON O'BRIEN: It got worse than that. The member has obviously read the report. There was seven days' consultation in order to tick some box somewhere, but it was phoney consultation, and that is the thing that really upsets me. I will describe for members what happened with that particular consultation process. The environmentally sensitive area notice is a disallowable instrument. The Joint Standing Committee on Delegated Legislation of the day obviously researched the matter. It was provided with an explanatory memorandum about ESA notices by the government of the day, which of course sourced it from its agency of the day, advising that the issue itself was not controversial, that there had been plenty of consultation and that it should be able to be accepted without any concerns. The truth, in fact, was rather different. The truth is that when there was some consultation over a few days—basically over a weekend—some groups such as the Pastoralists and Graziers Association and the Western Australian Farmers Federation expressed their strong concerns. They thought it was unworkable and similar sentiments. Yet our joint standing committee, which was meant to concern itself with such matters, was completely blindsided, so it did not take any preventive action and, in due course, the time for disallowance passed, and now there is no way to upset the environmentally sensitive areas notice.

It was typical that people in the environmental protection agency had devised a system whereby they would sit in an ivory tower somewhere and use a map to ordain that 98 000-plus parcels of land on privately held property by and large should be affected by environmentally sensitive areas notices. Those notices basically stop anyone from doing anything on their own land, even if they are already doing it—just about any form of agriculture at all in the place that is the very heart of our agricultural land. When these matters are brought to notice, would we not expect that a government, whether it be through the office of the Minister for Environment or anywhere else in government, ought to do something about it? Government responses to parliamentary reports have to go through cabinet. That is what happens; it is a whole-of-government response. Where was the minister for agriculture of the day? Where were other ministers of the day? They failed because they just accepted what the bureaucrats dished up—tick, tick, tick—and submitted it to the house. I was damn angry about it then and I am

damn angry about it now, because those same notices that are potentially stopping just about every farmer in the south west from doing their stuff are still live; it is still a threat that hangs over them.

The deputy chairman, whose name is appended to the forty-first report, is now the Minister for Environment, so the issue is squarely back in his court. What is he going to do about it? I have no doubt that the honourable minister is on the job. He will pursue this matter, I am sure, because he knows that he has the earnest support of myself and several other members of the house to make sure that he does just that. This is a real live situation in which out-of-control government officers have shoved their quirky policies under the nose of weak ministers, who have signed off on them. The ramifications are enormous. When it is pointed out to ministers of the day, chapter and verse, that they or their predecessors have been dudded, for some reason they cannot bring themselves to say, "No, we're going to do something about it." Is the Minister for Environment that sort of minister? Will he say, "It's too hard. I'm held captive by my bureaucrats"? The situation that existed when we reported in 2015 is the same situation that exists now. To his credit, Hon Rick Mazza is trying to do something about it. I will certainly support him in doing that, but I say to Hon Rick Mazza that I will not be holding my breath because he will have to go through the same grief and aggravation that we went through for probably the same lack of return. He could do worse than to put the terms of reference that he has proposed partly to one side and embrace a follow-up to the forty-first report of the standing committee and say, "What the hell's happened with it?" I bet he will find that all the departmental mandarins—the zealots who have been hoodwinking successive environment ministers—are still doing it, or trying to do it. If Hon Rick Mazza wants to achieve something, he should try doing that because, as we have seen in the past, we can have all the inquiries that we want, but unless a government actually does something, it is not much use at all. However, Hon Rick Mazza has done us a favour by bringing forward this motion today, because it gives us the opportunity to show our support for the current Minister for Environment in no doubt tackling this very grave blot on the administration of Western Australia, and land rights of Western Australians in particular. I will certainly support the motion.

HON DIANE EVERS (South West) [2.53 pm]: I am pleased that I waited to give my contribution to the debate until after Hon Simon O'Brien spoke, because it demonstrated to me just how important it is that I speak for the environment. I recognise wholeheartedly a lot of the issues that have been raised during the debate on this motion. I understand that when people are buying a property, they want to know what is listed on that property. They want to know whether there are any environmentally sensitive areas or easements and whether the property is in a bushfire-prone or mosquito-prone area. In the continuation of our history lessons, I say caveat emptor—buyer beware. Every person who buys a property should be aware that they need to do their homework and find out whatever information they can. I recognise that people do that by going through a conveyancer and asking for and going through the title, but maybe more can be done. It is not as though ESAs are a surprise to anybody. I understand that in the case that was issued, the land had been previously cleared. I hope that the person who cleared that land has had their case progressed through the courts to make up for the fact that they cleared land that they were not supposed to clear.

Hon Simon O'Brien: What about people who had land before these notices?

Hon DIANE EVERS: Exactly. That is just what I am getting to. Along with the notion of buyer beware, the Greens also believe in transparency, and it is very important that people are aware of the things placed on their property. Luckily, we are moving into a new age in which technology will make it easier to provide information about properties. It should be possible for people to look at a map of their property and see all the information about it. We can get there, but we have to move forward in the future.

Environmentally sensitive area notices protect wetlands. If a person is buying a property with a wetland on it, really they should be thinking, "That's a wetland; that's an important part of my property. That's something that I could help nurture, keep and build around." It is not wise for someone to buy a property and assume that they will be able to clear it. Clearing restrictions apply; we need permission to clear land. A person's first guess when they see a wetland on their property should not be to clear it and make money from it. It is a similar situation when a property has salinity. If somebody planted something on the property or redirected a buyer to a different part of the property to somehow hide the salinity, the buyer would be just as angry that they did not know that property had salinity. Salinity is not listed on the title; that is not something that is done. Another issue is revegetation by previous owners who have received funding through natural resource management programs to revegetate the land. Buyers should know whether that has happened because if it has been done with government funding in the last 10 years or so, it would make no sense to clear it. Hon Jim Chown talked about that undermining the value; really, what is undermining the value of a lot of our landscape is climate change. I will keep repeating that: it is climate change. Climate change is resulting in issues such as lower rainfall, a lower watertable and salinity occurring because we are clearing more land. Human-induced actions are undermining property values. Soil erosion is another issue, and it does not happen on its own. Soil erosion occurs when we denude the land. When we are talking about undermining the value, we have to look at the things that we are doing to the landscape. If we buy a property that is in good shape and we clear it and grow things on it and over time it is affected by salinity, does that mean that we should clear more land and do the same thing again? That would be pretty stupid. I do not understand why we would clear more land when that has not worked in the past. ESAs protect all of us; they are there to protect Western Australia, to keep some of our landscape intact, so that we can maintain the biodiversity and weather patterns that we need to continue living.

When we talk about local government rates, we talk about the unimproved value. Improved value is when the land has been cleared and fenced and has cattle or crops. Over time, that improved value will become less than the unimproved value had the land not been changed. We need to take another look at this. We have talked about local governments declaring mosquito-prone areas and listing such information on titles. That may decrease the value of land because a person might buy land near a river assuming that there are mosquitoes but without having that listed on the title. Does it change things if that is not on the title or should the buyer have recognised that because the land is next to a slow-moving river or wetlands, there is likely to be mosquitoes? It is the same with bushfire-prone areas. Is it the act of saying that a property is prone to bushfires or is it the fact that the property is next to a forest or a plantation? We do not need someone to tell us that our property is in danger of a bushfire when that property is next to an area of bush that burns from time to time. The humans involved have to take some responsibility; they have to take care of their own assets and make sure they limit their risks. The motion seeks to put that responsibility back on the government.

I come now to the previous inquiries, which came up with lots of recommendations. The 2004 inquiry took four years to complete. We can go around in circles with these inquiries. What I am getting at is that if we want to make changes, giving this matter to the Standing Committee on Public Administration for nine months will not make those changes. If we put it to that committee and it spends nine months on it—it may even ask for an extension—it will come up with a lot of the same recommendations as the inquiries from 2004 and 2014 came up with, and nothing will happen. That is not the change we are looking for. Maybe we need to break it down. We need to work out the issue. But in the meantime, let us not get rid of those environmental controls. Let us not try to baby everybody.

I assume that members opposite support the small government side of things. One suggestion was that the government should buy all the heritage buildings, but I am not sure where we would get the money to buy all the heritage buildings. The member wants the government to step in and put in all the fine details on people's titles—to list which areas are mosquito prone or fire prone, when a road will be put in nearby, any developments that may happen, or that rainfall may decrease in an area because we have fewer forests creating rain. What else? The watertable may fall because properties are located next to a tree farm. Should that be on there as well? There are so many impacts on landscapes that to single out just the few that we are currently talking about and say that they should be on the title is limited. We need to think bigger than that.

We need to go forward. We should look into the future. We could look at how technology can help with mapping, for instance. I understand that some environmentally sensitive areas are supposedly wet only in winter, but there are an awful lot of rivers that are not wet all year round either and are still marked as rivers. That is just part of our landscape. That does not make them less meaningful either, because those wetlands need to be wetlands in winter to continue to provide habitat for the microorganisms and other flora and fauna that live there.

Maybe we need to think about this again. We should think about what the issue is, rather than taking up nine months of a committee so that it can go through the whole process again. The committee probably would not be able to come up with a 600-page report or get to all the recommendations from the 2014 inquiry. We should do something different, because this is clearly not the way to do it. We should not just put down a few points and say that this is what we are concerned about and that we need to give a committee some time to look at it and come up with a report, on which nothing is going to happen. Why should we vote for this when we cannot see it leading to something? Maybe there is another way. Dare I say it, but maybe we should work together and collaborate. We recognise that one side of Parliament thinks it should be one way, and the other side thinks it should be another way. Let us work together and try to come up with a solution. We can pinpoint the issue. We do not want to just baby people and make sure that we tell them absolutely everything, because they have some responsibility as well to find out as much as they can about what they are buying.

We need to manage the state in perpetuity—that means endlessly. That is sustainability. We need to keep it going and regenerate it, and make sure it is available for future generations. The issue should not be that people need more land because they want to farm more, and that they want to do what they want to do and they should have that right. There is a collective right, which is much more important. We must all look after this state. In speaking on behalf of the Greens on this motion, I cannot see how the motion, in its current form, will actually change anything, and I do not see it as the way forward to address some of these issues.

HON RICK MAZZA (Agricultural) [3.04 pm] — in reply: I thank all members for their contributions to this debate today. I want to make a couple of comments on the response from the minister. I do not accept the government contention that bushfire-prone areas or environmentally sensitive areas—ESAs—should not be registered on a title. At the end of the day, one of the key features of the Torrens title system is that these sorts of encumbrances are listed on titles to warn buyers or those dealing on the title what issues might affect the land. When someone has to go searching for this information, it really undermines the integrity of that system. As far as fishing licences are concerned, I did not intend them to be part of a Torrens title system. Private property rights involve not just real property; they can involve other things. I put in the fishing licences as being private property, which is outlined in WA Labor's own 2017 policy platform document.

As far as environmental considerations such as ESAs are concerned, I do not think the argument is that we should set aside environmentally sensitive areas for conservation. The issue is really that if a public benefit—that is, conservation or some other use—is going to be derived from a piece of land, the public should pay compensation for any diminishment in the value of that piece of land. That compensation would be paid to the owner and the encumbrance registered on the title to warn others. The very important part about private property rights is that compensation is paid to people whose land or livelihood is affected in the process of deriving a public benefit. Reports were done in the past—in 2004 and 2015, as has been pointed out. To go through that process again in nine months probably would be a fairly big undertaking. However, those reports are available to the Standing Committee on Public Administration to refer to. Maybe that committee could look at ways to implement a lot of the recommendations and findings that were gathered and are yet to be dealt with. This is a live issue. Many people are affected by this. Many people do not even know that they are affected by this. It affects more than 98 000 parcels of land that people own. Many of those people would have no idea of that and could be tripped up, like Mr Peter Swift. I hope the house supports this motion.

Division

Question put and a division taken with the following result —

Ayes (18)

Hon Martin Aldridge	Hon Donna Faragher	Hon Simon O'Brien	Hon Dr Steve Thomas
Hon Jacqui Boydell	Hon Nick Goiran	Hon Robin Scott	Hon Colin Tincknell
Hon Jim Chown	Hon Colin Holt	Hon Tjorn Sibma	Hon Ken Baston *(Teller)*
Hon Peter Collier	Hon Rick Mazza	Hon Charles Smith	
Hon Colin de Grussa	Hon Michael Mischin	Hon Aaron Stonehouse	

Noes (17)

Hon Robin Chapple	Hon Diane Evers	Hon Martin Pritchard	Hon Alison Xamon
Hon Tim Clifford	Hon Adele Farina	Hon Samantha Rowe	Hon Pierre Yang *(Teller)*
Hon Alanna Clohesy	Hon Laurie Graham	Hon Matthew Swinbourn	
Hon Stephen Dawson	Hon Alannah MacTiernan	Hon Dr Sally Talbot	
Hon Sue Ellery	Hon Kyle McGinn	Hon Darren West	

Question thus passed.

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES — INFORMATION RELEASE

Motion

On motion by **Hon Simon O'Brien**, resolved —

> That the Standing Committee on Procedure and Privileges is granted authority by the Legislative Council to make any orders and do all things necessary and expedient to ensure that any documents or data created or received by a current or former member of the Legislative Council are released to an investigative agency only where —
>
> (a) its description falls within the lawful scope of any warrant, notice to produce, or other similar power granted to an investigative agency under a written law; and
>
> (b) the documents or data is not proceedings in Parliament within the meaning of article 9 of the Bill of Rights 1688 or does not otherwise fall within the scope of parliamentary privilege.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from 11 June on the following motion moved by Hon Stephen Dawson (Minister for Environment) —

> That pursuant to standing order 69(1), the Legislative Council take note of tabled papers 2664A–D (budget papers 2019–20) laid upon the table of the house on Thursday, 9 May 2019.

HON COLIN de GRUSSA (Agricultural) [3.13 pm]: I rise to contribute to the motion noting the budget papers. I quote from my colleague in the other place, the Leader of the Nationals WA, Hon Mia Davies, who said —

> In this budget, we see no commitment to real and meaningful regional development, and no commitment to royalties for regions. Despite what the Premier and the Treasurer continue to say about royalties for regions, there is no commitment to the communities that generate the wealth of this state. It is unfortunate that for the Labor Party, regional Western Australia is a political pawn. The people of regional Western Australia are either showered with funding or ignored completely. The government's lack of commitment to a regional development plan and to a fund that was designed to assist those communities to grow and thrive will have long-term ramifications for this state.

Regional Western Australians now know that this government was elected on a lie. It was elected on promises of creating jobs —

The PRESIDENT: Order, member! There is a lot of additional noise, a little white noise, surrounding you. I say to members that if you have other things you wish to discuss, you might need to take them outside so that Hon Colin de Grussa can deliver his speech and Hansard can hear him clearly.

Hon COLIN de GRUSSA: Thank you, Madam President. As I was saying, regional Western Australians now know that this government was elected on a lie. It was elected on promises of creating jobs, keeping royalties for regions, maintaining services and making sure that ordinary householders were not impacted. It has done everything but. It has done exactly the opposite. My colleague made that statement in the 2018–19 budget reply debate, but it is relevant today; nothing has changed. This budget is incredibly disappointing for its lack of investment in regional development and, indeed, the exact same could be said about its investment in agriculture. As members know, agriculture is a particular passion of mine and, certainly, where the focus of my contribution today will be, as well as education in the context of agricultural education.

The Minister for Agriculture and Food has been touting this government's investment in the Department of Primary Industries and Regional Development as some kind of record of new funding and all sorts of things, but when we break down those figures, as happened in the estimates hearings in the other place, some interesting numbers come out of that. In fact, of the figure of $131 million that is touted, $58 million is from consolidated revenue and the remainder of $78 million is from royalties for regions, plus a mixture of other ongoing funding levies and fees. It also includes $22.5 million from the Grains Research and Development Corporation, so the government is, essentially, taking credit for farmers paying levies and returning that funding via the GRDC to agriculture in this state.

It is quite inaccurate to claim that new money is being invested in agriculture. Indeed, if we look at some of the figures in the budget papers, we see that is not the case. Agriculture is an incredibly important industry to our economy. It is an important industry to all our communities, including our regional communities, of course. It is a very significant employer, exporter and contributor to our state and national economy. Western Australia's agricultural industry is a powerhouse. It is also an exceptionally self-reliant industry. In fact, in 2017, government support for Australian farmers represented just one per cent of farming income, whilst in the EU the figure is around 19 per cent, and it is 21 per cent in China. I will explore some more of the statistics and facts about this industry in further detail shortly. As I mentioned, I also want to talk about the integral role agriculture plays in our economy and, therefore, the need for agricultural education to be, in my view, a mandatory component of education.

Earlier and more contemporary education regarding this industry will provide our youth with a better understanding of the careers available across primary industries and will help encourage talented, inventive and enthusiastic young people to support agriculture's long-term success. It is incredibly important. I will talk a little about some of the things I have seen over the years and perhaps some of the mechanisms that can be used, adapted or borrowed from other nations that will help in this. Agriculture is also an industry that, as we have seen, is under siege by activist groups playing on the unknowns and creating fear among consumers. One of the fundamental problems is that agriculture is not well understood by many in our community, and, as a result, fear of the unknown can take over, and we see these activists on the rise.

Both public and private investment in agriculture certainly needs to be sustained and increased. Government investment into agriculture must be taken a lot more seriously than it has been. Our industry deserves serious investment, not the smoke and mirrors investment that this government has hyped. Let us talk about the significance of this industry across regional Western Australia and Australia in general. In fact, 85 per cent —

Several members interjected.

The DEPUTY PRESIDENT: Order! Cross-chamber chatter is not necessary.

Hon COLIN de GRUSSA: Thank you, Mr Deputy President. Of course, as you would be aware, the honourable member is welcome to make his own contribution to this debate at any time he sees fit, and I encourage him to do so.

Let us talk about the importance of agriculture to our economy and our communities. Eighty-five per cent of income to farms is generated through agricultural production—not a significant surprise—and 11 per cent comes from off-farm employment or other activities. Only 0.6 per cent has come from grants, government transfers and relief funding, again pointing out how self-sufficient this industry is and how hard our farmers and farm businesses work to maintain a self-reliant industry that does not require masses of government handouts. One of a series of individual profiles by the Australian Bureau of Agricultural and Resource Economics and Sciences called "About my Region", from 5 June 2019, references Western Australia. It states that agriculture in this state occupies 42 per cent of the state's land area. That is about 1 064 700 square kilometres. It is a massive use of the land of the state and it employs 40 100 people, or three per cent of the state's workforce, directly in those businesses. Western Australia accounts for about 15 per cent of the national gross value of agricultural production, which is $8.6 billion. It is a significant contributor to the federal economy and, as we all know, Western Australia is the engine room of the Australian economy in many respects. Agriculture is no exception to that; it is incredibly important to the economy overall. It is a significant industry.

The report also gives a snapshot of the workforce across the nation. In 2016, 228 372 people were directly employed in agriculture. That is about 2.2 per cent of the total employed workforce in the nation. That is incredibly important, but what is also important is that the wider workforce connected with agriculture, more broadly than just the direct employment, was 466 625 people. That is half a million people employed in the wider workforce of the agriculture industry. It is a significant employer, particularly in regional areas across the nation, and that cannot be ignored. Workforce figures indicate that about 73 per cent of people employed in agriculture in Western Australia are full-time employees and that 46 per cent of people working in agriculture are employed in sheep, beef cattle or grain farming. We can also talk about the importance of that industry to the nation. Indeed, in Australia, individuals spend, on average, $4 700-plus a year on food, which is increasing. The cost of food is increasing, and obviously as a proportion of the average punter's expenditure, that must increase as well. Food imports account for only 15 per cent of household food consumption. The majority of food consumed in this nation is produced in this nation, and that is an important figure when we talk about food security.

Across the entire supply chain for agriculture we are looking at about 1.6 million jobs. Further to the figures quoted before, this is an important employer—1.6 million jobs across the supply chain, many of those in regional areas, hence the need to ensure that government does whatever it can to ensure good investment in the regions, keeping people employed in this industry and living in our regions and keeping our towns viable and thriving.

I talked a little about the reliance of the industry on government support. By way of comparison, figures from around the globe show that although in Australia about one per cent of farming income is from government assistance, the USA is at nine per cent; the EU, 19 per cent; China, 21 per cent; Korea, 49 per cent; and Norway, 62 per cent. Those nations spend vast amounts of public funds supporting that industry. Australia gets off very lightly, with a self-reliant industry that is innovative and well established in looking after itself.

I will talk a little about grower groups. Grower groups are an incredibly important part of the agricultural landscape, certainly in Western Australia and Australia. Having been involved in a number of these over the years I was on the farm, I know that they are incredibly valuable entities to the farmers, a great way of learning and a great way of seeing what the neighbour over the fence is doing and why it does or does not work. It is incredibly important to share that knowledge, and farmers in general find that through the grower groups they are able to adopt new technologies quickly and adapt to different circumstances that arise. The Grower Group Alliance is an alliance of those grower groups in Western Australia and is very important to regional and rural communities. It plays a pivotal role as an overarching body representing those organisations. Western Australia has about 45 grower groups, with an average of 124 members per group. As well as the educational or informational aspect of them, and the technical nature of some of the projects and things they share with their members, they are a social outlet. At a time when things are difficult on the land, they are a great avenue for farmers to come together and share some of the stories from their properties and to learn from that knowledge and perhaps adapt as well. Fifty-six per cent of Western Australian farm businesses are members of grower groups. We see an investment of $12 million in research, development and engagement by grower groups each year. That is a significant pool of research and a significant avenue in which to conduct some of the research projects. It also allows for more farmer-scale research, and that is incredibly important too. It is fine to have the more technical research done by departments and other institutions that is at a smaller scale and is much more technical and scientific, but to have farmer-scale work done that can be applied very quickly and easily to other farms is also important. In Western Australia, the cumulative total economic value generated through grower groups is around $3 billion a year. For that $12 million investment in research and development we are looking at an economic value of $3 billion. It is an incredibly effective way of generating an economic benefit and it is an incredibly important way to ensure that farmers are kept up to date with the latest technology, information and research and are able to adopt that in and adapt it to their own businesses.

I have talked about grower groups and have given a background and explained their importance, but what about the rest of the community—the community not directly engaged with agriculture? That is when I come to education. I will speak about a couple of important projects in this space and a couple of important ideas. In 2014, in my travels overseas as part of my Nuffield Scholarship, I saw a great program through the California Farm Bureau Federation called the California Foundation for Agriculture in the Classroom. This was a wonderful initiative that, simply put, created lesson plans, tools and resources for teachers to be able to provide an education to students in the classroom about different agricultural industries. It was incredibly useful for the teachers because they did not have to have a background in agriculture or a particular understanding of the industry in depth. Industry experts provided the background knowledge and lesson plans. After being provided with a list of contacts, the teachers and students were able to go on site visits to learn a lot about where their food came from. This reached students in not only the agricultural areas in California, but also the heart of cities like San Francisco. In fact, they took a number of these programs right into those cities. It is incredibly important that we teach our communities about agriculture and what it does. I refer to a project funded under the previous government through royalties for regions, which produced a report called "Developing Student Interest in the Agriculture Sector". I apologise; I have not been able to print the findings. It commenced under the previous government and concluded in December 2017. Some of the findings in this project are incredibly telling in terms of the need to improve Western Australian students' understanding and knowledge of this wonderful industry.

Looking at some of the statistics about respondents' knowledge of agricultural careers, 49 per cent had a little bit of knowledge, 33 per cent had no knowledge at all, and only three per cent indicated that they had a lot of knowledge. These are incredibly telling figures. Although agriculture is an incredibly important industry to our community, it is not at all well understood by our kids. The 33 per cent who know nothing at all about agricultural careers is across the whole state, including metropolitan and other WA areas. The figure was about 35 per cent in metropolitan areas, so it was slightly higher than outside that area, which is no surprise, of course. In terms of students understanding the kinds of jobs available in the agricultural industry, the report shows that there is very little knowledge about what roles are out there, other than those stereotypical farmer roles. This points to the fact that we need to make sure that our schools and educators are teaching people about this incredibly important industry.

One of the charts in this report is a little diagram that shows the drivers of career choice and their association with agriculture. Again, I apologise for not being able to hold up a printed copy of the chart. On the vertical axis, it points to low importance in the bottom left corner and high importance at the top. On the horizontal axis, it points to a low association with agriculture in the bottom left corner and a high association with agriculture over on the right. If we look at those things that have a low association with agriculture but are important to people, they are about salaries, roles available for graduates, and industries that are growing. People do not see agriculture as an industry that is growing. They do not see it as a fun environment to work in. They do not see it as a sustainable industry. They do not see it as an industry that is constantly evolving, despite the fact that Western Australian agriculture is at the forefront of agriculture in the world in its ability to evolve and adapt. It is incredibly telling that those thoughts and views are held by our young people.

Hon Darren West interjected.

The DEPUTY PRESIDENT: Order! Hon Colin de Grussa is making a speech and I want to hear him.

Hon COLIN de GRUSSA: Thank you, Mr Deputy President. Again, I am sure you have reminded the member that he is welcome to make a speech at any time.

The DEPUTY PRESIDENT: You do not need to encourage him, member. Just talk to me.

Hon COLIN de GRUSSA: One of the interesting things about this report, which has led this government to a project, is that technology is seen as being of low importance and as having a low association with agriculture. Agriculture is one of the most highly technical jobs and a career path that involves an incredible amount of technology. If other honourable members in this place do not accept that, perhaps that is something they may want to talk about.

This government has made a great song and dance about a project called PRIMED, which is designed to showcase the diversity of careers across agriculture, fisheries, fibre, forestry and food sectors to WA secondary students, and that is incredibly important. The figures, reports and investments by the government show that there is a lack of understanding and therefore a need for the government to invest more into this industry and into educating our young people about the exciting opportunities that exist not only on the farm, but also across the industry as a whole. We want to encourage highly skilled, innovative and motivated young people to be involved in this industry because that is how this industry will survive. What is happening to do that? This government has committed $5 million over five years to partner with industry in this project. Industry does need to have a seat at the table and invest in this because it is for its own survival. This funding is welcome. It remains to be seen whether it is indeed enough to get the project going.

In 2013, New South Wales started a review into agricultural education and training and it is moving to mandate that agriculture be taught in the classroom across the state. This is incredibly important, given the value of this industry to the economy, and we should perhaps consider something like that in Western Australia. The review identified similar outcomes to the report I was referring to in that there was a definite lack of awareness by students about food and fibre. Early engagement with students about the key issues in the industry was important. Concerns were raised about the teaching of science and, as a consequence, agriculture, as it is a scientific pursuit in most ways. The need for provision of quality teaching and learning materials to schools is also important. This is very much a role that industry can fulfil. I saw in California that it was certainly a role that industry did very well over there. There was a lack of agricultural knowledge in New South Wales in approximately two-thirds of its schools, so, again, it found similar issues to those that we have here and as a consequence has moved to a system that mandates that agriculture be taught in the classroom. It is an incredibly important investment that would be worthwhile for this government. This education is important because the industry is under attack by a number of groups, many of which do not know a lot about the industry and prey upon the fact that the majority of people do not know a lot about the industry either. This leads to those unknowns creating fear. Again, this is where education comes in. With anything, education is important and it needs to be part of the solution to address some of the issues that have arisen. The unknowns about the agricultural industry are not being —

Several members interjected.

Hon COLIN de GRUSSA: Mr Deputy President, there is more white noise.

The DEPUTY PRESIDENT: Order!

Hon COLIN de GRUSSA: The unknowns about this industry are not being hidden; they are just not being taught. Industry has a very important role to play. In my view, it is not doing enough. In Western Australia we have the problem of the industry's representation being fractured, which is not beneficial to the industry as a whole. This is not sustainable. I have held that belief for many years and have spent considerable time talking about that in my own research findings from studies—that Western Australia needs a far more united and cohesive representative organisation for agriculture. It remains to be seen what that should look like, but I hope the industry gets on with making those changes and providing a far more representative body. Industry must unite to beat the threat posed by outside groups getting into the minds of people who do not understand the industry very well.

In March 2019, another report by Ernst and Young Australia on behalf of the Department of Primary Industries and Regional Development highlighted a number of issues around the opportunity for agriculture innovation and how it would modernise and achieve a greater and more diverse outcome for investment innovation. The other thing that these reports have pulled together in various forms is the need for investment in something other than just agriculture—into regional development. Obviously, agriculture is a pursuit largely done outside of the metropolitan area. As a result, investment in our regional communities and towns is incredibly important to ensure that there are viable places for people to live. It ensures that the basic services that should be provided by government are indeed being provided in a way that gives people a degree of equity in accessing services such as health and education. There are many other regional development programs that encourage people to live and work in our regional communities. The pressure on our growing metropolis of Perth, for example, is incredible and cannot be sustained. It is incredibly important that we encourage people to live outside our metropolitan area.

Another finding of this Ernst and Young report was that there is increasing inequity in regional economic performance in Australia while the fringe urban areas are at an increasing disadvantage, so the further we get from that urban area, the more disadvantaged we are and as a result the more investment needs to come from government.

In a survey conducted by the former Department of Regional Development in 2016, a high proportion of respondents identified dissatisfaction with the standard of mobile telecommunications and internet services. That is no surprise. Whilst in government, we certainly invested significant amounts of money to improve communications in the bush. There is a heck of a long way to go with that. On the weekend I was talking to farmers down in the Esperance area about exactly this issue and their need to find an alternative solution to the data requirements of a modern farming business—indeed, the same as any other modern business. It is a great challenge for them and a great challenge for our telecommunication providers with a small customer base, but solutions do exist. The technology is very simple. It just requires some assistance to make those things happen in our regional communities so that our businesses out there are not disadvantaged.

A colleague of mine, Bernadette Mortensen, a Nuffield Australia scholar, wrote a report in 2015 titled "Land Use and Development: Farming Viability in a Changing Landscape". It is about planning and land use issues that create problems for agriculture. We know that the world faces a resource management challenge that will require a renewed approach to communication, flexibility, understanding and planning in farm diversification so that farmers are able to remain financially viable and will continue to feed our populations right across the world. Again, she highlighted the issue that agriculture has a public relations problem and that it must be taken seriously by the industry as a whole. The government certainly has a role in that. Part of that role, as I have spoken about, is education. Confidence and trust in this industry must improve.

We do not talk much about food security in Australia because we can go down to the shop and buy whatever we want whenever we want it. Food security is not really an issue for us. But our farmers do not just feed us; they feed a great number of people in other nations that are not so well off and where food security is incredibly important. As a consequence, our industry is part of an overall global mechanism to help prevent food security issues in those nations. It is probably hard to quantify in our own economic context but it is certainly important to provide food security for those other nations. We are well placed as a nation to contribute to improving food security in developing countries across Africa, Asia and the Pacific, and by sharing our expertise in agricultural research. It is not just about the product we export; it is also about the knowledge we export. Our counterparts across the ditch in New Zealand are extremely good at sharing their knowledge and helping other nations to develop very viable and powerful agricultural industries. They export their knowledge in many ways. It is certainly an opportunity for Australia, because I do not think we are capturing enough value for our own nation. Again, this is another area that industry and government, through a partnership, could certainly greatly improve.

I wanted to draw my contribution to an end by giving a summation of what is happening. The government's investment in this area is disappointing. It is not surprising. As I said before, the smoke and mirrors investment that has been talked about in this budget, as has been heard in the estimates hearings, has proven to be nothing more than that—smoke and mirrors; claiming credit for farmers' own levies being part of government funding. In fact, in the Legislative Assembly, our members talk about a commitment to royalties for regions and, indeed, to regional development. In fact, during the estimates hearings in the other place, the Under Treasurer confirmed that there had been a significant underspend of the royalties for regions budget—in fact, it was $319 million.

Several members interjected.

Hon COLIN de GRUSSA: Regional Western Australia has been robbed of hundreds of millions of dollars.

The DEPUTY PRESIDENT: Order!

Hon COLIN de GRUSSA: It is highly likely that that underspend will go to projects in Perth such as Metronet, rather than being used and invested in our regions, again robbing the regions to fund Perth projects. We have been on about this for a couple of years. Nothing has changed and nothing will change.

Several members interjected.

Hon COLIN de GRUSSA: I will get there. It is clear that the figures touted as a massive increase in investment in agriculture are nothing more than smoke and mirrors and there is nothing exciting in there for farmers. The agricultural industry is disappointed with the budget, given that it directly employs around 230 000 people.

Several members interjected.

The DEPUTY PRESIDENT: Order, members! Hon Colin de Grussa has the call, and he alone. Other people shouting across the chamber at each other is not on.

Hon COLIN de GRUSSA: I want to wind up my contribution so that the house can get on with its important business.

Point of Order

Hon STEPHEN DAWSON: Mr Deputy President, it is very difficult when the honourable member is goading us across the chamber and raising fallacies. I urge you to encourage him to make his comments through you so that members on this side do not have to interject.

The DEPUTY PRESIDENT: There is no point of order. The honourable member has indicated that he is trying to draw his remarks to a close. These unruly interjections on my right are preventing him from doing so.

Debate Resumed

Hon COLIN de GRUSSA: I am sure that I can find a few more pages to continue my contribution, but I would not like to do that because the business of the house is incredibly important and I certainly do not want to hold that up.

In conclusion, we know that the agricultural industry is a significant contributor to our economy. It is an industry that deserves respect; it certainly deserves more respect than it will receive from the state government's budget. Agricultural production itself is widely regarded across the world as a growth industry. It is an industry that has to exist for us to eat and for food to be put on the tables of those less fortunate, as I have said before. The new jobs that are coming in this industry do not fit the traditional image of a farmer. That traditional image of a farmer is not representative of the modern farmer. Indeed, it is one of the reasons we need to focus on ensuring that our community has a much better understanding of what agriculture is about. To help it develop into the industry that we need it to be in the future, we must make serious investment in this industry and into regional development to ensure the viability of those communities. As I have said, it is an industry that provides the basic essentials for living—the food we eat, the beverages we drink, the clothing we wear and the material for our homes. It is an industry without which we would not have any of these things.

In concluding, I hope the government takes to heart the message that we need to work seriously with industry to increase investment, not through the disingenuous smoke and mirrors rubbish we have seen in this budget. We need to increase investment in wider aspects of regional development so that our communities may thrive, and people in regional communities can have equitable access to hospitals, schools and the other things they need to live in those places. With that, I might sit down.

HON CHARLES SMITH (East Metropolitan) [3.51 pm]: I rise to make a few comments and to note the budget. That was an excellent speech from Hon Colin de Grussa, who has accurately analysed the budget.

Several members interjected.

The DEPUTY PRESIDENT: Order! It is getting a bit too chaotic with the cross-chamber interjections. I know that you all want the call, but I have given it now to Hon Charles Smith, whom we will listen to in silence.

Hon CHARLES SMITH: As we are all aware, budgets are always drafted to make the government look good and hide things that make it look poor. Although there are many things to examine in the budget, I would like to prioritise issues that are important to me and my electorate. I will start off with policing. Although I commend the spending on better police technology in this budget, as it allows police to respond to calls more rapidly, this extra boost is clearly there to blind the average person, and maybe the police themselves, as to the actual budget. As the current budget notes, Western Australia Police Force's net appropriation determination is $84.692 million, with its forward estimate initially increasing slightly and then decreasing in 2021–22. Last year, the budget was $82.068 million, with an estimated actual expenditure of $89.706 million. That is over $5 million more than is estimated in this budget. Even with $89 million, our police struggle to make their calls, and still the budget is too small. A quick tech fix will not solve this overarching problem. As the Minister for Police may have noted, and has become aware from a recent Kimberley campaign—I think it was in Kununurra—more police equals less crime. It is amazing. They can respond faster to calls and the community feels, and is indeed, safer on the whole, with

good, well-resourced police out in force. I also note and appreciate the redress scheme to support our medically retired police officers. I note that this is not included in the forward estimates, so maybe the government can confirm whether this is going to be just a one-off payment, or whether no estimate has been made of the future cost.

The metropolitan policing table is also quite revealing. The 2017–18 budget shows 3 756 full-time equivalent employees. In 2018–19, that has decreased to 3 734, with an even lower estimated actual, at 3 634. This budget claims 3 697 full-time equivalent employees. Unless these extra three police are superhuman, I highly doubt that it will be enough to decrease response times in any meaningful way, or disrupt the increasing population-to-police ratio. I note that regional policing saw a nice minor increase in funding, but I am doubtful that this minor increase is enough to deal with the issues facing the regions. The only noteworthy significant increase that I have found is in specialist policing services, and that is very welcome. Although that is an improvement, I am sure the backlog of work is not significantly reduced with a modest increase in staff.

I would also like the house to note the Road Safety Commission's explanation of significant movements, conceding that minor infringements are generally used as revenue raisers, stating the following —

> The decrease in income between 2018–19 Budget and the 2018–19 Estimated Actual reflects lower than anticipated traffic infringement revenue from red light and speed cameras.

Perhaps this explains why the minister wants to improve technology for policing, such as the text message–based infringement rollout, and no longer wishes to publish the daily mobile speed camera list. Perhaps this is her focus on modern policing—replacing police with cameras and technology. I also note that the budget for the speed camera replacement program appears to have increased from $572 000 to a whopping $7.6 million. Perhaps the government can confirm whether that is actually correct, because it is such a significant increase. I again strongly urge the government to recruit at least another 1 000 frontline police officers, to be able to respond to calls in a timely way and to provide the urgent backup and relief that our frontline police so desperately need.

While I am talking about policing issues, I would like to provide to the house a recent story about one brave young police officer. I, like my former brothers and sisters in blue, would like to acknowledge his courageous action. This police officer's name is Constable Joshua Gammon-Carson, from the Perth Police Station. During a recent incident in the Perth central business district, Josh tackled a heavily drug-affected offender who had just been involved in a serious and violent crime spree. This offender went to ground with Josh, and Josh soon found himself fighting for his life. The offender first attempted to take Josh's taser. He then repeatedly punched and headbutted Josh as they wrestled, and then attempted to take Josh's firearm out of his holster, almost successfully. The offender had one hand on the firearm, and Josh's hand was pushing down as hard as he could to try to ensure that the firearm remained secure. Josh believed that if the offender was able to remove the firearm, he would first shoot Josh and then others around him. He genuinely feared for his life, and believed that the offender intended to kill him. There are not many jobs in which people face that danger on an almost daily basis. To make matters worse, Josh was also unable to activate his duress alarm, calling for urgent backup, as his portable radio had become out of reach during the struggle.

Josh was seriously injured as a result of this incident. He spent the night in hospital, and was still in hospital when the offender was released on bail the following morning. Since that incident, Josh has undergone an intensive knee surgery plan to repair the injury caused by the struggle. That offender has been sentenced to five years in prison, and will be eligible for parole in three years. That really sums up what I consider to be the state of our overly lenient justice system. I believe that people who seriously assault police should be imprisoned for a significant period. Members may know my views on parole as well, which I think needs to be seriously reviewed.

In association with policing, I have a few comments on the prosecution service. A further issue that stems from policing is the prosecution of the accused. As many people are aware, cases are won or lost on evidence, which is, of course, the usual cause for appeal. In the 2017–18 budget, the Director of Public Prosecutions was given $7.893 million, which decreased to $6.284 million and now stands at $6.184 million in this budget. I am sure that members will agree that the prosecution of accused criminals is a vital aspect of community safety. By reducing the DPP's budget, the government is decreasing the number of prosecutions the DPP can afford, and it leaves the door wide open for criminals to slip through its increasingly porous net. This is lunacy. The DPP needs significantly more funding. The workload is overwhelming, with court cases literally taking two, three, four or five years to get through the courts. Justice received a net appropriation determination of $218 million, with an estimated actual budget of $213 million. One has to ask: what happened to that $5 million? This year's budget remains largely the same as last year's budget. I am certain that the government is aware of the huge backlog of both criminal and civil cases in our justice system. What we really need, and I urge the government to consider, is an increase in the number of magistrates and judges in the justice system, and perhaps even new courthouses to be built to get these cases moving.

I would now like to make a few comments on jobs. The great McGowan promise to Western Australia was to create jobs. He said that it is in Labor's DNA. Since taking office, Western Australia's unemployment rate has increased to its highest level in over a decade. Over 100 000 Western Australians are out of work. The ABC reported that unemployment had risen by over 10 000 jobs since Labor took office. As noted in *The West Australian*, the only decrease in the jobless rate comes from the shrinking labour force rather than job creation, yet the budget

states that some 37 000 jobs have been created, with a further 23 500 on the way. With the public sector pay freeze, it is hard to see how the government has created any jobs, even if it has not offset the rate of unemployment, which is fast outpacing it. As an aside, I personally support large wage increases for the public sector, much more than this bog-standard, below-inflation $1 000 increase. There is a sound economic argument for significantly raising public sector wages, as this will flow on to the private sector, which needs to compete with the public sector, and it will therefore increase its wages.

I have a few notes about education. Education has been a major failing of this government. First, there was the Perth Modern School fiasco, and then we had lead contamination in water pipes and then the closing and reopening of the Schools of the Air and other regional schools. Something that I am particularly interested in is violence in schools, and I highlighted this to the house on 18 March when I asked questions about incidents in schools. Since then, the minister has correctly introduced some new guidelines to tackle violence in schools, and I congratulate her for doing so. It is a great initiative. The feedback from teachers I have spoken to indicates that it is providing some relief to classroom teaching, and that is a good thing. However, something that is also raised with me time and again is the continued low-level classroom disruption. This is another real and concerning problem that needs the minister's urgent attention. Australia is the highest ranked country internationally for classroom disruption. Our primary and secondary schools are suffering from this, and, as a result, academic standards are suffering. Australia is one of the highest spending countries in the world on education, yet our academic performance is right at the bottom of international tables. There is no direct correlation between levels of funding and education outcomes.

There is something significantly worse in our education system. I have highlighted this time and again to the government over the last year or so. Accepting low Australian tertiary admission rank students to study to become teachers is a recipe for disaster, and we are now seeing the fruits of the dumbing down of our university sector. A common strategy with education is to throw money at the problem and hope that money alone will solve the problem. That appears to be the case yet again with this budget. Although I am certainly not opposed to education funding, we must look at the outcomes we are getting, and they have been getting consistently worse. Training of education staff should be among the highest priorities of government, particularly with the dismal education outcomes in recent years. I understand that 30 per cent of students either finish school with no qualifications or drop out in years 11 or 12. That really is a disgraceful statistic. Although the budget has increased relatively consistently over time, the downward trend in results shows that whatever this training is, it is failing to make any improvements—yet somehow the government sees the international student business as the solution to all our problems. I have already spoken at length about the proposal to increase international student numbers in Western Australia to around 100 000. As reported by the ABC, StudyPerth, which aims to lure international students to Perth, gets $6.5 million, emphasising the importance of the sector to the local economy. This move comes despite *Four Corners* revealing that Murdoch University and other tertiary institutions around the country had been accepting international students with poor English skills and they were struggling to pass courses.

The government has also increased the number of places in its graduate visa program from 800 to 2 250. These visas are available to the so-called best and brightest international students who study in Western Australia for at least two years, can speak proficient English and have an offer of employment. The aim is to attract an extra 16 000 students to WA over the next four years, bringing the total number of international student enrolments in Perth to an estimated 88 000 by 2022. This in itself is expected to result in as much as $2.5 billion in state annual income and will generate around 15 500 jobs in the international education sector. I am still curious about how, when the unemployment rate is only getting worse, bringing in more international students with work permits will help everyday Australians and create jobs, as the government claims. Perhaps the government can enlighten me on how this will work. Clearly, education is being treated as a money-making scheme rather than a way to educate people. Now the McGowan Labor government wants to double-down on destroying primary and secondary education with a push to attract international students to our schools. What can go wrong?

I want to conclude my remarks by talking about housing, which is another issue that I feel is increasingly important. As the house knows, stamp duty reform is something that I and others are interested in pursuing. With stamp duty receipts across Australia tanking, economists such as Shane Oliver and the chief executive of the Property Council of Australia, Ken Morrison, have lashed Australia's state governments for being so reliant on stamp duty. Shane Oliver has urged the states to dump stamp duty in exchange for raising the GST and/or broadening land taxes. In an article in *The Australian*, he states that it is economically illogical that the states have got themselves into this silly situation because they should have foreseen it. He said that the situation highlights the case to eliminate stamp duty and replace it with something more rational, such as a broader GST or some sort of land tax. Property Council of Australia chief executive, Ken Morrison, describes stamp duty as a rollercoaster tax. He said that if governments continue to rely on it, more prudent budget planning will be required for when downturns occur. I think we are in such a downturn. When downturns occur, stamp duty is great on the way up, but terrifying on the way down. Governments cannot run their budgets as though property markets will never fall and then lift taxes as soon as they do. I think members will agree that certain costs of living have gone significantly skyward in the last few years. There is no disagreement from me. I consider stamp duty, as well as payroll taxes, to be one of the worst taxes going around. Not only does stamp duty hinder labour mobility by discouraging workers

from relocating closer to employment, it also unnecessarily penalises people who move to homes that better suit their needs. Obvious examples include baby boomers downsizing from large family homes and young families upsizing to bigger, family-friendly homes. Such disincentives inevitably lead to an inefficient use of the housing stock, such as empty-nesters occupying large homes with multiple spare bedrooms.

Stamp duty is also highly inequitable. Data from Domain shows that between four and eight per cent of housing stock is transacted annually. As such, we have a bizarre situation in which a small minority of the population pays taxes to support services for the whole community, all for the privilege of moving to a home that better suits their needs. Moreover, the big swing in sales volumes makes stamp duty receipts highly volatile and pro-cyclical. When times are good, as they were between 2013–14 and 2017–18, the states are flush with cash, but when the economy and housing market slow, stimulus is required to keep the housing market going, which is the case now.

A recent stimulus is the government's decision to loosen the Keystart eligibility criteria, which is an irresponsible move. The plan to broaden borrower eligibility criteria by lifting income thresholds up to $15 000 for singles and $20 000 for couples confirms the influence on the Labor government of property lobby groups, which seek to increase house prices in Western Australia. Although the policy adjustment sounds positive for those struggling to get into the market, the program will inflate the price of affordable homes as first home buyers flood into the market. The Keystart program is packaged to sound wonderful. The loan allows people to circumvent mortgage insurance and asks for a two per cent deposit for first home buyers under the certain income threshold. However, what will happen is that the so-called subprime borrowers will come into the market and cause higher demand for properties as they buy homes that they would not normally be able to afford—and with more demand, property prices will increase. Increasing the demand for housing is not the way to rectify the housing affordability crisis; in fact, this Keystart scheme will only exacerbate it. Rather, the crisis can be rectified by implementing policies that lower demand and boost supply. This scheme is not about improving affordability; rather, it represents a blatant housing stimulus package.

That sums up the vested interests in property development, in particular, as I often go on about in this place, in lobbying for mass immigration—the Big Australia policy. I understand that during the last federal election, the Real Estate Institute of Western Australia president, Damian Collins, called on all political parties to commit to put Perth back on the regional migration scheme to —

> … attract skilled workers and fill the current oversupply of housing.

I hope the Premier ignores that call, just as he ignored the recent call for the so-called Belt and Road Initiative.

Debate interrupted, pursuant to standing orders.

[Continued on page 4040.]

Sitting suspended from 4.15 to 4.30 pm

QUESTIONS WITHOUT NOTICE

SENIORS HOUSING STRATEGY

620. Hon PETER COLLIER to the minister representing the Minister for Housing:

I refer the minister to his response to question without notice 830 asked on Thursday, 9 November 2017, question without notice 441 asked on Tuesday, 12 June 2018, and question without notice 1343 asked on Thursday, 6 December 2018, whereby he responded that he expected to release "the future directions for seniors housing paper" in the first quarter of 2019.

(1) Has the seniors housing strategy now been completed?

(2) If no to (1), why not, and when will the strategy be completed?

(3) Given the minister's response to question without notice 1343 that the Department of Communities has been undertaking extensive and ongoing consultation with older Western Australians, industry, the community sector and government, will he list the groups with which the Department of Communities has met with regard to the strategy; and, if not, why not?

Hon STEPHEN DAWSON replied:

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

(1) Yes.

(2) Not applicable.

(3) Extensive consultation has been undertaken with older Western Australians, industry, the community sector and government agencies, including various local government authorities through the Age Friendly Communities Network, and peak bodies including the Retirement Living council, the Council on the Ageing WA, Aged and Community Services WA, the Real Estate Institute of Western Australia, the Independent Living Centre, Shelter WA, the WA Council of Social Service, the Western Australian Local Government Association, National Seniors Australia, the Urban Development Institute of Australia, the Australasian Housing Institute and the Alliance for the Prevention of Elder Abuse.

KEYSTART — NEGATIVE EQUITY

621. Hon PETER COLLIER to the minister representing the Minister for Housing:

I refer to question without notice 553 asked on Wednesday, 5 June 2019, and I quote —

> It does not publicly release the details of borrowers in negative equity—a similar policy to that adopted by other lenders—in order to protect our borrowers' privacy and as property values and loan balances change.

Accepting that it would not be appropriate to release individual borrowers' information, I ask the following.

(1) Does Keystart keep information or estimates on the number of loan holders in negative equity?

(2) If yes, what is the number or estimated number of Keystart clients in negative equity?

Hon STEPHEN DAWSON replied:

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

(1) Although Keystart monitors changes in property prices in the market and their impact at a portfolio level, it does not track specific property values or negative equity for each borrower.

(2) Not applicable.

ANIMAL ACTIVISM — ATTORNEY GENERAL'S COMMENTS

622. Hon MICHAEL MISCHIN to the Leader of the House representing the Attorney General:

I refer to the Attorney General's description of vegan anti–animal cruelty activists as "mushy headed" and his explanation on 23 May 2019 before the Legislative Assembly estimates committee —

> … they are mushy headed in the sense that they think that, because of where they have arrived for what they regard as their own personal moral code, this puts them above the law and that, in prosecution of their own moral code, they are going to shut down an industry.

(1) Does he regard anti-abortion protesters as mushy headed because their moral code obliges them to object to abortion?

(2) Does he regard anti–live sheep transport activists as mushy headed because they seek to shut down the live sheep transport industry?

(3) Does he regard the Roe 8 protesters as mushy headed because they sought to prevent lawful work on the Beeliar wetlands?

(4) Given the importance that the Attorney General places on preventing vegan activists from trespassing or interfering with lawful activities and that the Minister for Health is proposing to restrict the right of peaceful assembly in respect of those who oppose abortion, will the Attorney General extend his proposed changes to the law to equally protect all whose lawful activities are threatened by protesters; and, if not, why not?

The PRESIDENT: Minister, before I give you the call to respond, I just remind the member who posed the question of standing order 105, which says —

> (1) Questions shall —
>
> (a) be concise; and
>
> (b) not seek an opinion or a legal interpretation or opinion.

I listened carefully to that question that you put and a number of parts to that question seek an opinion of the relevant minister. I say to the minister in response that you do not have to reply to those parts of the question that were seeking an opinion, but you may reply to the other parts of the question that were not.

Hon SUE ELLERY replied:

Thank you, Madam President, for your advice.

I thank the honourable member for some notice of the question. I am pleased to provide the following answer.

(1)–(4) No.

DEPARTMENT OF EDUCATION — PLANNING

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

I refer to petition 92 tabled on 8 November 2018 regarding Woodbridge Primary School and the minister's subsequent responses to the Standing Committee on Environment and Public Affairs.

(1) When is the process of realigning the local intake boundaries in the Midland–Guildford area expected to be completed?

(2) Is it anticipated that any realignment changes to the local intake boundaries will be implemented in time for the 2020 school year?

(3) Will the minister table a map of the school that shows the eight available spaces where transportable buildings could be placed at the school, as identified by the Department of Education?

Hon SUE ELLERY replied:

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

(1) Work to amend local intake areas will be completed by the end of term 2, 2019.

(2) The local intake area boundaries will come into effect at the beginning of term 1, 2020.

(3) I table the attached map.

[See paper 2778.]

CHILDREN IN CARE — BANKSIA HILL DETENTION CENTRE

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

I refer to the answer to my question without notice 600 of 11 June 2019 in which the Leader of the House informed the house that 27 children in the care of the chief executive officer of the Department of Communities currently reside at Banksia Hill Detention Centre.

(1) How many of these children are a young person who has been sentenced?

(2) Is it the case that the legislative threshold for a secure care arrangement under section 88C of the Child and Community Services Act 2004 must be met in order for the CEO to place a child in a secure care facility?

(3) If yes to (2), how many section 88C secure care arrangements are currently in place in our state?

Hon SUE ELLERY replied:

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

Because of the limited time frame, I am unable to provide an answer today, but I will endeavour to have a response for the member as soon as possible.

VACCINATION — INFLUENZA

625. Hon JACQUI BOYDELL to the parliamentary secretary representing the Minister for Health:

I refer to the minister's recent comments urging Western Australians to get the influenza vaccine and the potential public health crisis due to general shortages of that vaccine.

(1) Will the minister table the current stocks of influenza vaccine available for patients considered not high risk in the major regional centres of Broome, Carnarvon, Kalgoorlie, Karratha, Kununurra, Newman and Port Hedland?

(2) If there are no stocks currently available in those regional centres, will the minister please provide an indicative delivery date?

Hon ALANNA CLOHESY replied:

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

(1) The WA Country Health Service provides the influenza vaccine through the national immunisation program for patients considered at greatest risk of complications from influenza. Patients considered not high risk are able to access the influenza vaccine from private market supplies. The state government does not manage or have oversight of private market influenza vaccine supplies or distribution.

(2) Not applicable.

COLLIE MOTORPLEX

626. Hon COLIN HOLT to the Leader of the House representing the Minister for Sport and Recreation:

I refer to the Collie Motorplex.

(1) What funding has been allocated to the Collie Motorplex by the McGowan government? Please provide a yearly breakdown of the amount, source and purpose of the funds.

(2) Is the minister aware that a national racing event will be held in the motorplex in September and that urgent funding is required to complete the upgrades in time for the event?

(3) If these funds are not provided, is the minister concerned that the event could be at risk of being lost?

(4) Given the motorplex is a large economic driver for Collie and the south west, will the McGowan government commit to providing funds for the continual improvement of the complex; and, if not, why not?

Hon SUE ELLERY replied:

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

We had a conversation behind the Chair about this. The honourable member is aware that the minister is not available to provide an answer today, but I give an undertaking that we will provide an answer as soon as possible.

JOBS — MIGRANTS

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

I refer to the state government's announced target of creating 150 000 additional jobs in WA by 2023–24. I note that the federal Treasury has stated that 72.4 per cent of all new full-time jobs being created in Australia are being filled by recently arrived migrants.

(1) Does the state government anticipate that a similar percentage of overseas workers will fill the 150 000 extra positions that it plans to create?

(2) If no to (1), can the state government provide an estimate of how many of the 150 000 new jobs will be filled by existing Western Australian residents?

(3) In setting this jobs target, did the state government give any consideration at all to maximising employment and wage growth prospects for locals?

Hon SUE ELLERY replied:

I thank the honourable for some notice of the question.

(1)–(2) The state government anticipates that additional jobs within Western Australia will be available to and filled by a range of job seekers.

(3) The broader jobs target has a dedicated focus on creating opportunities for local jobs in the regions, and encouraging strong and sustainable regional communities.

ASIAN RENEWABLE ENERGY HUB

628. Hon ROBIN SCOTT to the Minister for Regional Development:

Following the minister's answer to question without notice 603, asked on 11 June 2019, stating that hydrogen can be produced using wind or solar photovoltaic for $11 per kilogram, I ask the minister to confirm the current prices, not including excise or GST, of the following.

(1) The cost of 100 megajoules of energy in hydrogen is approximately $9.17.

(2) The cost of 100 megajoules of energy in diesel is approximately $2.52.

(3) The cost of 100 megajoules of energy in petrol is approximately $2.01.

(4) The cost of 100 megajoules of energy in coal is approximately 34¢.

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

(1)–(4) Typically, the energy cost of fuels is compared on a dollar per gigajoule basis. The Department of Primary Industries and Regional Development advises that the costs the member has quoted are roughly correct, except for petrol, which is approximately $31 per gigajoule before excise and GST, or roughly $3.10 by the member's measure.

A more important metric for transport fuels is the cost per kilometre. For example, the Council of Australian Governments' Energy Council's August 2018 briefing paper, "Hydrogen for Australia's Future" states —

- A petrol car using 8 litres per 100 km at A$1.40 per litre costs 11.2 cents per km
- A hydrogen car using 1kg hydrogen per 100 km at A$11 per kg costs 11 cents per km

Therefore, that is cheaper. This is because a hydrogen fuel cell car has significantly higher energy efficiency than a car with an internal combustion engine. In any event, although renewable hydrogen is currently generally more expensive than fossil fuels, as we have said before, those costs are coming down rapidly and the real benefits are the reduction in greenhouse gases, which is what our trading partners are chasing.

I just say for the member's benefit, I really do urge him to get with the program. This is absolutely not something with which we are out there on our own. We have BP, Shell, Fortescue Metals Group and BHP all getting on board. Indeed, I table the document titled "Hydrogen and Mines". There is a conference being put on by the mining industry next week to explore the opportunities to use renewable hydrogen in the operation of mines.

[See paper 2779.]

LYNAS CORPORATION — WASTE

629. Hon ROBIN CHAPPLE to the Minister for Regional Development:

I refer to the forthcoming visit of Hon Yeo Bee Yin, the Malaysian Minister of Energy, Science, Technology, Environment and Climate Change, in mid-June 2019, to personally negotiate the return of Lynas Corporation's radioactive waste from Malaysia to Australia, and the article in *The Australian* of 5 June 2019 titled "WA rules out importing radioactive waste from Malaysia".

(1) Will the relevant minister meet with Hon Yeo Bee Yin?

(2) Will the minister explain the rationale of the Western Australian government's position on not receiving this radioactive waste from Malaysia at that meeting?

(3) Would the acceptance of the radioactive waste from Malaysia breach the restrictions imposed by the Nuclear Waste Storage and Transportation (Prohibition) Act 1999?

(4) If no to (3), what is the rationale for not accepting waste generated from a Western Australian project?

(5) Is the minister aware that Minister Yeo's decision to require Lynas to remove its radioactive waste from Malaysia is a precondition for it gaining an operating licence extension in Malaysia, as per an undertaking Lynas signed with the Malaysian government in 2012?

Hon ALANNAH MacTIERNAN replied:

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

(1) Yes.

(2) The safe disposal of by-products generated from overseas processing facilities is the responsibility of the operators and the governments hosting and regulating those facilities.

(3) No, because the waste to which the honourable member refers is not nuclear waste.

(4) The state government supports downstream processing of minerals in Western Australia and the economic benefits associated with those processing operations. Accepting a by-product generated from overseas processing is contrary to the state government's desire to encourage increased investment in advancing processing operations in Western Australia.

(5) The minister has seen various reports about Malaysia's requirements for Lynas gaining an operating licence extension, but is unaware of the conditions actually required.

ORRONG ROAD — UPGRADE

630. Hon TIM CLIFFORD to the minister representing the Minister for Transport:

On behalf of local concerned residents, I refer to the proposed upgrade of Orrong Road between Great Eastern Highway and Leach Highway.

(1) How many trees will be removed to facilitate each option of the proposed upgrade?

(2) Given the trees along the strip proposed for upgrade provide a key eco-corridor for wildlife and provide a critical urban tree canopy to mitigate the urban heat island effect, can the minister guarantee that any trees removed will be replaced?

(3) Will any established trees not marked for retention be relocated?

Hon STEPHEN DAWSON replied:

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

(1)–(3) Further detailed work will be required to make this determination as part of any future project investigation.

TINDALE–NORNALUP ROAD — GREAT SOUTHERN

631. Hon RICK MAZZA to the Minister for Environment:

I refer to the reply to question without notice 267 on 2 April 2019 directed to the Minister for Transport in regard to Nornalup Road between Rocky Gully and Bow Bridge, for which the Shire of Plantagenet and Shire of Denmark are responsible for an estimated 16.8 kilometres.

(1) Is the Department of Biodiversity, Conservation and Attractions responsible for the remaining estimated 41 kilometres?

(2) Is there an easement for Nornalup Road through reserve 47890?

(3) If no to (2), does this mean that DBCA is the lead body in regard to this road, and will the department be undertaking ongoing maintenance of this popular road?

Hon STEPHEN DAWSON replied:

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

(1) The Department of Biodiversity, Conservation and Attractions is responsible for the land on which the road exists. However, as with many public roads traversing DBCA lands without road reserves, this road has historically been managed and maintained as a local government road by the Shire of Denmark and the Shire of Plantagenet. The Shire of Denmark and the Shire of Plantagenet are currently claiming maintenance funding for these roads through the state government's State Road Funds to Local Government Agreement administered via Main Roads.

(2) There is no current easement for Nornalup Road through reserve 47890.

(3) The Shire of Denmark has confirmed that it will continue to maintain Nornalup Road within its local government boundary. The Shire of Plantagenet has recently advised DBCA that although it has historically managed Nornalup Road, it will no longer manage the portion of Nornalup Road within its local government boundary. DBCA will be consulting further with the Shire of Plantagenet with a view to reaching mutual agreement on a model for the future maintenance and management of the remaining portion of Nornalup Road.

ENVIRONMENTALLY SENSITIVE AREAS

632. Hon SIMON O'BRIEN to the Minister for Environment:

My question is without notice.

(1) Can the minister advise the house of what he is doing to ensure that the Environmental Protection (Environmentally Sensitive Areas) Notice 2005 is not having a negative effect on land use and land values?

(2) What steps is the minister taking to implement the recommendations contained in the forty-first report of the Standing Committee on Environment and Public Affairs?

Hon STEPHEN DAWSON replied:

I thank the honourable member for the question. As ever, I foreshadowed that he would ask a similar question this afternoon in question time.

(1)–(2) Obviously, this issue was raised in an earlier motion brought before this house by Hon Rick Mazza. Following that discussion, I sought further advice from my department on environmentally sensitive areas and on the response to the Standing Committee on Environment and Public Affairs' forty-first report from the thirty-ninth Parliament. I have sought that information. To my knowledge, the issue has not been raised with me before today or since I became Minister for Environment. Certainly, as a result of today's conversation and debate, I have asked for advice from my department on this issue.

FORRESTFIELD–AIRPORT LINK — SOIL CONTAMINATION

633. Hon Dr STEVE THOMAS to the minister representing the Minister for Transport:

I refer to PFAS-contaminated soil excavated from the Forrestfield–Airport Link project.

(1) What is the total volume of soil that is expected to be extracted from the Forrestfield–Airport Link at the completion of the project?

(2) What is the total volume of PFAS-contaminated soil that is expected to be extracted from the Forrestfield–Airport Link at the completion of the project?

(3) How much of this soil is expected to be temporarily stored at the temporary storage site at 777 Abernethy Road, Forrestfield?

(4) Has the Perth Airport expansion project, including the new third runway, agreed to accept the contaminated soil as fill for that project?

Hon STEPHEN DAWSON replied:

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

(1) The Forrestfield–Airport Link project will generate approximately one million cubic metres of spoil from tunnelling works and conventional excavations.

(2) Low levels of PFAS have been detected in soil across FAL project excavation locations. The PFAS levels being encountered by the project are comparable with the low levels present in soils in most urban areas around the world, including in Australia. The soil is capable of re-use in accordance with the PFAS national environmental management plan.

(3) As of the most recent survey conducted on 17 May 2019, approximately 445 000 cubic metres of soil originating from construction works for the FAL project is being temporarily located at 777 Abernethy Road, Forrestfield. It is possible that an additional 290 000 cubic metres of soil, which has yet to be excavated, may require temporary storage.

(4) Perth Airport has confirmed an interest in utilising excess fill from the FAL project to facilitate developments consistent with the airport master plan. The project team continues to work closely with Perth Airport.

BANNED DRINKERS REGISTER TRIAL — PILBARA

634. Hon KEN BASTON to the minister representing the Minister for Racing and Gaming:

I refer to the answers to question without notice 611 asked on 11 June 2019.

(1) Can the minister confirm whether the banned drinkers register trial will commence before the end of 2019?

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

(3) Who will be responsible for the cost of purchasing and installing scanning devices at the point of sale?

Hon ALANNAH MacTIERNAN replied:

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

(1) The trial will commence as soon as practicable.

(2) As outlined previously, the commencement of the trial is dependent on the Liquor Commission's decision on Pilbara-wide restrictions. The commission is wholly independent of government.

(3) Funding decisions are subject to ongoing discussions with all stakeholders.

SWAN VALLEY EXPLORER BUS SERVICE

635. Hon MARTIN ALDRIDGE to the minister representing the Minister for Tourism:

I refer to the minister's media statement of 29 October 2018 entitled "Hop on, hop off in the Swan Valley".

(1) How much funding was provided by Tourism WA for the service?

(2) What were the terms of the funding provided?

(3) What was the expected number of persons a month who would use the service and the actual number?

(4) How many jobs were created resulting from this initiative?

(5) How many domestic and international visitors were attracted to the region arising from the initiative?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information has been provided by the Minister for Tourism.

(1) Tourism WA provides $50 000 to the City of Swan as part of an election commitment. The city chose to use this funding to support the Swan Valley Explorer, a venture to be run by commercial operator Adams coachlines. Tourism WA supported this use of the funds because a hop on, hop off bus service was identified as a priority in the city's tourism strategy 2015–20 and was endorsed by the local tourism industry represented by the Swan Valley Tourism Alliance.

(2) A six-month report on passenger numbers was due in May 2019; however, the service was discontinued before that date.

(3) On 12 April 2019, Adams coachlines distributed a statement to Swan Valley stakeholders, which stated that in its financial modelling to cover its operational costs alone and not including overheads, it anticipated that the SVE would carry a weekly average of a little over 500 passengers, as already stated the average is slightly under 200 passengers a week.

(4) This information should be requested from Adams coachlines.

(5) The tourism data that Tourism WA has access to does not provide this level of information.

QUARANTINE — TRAVELLERS

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

I refer to an ABC Kimberley news article of 19 May 2019 that stated that Western Australia's $8 billion agriculture industry is at risk from travellers breaching quarantine regulations when entering WA.

(1) How many tonnes of contraband were seized or stopped at the WA border in 2018 and is this an increase or decrease on the previous two years?

(2) What education programs or additional investment will the state government introduce to reduce the amount of contraband being brought into Western Australia?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. I will just say that I have been to the quarantine station on the Western Australia–Northern Territory border just outside Kununurra. I am very impressed with the work that is being done there and the thoroughness of the activities undertaken by our quarantine officers. With respect to the specifics, I advise the following.

(1) There were 50.8 tonnes of quarantine-risk material intercepted at interstate entry points during 2017–18. This was an increase from 2016–17, when 46.9 tonnes were intercepted, but a decrease from 2015–16, when 52 tonnes were intercepted.

(2) Ongoing educational material is provided at roadhouses prior to entry into Western Australia and also at the domestic airport. Commercial carriers are also required to provide announcements on quarantine requirements when entering the state. Articles also feature in travel magazines.

STATE RECORDS OFFICE — 2019–20 STATE BUDGET

637. Hon ALISON XAMON to the Leader of the House representing the Minister for Culture and the Arts:

I refer to the answer to question without notice 604 of Tuesday, 11 June, about the government services provided by the State Records Office of Western Australia.

(1) Given that the government service "State Information Management and Archival Services" is no longer present in the 2019–20 state budget but continues to be delivered, how will the performance of this service be measured and reported?

(2) Will all the functions previously offered by the State Records Office continue to be delivered?

(3) If no to (2), which services will no longer be offered?

(4) Could the minister please specify the funding for the State Records Office for the 2019–20 budget?

Hon SUE ELLERY replied:

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

(1) State Records Office services will be reported each year in the annual reports for the State Records Commission and the Department of Local Government, Sport and Cultural Industries.

(2) Yes.

(3) Not applicable.

(4) The estimated budget allocation for the State Records Office for 2019–20 is $2.032 million from the Department of Local Government, Sport and Cultural Industries' total appropriation.

NATURAL RESOURCE MANAGEMENT — 2019–20 STATE BUDGET

638. Hon DIANE EVERS to the Minister for Regional Development:

I refer to the $6.5 million per annum allocated to natural resource management activities in the 2019–20 state budget.

(1) Is the minister aware that this amount is significantly lower than historical state government funding levels—for example, $30 million in 2009?

(2) Given that the scope and impact of environmental problems has been increasing and is likely to continue to do so, why has this level of funding not been increased in this budget?

(3) What steps is the state government taking to address the difficulties of keeping volunteers engaged in NRM activities when federal contributions are limited and often based on a reductionist, rather than holistic, decision-making model?

(4) Given we have another three years of Liberal control of federal funds, what is this state government doing to ensure that land conservation district committees are able to carry on addressing environmental issues?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

(1)–(4) First of all, I need to correct the member: the sum she referred to is regional natural resource management, and we have in the budget, across the forward estimates, around $7.6 million per annum. It is not just $6.5 million; that is just the regional allocation. In total, we are committing $7.75 million.

In respect of the $30 million figure in 2009 that the member has chosen, we have not been able to discover why we saw that huge spike that year and to what extent it may have consisted of federal funding. But we can tell the member that that was totally and utterly atypical, and the funding the following year was less than $5 million. Generally speaking, funding levels continued at around $6 million. We made a very clear election commitment to provide NRM funding to guarantee at least $6.5 million, but we have added to that and made it $7.75 million.

We certainly cannot fill the gap created by the federal government; we think it is completely reprehensible that it has moved away from funding its share. Given our current budget constraints, we cannot fill that gap, but we are trying to get the next rounds moved forward very quickly so we can keep our pipeline of projects going. Indeed, the applications for next year's funding round closed this month. We have a series of small grants of between $1 000 and $35 000 for projects of a duration of up to 12 months—really focusing on smaller projects—and we have large grants, intended to be more strategic, that can last for up to three years. We think we are certainly more than meeting our election commitment in this area.

HOSPITALS — PATIENT-TO-STAFF RATIO

639. Hon JIM CHOWN to the parliamentary secretary representing the Minister for Health:

(1) Why does the Department of Health offer short-term rolling contracts as normal practice, as opposed to permanent contracts?

(2) How many beds in the public hospital system are currently not in use?

(3) What was the patient-to-staff ratio in the public hospital system for —

(a) 2015; and

(b) 2019?

Hon ALANNA CLOHESY replied:

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

I am advised that WA Health is not able to provide the requested detailed information in the time required, and I therefore ask the member to place this question on notice.

PLANNING SCHEME AMENDMENTS — CONFLICT OF INTEREST

640. Hon TJORN SIBMA to the minister representing the Minister for Planning:

I refer to the minister's answer to my question without notice 605, asked yesterday, about the management of conflicts of interest in the planning portfolio.

(1) What was the precise nature of the perceived or potential conflicts of interest for each of the four planning schemes the minister listed?

(2) In each of these four cases, what governance arrangements applied and which minister or ministers acted in place of the Minister for Planning for the purpose of executing a decision?

Hon STEPHEN DAWSON replied:

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

(1) City of Swan local planning scheme 12, amendment 138, could potentially affect or be perceived to affect the location of the minister's electorate office. The Town of Victoria Park town planning scheme 1, amendment 73; the City of Armadale town planning scheme 4, amendment 95; and the City of Vincent local planning scheme 2 could potentially affect or be perceived to affect property owned by the minister or a family member.

(2) In accordance with the Interpretation Act 1984, decision-making was delegated to the following ministers. The City of Swan local planning scheme 17, amendment 138, and the City of Vincent local planning scheme 2 were delegated to Minister Wyatt. The Town of Victoria Park town planning scheme 1, amendment 73, and the City of Armadale town planning scheme 4, amendment 95, were delegated to Minister Tinley.

CHILD PROTECTION — CHILD SEXUAL ABUSE — ROEBOURNE

Question on Notice 2110 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.04 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 2110, asked by Hon Nick Goiran on 7 May 2019 to me, the Leader of the House representing the Attorney General, will be provided on 27 June 2019.

QUESTIONS ON NOTICE 2124 AND 2127

Papers Tabled

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

POLICE — YOUNG PEOPLE IN LOCK-UPS

Question on Notice 2119 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [5.05 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 2119 asked by Hon Alison Xamon on 7 May 2019 to me, the Minister for Environment representing the Minister for Police; Road Safety, will be provided tomorrow, 13 June 2019.

WA COUNTRY HEALTH SERVICE — NURSES

Question on Notice 2109 — Answer Advice

HON ALANNA CLOHESY (East Metropolitan — Parliamentary Secretary) [5.05 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 2109, asked by Hon Martin Aldridge on 7 May 2019 to me as parliamentary secretary representing the Minister for Health, will be provided on 13 June 2019.

ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

Resumed from an earlier stage of the sitting.

HON CHARLES SMITH (East Metropolitan) [5.06 pm]: I believe I was getting close to rounding up and concluding my response to the budget. I was stating how irresponsible I thought the Keystart —

Point of Order

Hon PIERRE YANG: I seek guidance in relation to the timer. I stand to be corrected.

The PRESIDENT: Member, Hon Charles Smith is now sitting in this chamber as an Independent. You will note that he has been allocated an hour to provide his budget debate contribution, as has every other member except for the leaders of parties. I have a ruling from former President Hon Barry House, which I unfortunately have not yet had the opportunity to peruse. I will look at it and come back and provide you with an appropriate response at a later date.

Hon Charles Smith, you can continue your comments.

Debate Resumed

Hon CHARLES SMITH: Thank you, Madam President.

I would like to review my entire speech and conclude very briefly with a few remarks about the Keystart scheme; I was about to conclude before that point of order. I think the broadening of the eligibility criteria for Keystart is an irresponsible policy initiative, designed only to increase property prices rather than improve affordability. I note that the president of the Real Estate Institute of Western Australia called upon all federal political parties to commit to putting Perth back into the regional migration scheme to, as he stated —

> … attract skilled workers and fill the current oversupply of housing.

To me that stinks of the Australian mass immigration lobby, and that is something I oppose. I hope the Premier ignores that call to go back into the regional migration scheme; one of the best things he has done over the last two years is pull Perth out of it. I was also saying that I hope the Premier continues to resist the temptation and pressure to sign up to the so-called Belt and Road Initiative. I see this as a threat to the economy and Australian jobs. Our democracy will be under threat. That concludes my comments about this year's budget. I hope that future budgets will increase workers' wages, increase housing affordability and put more police on the streets.

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

INFRASTRUCTURE WESTERN AUSTRALIA BILL 2019

Committee

Resumed from 11 June. The Deputy Chair of Committees (Hon Martin Aldridge) in the chair; Hon Sue Ellery (Leader of the House) in charge of the bill.

Progress was reported after postponed clause 10, as amended, had been agreed to.

Title —

Hon SUE ELLERY: Yesterday, during the clause-by-clause consideration of this bill, I undertook to provide the chamber with some information about the exercise of the prosecution of the fines attached to clauses 44 and 64, both of which prescribe penalties of $10 000. I was asked who would prosecute those offences. I am now able to provide that information.

The offences described in clauses 44 and 64 are regarded as simple offences—that is, not indictable offences. A prosecution for such an offence may be commenced only by persons listed in section 20(3)(a) of the Criminal Procedure Act 2004. That list includes a police officer or the State Solicitor acting in the course of their duties. Other authorised persons include the Attorney General and the Solicitor-General. In practice, it is likely that a prosecution would be commenced by a police officer or the State Solicitor. Although the member who asked the question is out of the chamber on urgent parliamentary business, I relayed this information to him behind the Chair immediately before question time today.

Title put and passed.

Report

Bill reported, with amendments, and, by leave, the report adopted.

As to Third Reading — Standing Orders Suspension — Motion

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

> That so much of standing orders be suspended so as to enable the bill to be read a third time forthwith.

Third Reading

Bill read a third time, on motion by **Hon Sue Ellery (Leader of the House)**, and returned to the Assembly with amendments.

PUBLIC HEALTH AMENDMENT (IMMUNISATION REQUIREMENTS FOR ENROLMENT) BILL 2019

Second Reading

Resumed from 11 June.

HON AARON STONEHOUSE (South Metropolitan) [5.16 pm]: I began my remarks last night, but I had only a moment to range over some of the topics that I might discuss in my contribution to the second reading debate. For those who were away on urgent parliamentary business, I reiterate that at this time I do not think it is possible for any member to indicate whether they support or oppose the bill before us because there is a lengthy supplementary notice paper with some pretty significant amendments. The bill we will end up with at the end of the Committee of the Whole House stage is unknown to any of us at this time. We do not know what the will of the house will be when we reach the end of the Committee of the Whole House stage. We may end up with something very different from the current bill. I have some concerns that I will now outline and later pursue in Committee of the Whole House. I even have an amendment of my own on the supplementary notice paper that addresses what I think is a massive oversight. Before I get into some of the more technical detail of the legislation, I will quickly give members an overview of what the Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019 will do. I will quote a few sections of the second reading speech to summarise the intent of this bill. The second reading speech points out —

> The purpose of the Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019 is to increase childhood immunisation rates in Western Australia through strengthening the immunisation requirements for enrolment in early childhood education and care.
>
> …
>
> The proposed immunisation requirements on enrolment apply to children enrolling in a childcare service other than a prescribed childcare service—that is, a service operating on a temporary, casual or ad hoc basis. The immunisation requirements also apply to enrolments in pre-kindergarten and kindergarten programs in both government and non-government schools and in community kindergartens. The proposed changes do not apply to compulsory schooling, which commences with pre-primary.
>
> …
>
> The bill amends the Public Health Act 2016 to provide that a school, community kindergarten or childcare service must not permit a child to enrol before the child's compulsory education period unless the child's immunisation certificate states that the child's immunisations are up to date. An immunisation certificate is defined in the bill as an extract of a child's Australian Immunisation Register—AIR—record.

One of my initial concerns when this bill was introduced was that it may be too onerous for parents to obtain the immunisation certificate. Information provided by the department in briefings to me indicate that it is rather easy to access, which is some comfort to me. It should not be too onerous for parents to obtain a copy of the certificate. The second reading speech continues —

> The bill also provides a mechanism to address the situation in which a child's AIR immunisation history statement cannot be used as evidence of their immunisation status due to an atypical or unforeseen circumstance, but for which the child would otherwise be fully vaccinated for age—for example, when there is a temporary vaccine shortage. In these circumstances, the Chief Health Officer can issue an alternative certificate for enrolment purposes.
>
> Vaccinations in the Australian childhood immunisation schedule are provided at no cost under the national immunisation program. For parents and guardians who refuse to vaccinate their children, the bill provides that their children will be unable to enrol in a childcare service or kindergarten program, and they will need to consider alternative arrangements. It is estimated this will affect approximately 1.3 per cent of children based on the national estimate from 2015.

It is the pretty clear intent of the bill to provide a strong incentive for parents to immunise their children, or else be denied access to kindergarten and childcare services. Let me state up-front what I think all members here have stated already: vaccination is good overall. It is a good thing for parents to vaccinate their children. Although there may be some risks associated with it—we should not pretend that there are no risks associated with vaccination—the benefits of vaccination far, far outweigh any risks. Even the imagined risks of children developing autism from vaccines are far outweighed —

Hon Alison Xamon interjected.

Hon AARON STONEHOUSE: Yes, and that is not a thing; it is ridiculous. It is a nonsense conspiracy theory. But even if someone accepted that nonsense conspiracy theory, the benefits still far outweigh that imagined risk by a long shot. We have heard some other members talk about their time growing up with children who were affected by polio. My goodness. I do not have children, but I think that I would rather my child be at risk of autism than at risk of developing polio, for goodness sake. There are plenty of people living full, happy healthy lives with autism.

Hon Dr Steve Thomas: There is no autism risk, member.

Hon AARON STONEHOUSE: Absolutely, it is an imagined risk; it is conspiratorial nonsense.

Hon Matthew Swinbourn: The thing is that it's not a disease.

Hon AARON STONEHOUSE: Absolutely.

In any case, something that we are trying to avoid and that I think the government is trying to avoid is any move towards involuntary treatment. The idea of involuntary treatment is something that I think would put most of us on edge, even when it comes to vaccines. The idea of mandatory medicine is something that makes most people a little uncomfortable, and rightly so. Governments have a pretty bad track record when it comes to involuntary treatment. It is something that brings up serious ethical questions. Even when we talk about things such as involuntary treatment under the Mental Health Act, it is normally something that requires a delicate balance between the rights of an individual to refuse treatment if they so choose, and the government's duty to protect the public from harm. This bill does not intend to impose any involuntary treatment that I can see, but we are certainly edging towards that. I will talk a little about that in a moment.

Until this point, no jab, no play legislation has aimed at excluding unvaccinated children from public, state-run education. That is something I do not disagree with; that is fine. If the government wants to provide a service, it has every right—in fact, it has an obligation—to ensure that people enrolled in public education are protected from harm. If it wants to put a standard of requirement for immunisation before enrolling in public education, that is absolutely fine for it to do so, mainly because there is a private option. People can opt out. If someone is a conscientious objector or if they have a genuine health reason that their children cannot be immunised, they have the option to opt out of the public school system and send them to a private school or homeschool them. There are options available. Although the government has some obligation to provide education to children, it is within its rights to put certain conditions on the education it provides. Certain strings can be attached, and I do not have a problem with that. After all, I do not think anyone has an absolute right to taxpayers' money. Certain conditions can be placed on it, but that only works when there is still freedom of choice for those conscientious objectors and those with genuine medical conditions that do not allow them to be vaccinated. What concerns me about this bill is that that choice is being removed. There is no alternative option for people excluded by this bill. Child care and kindergarten is not necessarily provided by the state. Child care is run privately, and kindergarten may be provided by some public schools, but kindergarten is also provided by private schools. By posing this condition on enrolment in childcare services and kindergarten, or applying it to all childcare services and all kindergartens, regardless of whether they are run publicly or privately, there will be no alternative option for conscientious objectors or those who do not want to be enrolled in the system, which is of some concern. This is how we are starting to go down the route of involuntary treatment. It is will not give anyone any choice. If a person wants kindergarten or childcare services, they will have to immunise their child or they will not get those services at all. That is interesting, because the bill has in it the ability for the government to provide an exemption for certain types of childcare services. The definition of "child care service" in amended section 4 will state —

> does not include a child care service prescribed for the purposes of this definition;

It seems as though the government is giving itself the ability to prescribe certain childcare services that may be excluded from this scheme. I wonder whether it has in mind any types of childcare services that would not be included, and whether that might be extended to something such as family childcare services, or that is only there for temporary ad hoc childcare services as mentioned in the second reading speech. That is something we can tease out during the Committee of the Whole House stage. There is a massive lack of choice. This legislation will only give parents one option: either they vaccinate their children or they have no childcare services and no kindergarten. If we go down this route of removing choice for parents, we might as well go the involuntary treatment route. Why not go the whole hog, and just start sending in officials from the Department of Health or the Department of Education to grab children, vaccinate them and then return them to their parents? The government might do that. If the argument is that having a 95 per cent rate of immunisation is so important, why is the government not doing that? It seems as though it is almost going that far with this regime. Why will it not go down that route? Why will it not start making it mandatory, because it is almost doing that de facto with this legislation. This bill will deny someone access to not a government service, but a privately run service, a private childcare service, for not being immunised. If it was a government-run service, that would be fair enough. As I said, it is absolutely within the rights of the government to set conditions for access to government services, but a childcare centre may be a privately run business, not a government service. Surely, the government would not say people cannot go to a mechanic or a hairdresser unless they are immunised. They may be businesses subject to government regulation, but they are not run by the government, so I really do not see how the government has the scope or moral authority to be telling people what conditions might be set for them accessing a private service. This is reaching levels not quite of coercion, but it is almost going down that route, which makes me a little uncomfortable.

Aside from some of those ethical concerns, another issue is how effective this legislation or this program might be in increasing immunisation rates. That concern is shared by others. I want to quote from a letter from the Royal Australasian College of Physicians. The letter is addressed to Hon Stephen Wade, Minister for Health and

Wellbeing in the state of South Australia, and is from Professor Paul Colditz, president of the paediatrics and child health division, Royal Australasian College of Physicians. The letter was tabled in the South Australian Legislative Council on 4 April 2019, although it is dated 19 October 2018.

I quote from the letter —

> We strongly support childhood immunisation, because of overwhelming evidence that immunisation is a highly effective preventative health measure.

I think everyone would agree with that. It continues —

> This means that the RACP supports evidence-based measures aimed at achieving as close to 100% vaccine coverage as possible as a government priority.

Again, I think everyone would agree with that sentiment. He goes on to say —

> Equally, optimum growth and development in early childhood must remain a key priority of all governments. This includes a specific focus on the affordability of, and access to, early childhood education. The importance of pre-school childhood education in maximising beneficial health and development outcomes for children during their school years is supported by strong evidence. This means that lack of access to early childhood education is highly detrimental, especially from three to four years of age and especially if compounded by financial vulnerability.

That last sentence is worth contemplating again —

> … lack of access to early childhood education is highly detrimental, especially from three to four years of age and especially if compounded by financial vulnerability.

A concern is held by the Royal Australasian College of Physicians that this might be detrimental to health outcomes, rather than improve them. He goes on to say —

> Measures to maximise protection against vaccine-preventable diseases work best when viewed in tandem with measures to maximise access to early childhood education. Artificially excluding children who are not fully immunised and their families from their normal lived environments (which includes early childhood education) is unlikely to be effective. Those children will still live in their communities and most will interact with fully vaccinated children, while their development suffers from lack of access to early childhood education.

He says also —

> While recent Australian Immunisation Register (AIR) data suggests that there has been a small increase in immunisation coverage since implementation of the 'No Jab, No Play' and 'No Jab, No Pay' legislation, a formal evaluation of the full impact of these policies has not been conducted. High quality evidence relating to both beneficial and detrimental effects of the impact of these policies is the only way to strike the appropriate balance in achieving the best possible outcomes for pre-school children. We recommend that impact evaluations should be conducted as a matter of urgency in those states (Victoria, New South Wales and Queensland) that have already enacted legislation. 'No Jab, No Play' policies should not be legislated in other states until these evaluations are complete and further information of the full impact of these policies is available.
>
> Therefore, the RACP recommends that:
>
> 1. States and Territories in Australia with 'No Jab, No Play' policies urgently commission independent reviews of the effect of the 'No Jab, No Play' on equity of access to early childhood education.
>
> 2. South Australia and other States or Territories do not implement 'No Jab, No Play' policies until reviews have been undertaken and published.

I hope the minister can respond to that letter from the RACP in her second reading reply. I wonder whether any such studies have been conducted since this letter was tabled in the South Australian Legislative Council on 4 April this year, and what those studies show. It would be foolhardy to proceed with a policy that other states have implemented when we do not yet know the beneficial and detrimental effects of those policies, not just on health outcomes, but also on educational outcomes. Although I certainly support efforts to increase immunisation rates, we cannot look at that in a vacuum. Every policy must be assessed on both its costs and its benefits. I look forward to hearing whether there is a response to that letter and to those calls by the RACP.

I turn now to the structure of the bill. The original bill granted a head of power to write regulations to prescribe exempted students who will not be subject to this regime. The explanatory memorandum lays out what some of those exempted classes might be. It is a long list. Not all the exemptions made sense to me, and I had a few questions about them. However, since that time, the government has placed amendments on the supplementary

notice paper to provide that those exemptions will be put into the primary legislation—the bill—rather than be left up to regulation. That is good. I support that effort, because it will enable us to discuss those exemptions during committee rather than merely speculate about what the regulations say about exempted children.

The list of exemptions is very long. It seems to me that some of the exempted children might be the very children whom we want to target in this measure—certain disadvantaged classes of children, for instance. That needs to be weighed against the fact that these disadvantaged children are probably the ones who most desperately need access to early childhood education. Therefore, we need to be careful not to create a double disadvantage, in which children are disadvantaged not only because they are not immunised, but also because they are denied access to early childhood education.

I am also concerned that this scheme may not result in true conscientious objectors being compelled to immunise their children. That is acknowledged in the regulatory impact statement. People who truly have an ideological opposition to immunising their children will probably continue to go to great efforts to avoid immunising them. They may in fact go outside the regulated childcare industry to access early childhood education and have a parent, family member or friend look after their child. It seems to me that that may be possible. It was recognised in the information provided to me by the Department of Health and the Department of Education during my briefing that the people who have an ideological opposition to vaccines are often those who are more affluent. That seems kind of funny and perhaps goes against our initial assumptions about people who make up anti-vaxxer groups. They often come from more affluent demographics, rather than disadvantaged demographics. I was interested to find that people from leafy suburbs who perhaps have too much time on their hands and like to do some of their own research on the internet are coming up with all sorts of weird ideas about the risks of vaccines, whereas some of the more disadvantaged groups who are perhaps less interested in alternative health are doing a pretty good job of making sure their children are vaccinated. In fact, Aboriginal and Torres Strait Islanders have some of the highest vaccination rates in Western Australia, which is commendable. I am concerned that if disadvantaged children are less likely to be immunised, we run the risk of compounding that disadvantage by denying them access to early childhood education. If that is not the case—if it is people who are more affluent—I wonder whether measures such as this will have much effect on changing their behaviour, because they have the means to go without early childhood education if they want to.

One thing that struck me about this bill is that if it is not possible for a person responsible for a child to obtain an immunisation certificate through the Australian Immunisation Register, they can apply to the Chief Health Officer to receive a certificate. When people apply to the Chief Health Officer for a certificate, there is no review of the decision made by the Chief Health Officer. It seems that the right of appeal or review is somewhat lacking in this bill. Someone responsible for a child cannot appeal to the school or the childcare service provider, which makes sense. The certificate is not issued by the school. The school or the childcare service provider is merely interested in whether a child has a certificate. There is no need for appeal or review of the school or the kindergarten or childcare service provider. I am not too familiar with the legislation around the Australian Immunisation Register. It is not administered in this jurisdiction. It is a commonwealth body and it is a commonwealth act. I have been informed that there is no right of appeal. There is no ability to review decisions made by the Australian Immunisation Register. If the AIR denies a parent an immunisation certificate, there is no right of appeal. I would be happy to be corrected on that if I am mistaken. However, that is what I have been informed by people who have used the AIR. There is no right of appeal through the AAT, for example. Even if there were, that does not concern me too much. I am more concerned about what laws are on the statute book in this jurisdiction and what we can do to ensure that there is a right of appeal in WA. If we are going to impose certain obligations and conditions on people in Western Australia, we need to make sure that the decisions made by executive officers in Western Australia are subject to review.

There is no review clause in the bill. I have on the notice paper an amendment that would create a right of review. It is worded very similarly to how rights of appeal to the State Administrative Tribunal appear in other statutes. That would help address something that was raised by Hon Nick Goiran in his remarks. He identified an inconsistency with the principles of natural justice. I agree with his characterisation of that. There is a serious lack of natural justice in this bill. We may decide as a house, as a society, that it is worth denying access to early childhood education to disadvantaged people in order to reach a goal of 95 per cent immunisation. However, we cannot forgo natural justice in the process. We ought not to. Everybody has a right to natural justice, even if they are tinfoil hat–wearing lunatics. We should not deny a review or a right to appeal simply on the basis that the people who want to make that review might be a little silly or have backward ideas. Everybody has a right to natural justice.

Giving an executive officer such as the Chief Health Officer the power to decide whether a parent can enrol their child in early childhood education vests an immense amount of power in the Chief Health Officer. I was advised when I spoke to some of the staff from the department yesterday that the Chief Health Officer can delegate this power to issue immunisation certificates. The bill currently provides no right of appeal against decisions made by the Chief Health Officer. My amendment would address that issue. There may be some questions about whether the State Administrative Tribunal is the appropriate body to review decisions made by the Chief Health Officer. It has been pointed out to me the SAT is not a medical tribunal; it is merely an administrative tribunal. But it is certainly better than nothing. If the government has a better way of subjecting decisions made by the Chief Health

Officer to review, I am certainly happy to hear them and entertain other ways of inserting a right of appeal, but for now in the absence of other advice, that seems to be the very least we can do. If an executive officer is to make decisions of this magnitude, they must be subject to review.

I look forward to Committee of the Whole House when we can unpick some of the finer details in the legislation and look at some of the amendments on the supplementary notice paper. I will be forming my opinion of the bill based on what it looks like when it reaches the other end.

HON DR STEVE THOMAS (South West) [5.44 pm]: Mr Acting President (Hon Martin Aldridge), I have just organised a shuffle because I was supposed to be relieving you in the chair; so I have asked Hon Matthew Swinbourn to assist the process. I shall attempt to be very brief so that I can then take up more formal duties.

I want to address briefly a few of the issues raised in debate today. I am a supporter of vaccinations and I am a supporter of the Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019. I have a set of questions about exemptions that run along the lines of those posed by Hon Rick Mazza. Let me address some of the issues raised particularly by members in debate so far.

I start by addressing the proposal that there is a link between vaccination and autism. This proposal was made in a 1997 study by a British surgeon called Andrew Wakefield. Andrew Wakefield was subsequently struck off the medical register. His work, which was published in *The Lancet*, was rescinded and *The Lancet* apologised. There is no connection between autism and vaccination. It is simply unfortunate for many people that the period in time within which they vaccinate their child is also the period in time within which the symptoms of autism are most likely to be displayed. That is during the young childhood era of six months to two years when we are vaccinating. It is the time when a child with autism will not develop at the same rate as other children and parents will become aware of the issue of autism and seek a diagnosis. Any suggestion that research has made any causal link, or any link at all, to vaccination and autism has well and truly been disproven.

Hon Aaron Stonehouse mentioned people researching on the internet. Let me say that one of the most dangerous things we can do is go on the internet and put forward a proposition, because we will always find someone on the internet who will agree with that proposition. If we want to believe that the earth is flat, someone on the internet will agree with us and they will have developed a paper to say exactly that. We will find a group of people. If we want to claim that the Holocaust did not occur, we will find a group of people on the internet who will agree with us. I would be very cautious about saying that people have researched on the net and come up with an opinion. These days, we do not teach discernment in our research anymore. We learnt that at university when we were very young in the days when we looked up microfiche. Probably younger members in the chamber may not be aware of microfiche, but in those days we did some significant research and we did it without the internet. We also learned how to check references, which was particularly important. There is no connectivity.

However, there is connectivity between what is commonly called herd immunity and outbreaks of disease. That is the proportion of people who need to be immune to a disease, whether it is through vaccination or natural infection, that will then reduce the rate and spread of incidence. It is the relationship between the infectivity of a virus or a bacteria and its type of transmission. There is a general relationship between the level of vaccination that we need to achieve. It varies from disease to disease. We talk about common ones, such as pertussis—whooping cough—or measles, where we want that 95 to 98 per cent vaccination rate. For some other slower moving diseases, we can have relatively low levels of vaccination rate and still get a relatively good slowing of the spread of disease and effectively what we categorise as herd immunity or rate of transmission. It varies dramatically, but I note that the vaccination rates in Australia for the most part are relatively high, but just outside the range that gives us security. In Western Australia the most recent Department of Health information indicates that at one year old 93.43 per cent of children are fully immunised. For two-year-olds we drop to 89.63 per cent and luckily for five-year-olds we get back up to 93.2 per cent. We seem to have a bit of a dip at that two-year-old rate. There are some reasons for that that are legitimate and I want to briefly talk about reactions that occur to vaccines. There is a group of people who have an anaphylactic reaction—that is, an immune reaction that causes a severe response. Members might be aware of the anaphylactic reactions to peanuts or bee stings that are life-threatening. That is an absolute legitimate medical reason that a person would not vaccinate. That group of people has to be taken into account when we work out the required vaccination rate, because those children cannot be vaccinated and generally they cannot be vaccinated as adults. That means those people who medically cannot do so have to be included in the five per cent who are not vaccinated. That makes it even more critical to ensure that all those who can vaccinate do vaccinate. A discussion about the right to natural justice has been put to the house and I wrote it down—that is, parents having a right to choose whether their children are vaccinated, based not on a medical examination but on their philosophy or ideals or some research on the internet about which most people would have some fairly grave concerns. I respond to that by asking: Do parents have a right to put at risk those children who cannot be vaccinated? Do parents have a right to put at risk children who are too young to be vaccinated? There is an exposure risk here. We do not just vaccinate to make sure that our children do not catch disease. That is what we have to get our heads around. We are not pushing a vaccination program just so that each individual child has protection; we are talking about herd immunity, because we are vaccinating to reduce the spread of disease.

There is a group of children who for anaphylactic reasons cannot be vaccinated, and when parents choose not to vaccinate, do they also choose to isolate their child so they are not exposed to other children? Can any parent guarantee that the child that they refused to vaccinate on ideological principles will never be exposed to a child who is unvaccinated because they are too young or at risk? I would be remarkably surprised if they could say that they keep their children so isolated that there is absolutely no risk. Do members know what they say? They say that everybody else is vaccinated, so they should not have to worry about their child. They say that the reason they do not need to vaccinate is that everybody else will do it. That is the defence mechanism. If people do not support the proposal before the house today, they effectively support the proposal that they will make people stick needles into all the other children on the basis that they will not have to. If that is the principle that anybody proposes to put forward, I suggest they take a long hard look at biological sciences. Trust me, as many vaccines go to animals as to humans, but the basic principle is the same, except we probably get bitten or kicked a bit more often when doing it in the animal world, although I do not even guarantee that. I reckon some of the reactions are pretty interesting!

The reality is that there will be a reaction to most vaccines. It is very rare that there is zero reaction. Most of the reactions are remarkably slight. Sometimes, the recipient, animal or human, does not respond and barely knows. In most cases there is a localised response. In some cases there is a small systemic response of the body recognising a foreign body and reacting to it. If that reaction is the reason someone does not vaccinate—that is, because their child developed a fever or reacted to the vaccine—doctors will tell them that is not an adequate reason not to vaccinate their children. They are looking for the significant life-changing, life-threatening reactions, and there is a medical exemption available for those children. That obviously raises one very simple question: parents of one of those rare children who have those significant events do not know in advance that that will happen. As other members have mentioned, there is a very slight risk of an extreme adverse reaction, but it is a lesser risk than catching the disease and the one posed to the community. However, there is a very slight risk and it is a risk that all parents take. We took that risk with all four of my children because it was best for the community in which we lived. It is a very slight risk that we take for our contribution to this herd immunity that saves children's lives. With all the sympathy in the world for that very small proportion of people—it is a very small group—who are at the receiving end of an extreme adverse reaction, and it is a horrible thing to witness and live with, that is not a reason to expose an increasing number of other people—particularly children—to these diseases that cause significant damage in the longer term. This is about herd immunity, and I guess the question I come back to is that to me the right to natural justice is far exceeded by the risk posed by exposing other people's children.

I think that argument has been had in professional circles. I am incredibly intrigued to see that the Royal Australasian College of Physicians has suggested that it all be put off and put up to another study. In my more cynical moments, and I do have a few, Mr Acting President, as you well know, I might think that the Royal Australasian College of Physicians is suggesting that significant studies funded by government and conducted by the college might be a good way for it to progress. I have read the same letter that Hon Aaron Stonehouse read into *Hansard* tonight, and it said, "We believe in vaccination, and we acknowledge that vaccination rates have increased, if only slightly, with the introduction of this sort of legislation in other states. We acknowledge that."

We do not have to go up very far, because we are already at 93 per cent. We want to get above 95 per cent, particularly for whooping cough—pertussis—and measles. Ideally, 98 per cent is a great number, but it is going to be very hard to achieve with all of those young people who cannot quite get there. We only need a small increase to get to that herd immunity level that everybody needs, which provides protection for the greater community. I keep coming back to that point. The reason that this legislation needs to be supported and the reason we support vaccinations is group protection, not the individual. I understand that there will be people who do not believe that. Parents are always a bit nervous, especially when it is their first child, the first one who is made of fragile glass, but the reality is that we do this for the community—for everybody else. We take that and accept that very small risk for the betterment of the community.

There is an issue I will raise with the minister. I absolutely support the principle and concept of trying to raise immunisation rates, and I have no objection to using this legislation as a stick to do that. It was put that choice is taken away. However, people still have a choice; they have a choice to vaccinate or not vaccinate. People will say it is not a choice, because they refuse, but it is still a choice. I will not bog this down with alternative vaccinations, because I am sure honourable members are happy to ignore pseudosciences such as homeopathy, which is one of those fraudulent things that deliver nothing but vague hope and occasionally a little bit of alcohol in distilled water, but never enough to have any significant impact, I might add. We will not go to that one. The issue I do raise, and the one reason I support the amendment proposed by Hon Rick Mazza, is that I have a problem with exclusions. I have spoken quite passionately about the need for this to occur and why we need to do this for the greater community, and it concerns me that the government puts in exemptions. I agree with medical exemptions. There is a group of people whom we absolutely cannot subject to this. I think Hon Rick Mazza said in his second reading contribution that we agree with the medical exemptions, and I am happy to have a debate about the extremities of reactivity and what is acceptable and what is not. I am quite comfortable to have that debate, but it is probably not a debate for the chamber, unless members have some sort of medical training. However, in my mind, it is absolutely critical that we minimise the exemptions. The problem is that if we say that it is absolutely critical to

force people to vaccinate, and it is more important because we are protecting the community, we should not then provide a whole pile of exemptions—for example, that we are not going to include the Indigenous community, migrants and low socioeconomic communities in that. I understand that the principle is that we do not want them to be kept away from school, but there is a simple solution. It is a bit like the lines of Hon Aaron Stonehouse. If there is a concern about those communities not being vaccinated—I think it is probably not because of a lack of intent but, rather, a lack of opportunity, organisation or awareness—instead of putting exemptions in place, just go out and make it happen. Go out to the Indigenous communities and knock on every door. Take people of appropriate cultural background—Indigenous, low socioeconomic, migrant—and say, "Your child needs to be vaccinated." Put a few dollars into it. Put a few bucks back into the system and make it happen that way. Go and knock on all those doors and say, "This is why we vaccinate—we are protecting vulnerable children, and everybody needs to contribute to that." I would imagine that in most of those communities—Indigenous, low socioeconomic, migrant or whatever communities we want to put into those exemptions—if we made the effort to go and knock on the door and say, "We need to make this happen", it would probably happen.

Let us not talk too much about putting too many exemptions in, because I think that is starting to get back into the realm of social exemption. That is just an easy cop-out versus going and doing the job properly. If the government's argument is that we have to vaccinate for community protection, there is no second part to that. As soon as we say, "Except for this and except for that", at some point we will have to say, "Except for the people with the aluminium foil hats on." We cannot do that. We have to engage with everybody. We have to make it happen as an investment by government in the community. At that point, we can limit the exemptions in this policy to those who need exemption on medical grounds because they are literally at risk from being vaccinated. Those people do exist—they are there and they are important—but the most important thing is that they are surrounded by people who, when they could get vaccinated, did get vaccinated, because the biggest risk to that group of people who did not get vaccinated is the unvaccinated group who got exposed. When we face that, it means that the only way forward is to genuinely maximise the vaccination rates, and we do that by minimising the exemptions.

I am a supporter of the amendment by Hon Rick Mazza, but I commend the government for its intent in introducing the bill. Everything I have heard from the government is that it is genuinely trying to do the right thing. If we can come to some agreement on the exemption component, I think this house is in a good position to move forward.

HON ALISON XAMON (North Metropolitan) [6.03 pm]: I rise as the lead speaker for the Greens on the Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019. I have quite a number of things that I would like to get on the record.

I state from the outset that I have some concerns about this bill and about the nature in which this regime will play out. However, I must begin my contribution by firmly stating on the record that I am a complete supporter of vaccinations, and the Greens are complete supporters of vaccinations as well. That is firmly within our policy. I needed to ensure that that was on the record. We insist on an evidence-based approach to issues of health. As such, the evidence indicates that vaccinations work and that vaccinations are necessary. One of the reasons I felt I needed to make that clear from the outset is that I find it very disturbing that when anyone indicates a reservation around an initiative being employed to try to raise vaccination rates within the community, which—I completely agree with the previous speaker—is absolutely the aim for which we need to strive, they get lazily and irresponsibly labelled as simply being an anti-vaxxer. I am not going to tolerate that, and anyone who attempts to portray me that way would be seriously misleading Parliament, which would be an enormous problem.

I like evidence-based practice; I insist on following the science, as I do on climate change, and therefore I recognise, as everyone does, that immunisation is one of the great success stories of modern medicine and public health. I will take smallpox as an example. People have spoken about a range of illnesses, but in 1950, around 10 million people a year were dying from smallpox, yet by 1979, less than 30 years later, smallpox was potentially being eradicated in Australia. I note the comments of Hon Rick Mazza that there are disturbing signs that there might be a return of smallpox, precisely because of some aversion to vaccination regimes. I think that really emphasises the need to remain vigilant around some of these more potent illnesses. There is no room for complacency.

Of course, polio is also soon set to disappear. In 1988—relatively recent times—there were 350 000 cases of polio worldwide; in 2017, there were just 22 cases worldwide. The suggestion that that may be on the increase as well fills me with horror. I feel as though we may need to go through a whole education campaign again on the horror of polio, and why it is such a terrible, terrible disease. Not only are children being saved from dying because of vaccination, but also many, many children are avoiding lifelong disability as a result of vaccination against preventable diseases. I note some exciting research and some really good advancements in vaccination, research which is currently being undertaken by one of my favourite organisations, the Telethon Kids Institute, which is hoping to develop a single vaccine to protect against influenza—wouldn't that be good!

Of course, we recognise that vaccinating against illness and disease is obviously the easiest way that a general practitioner can protect all ages of society from vaccine-preventable infectious disease. It is also clear that boosting vaccination rates is a priority within Western Australia. I acknowledge that our performance has been relatively poor, and we are still some way from meeting the recognised desired 95 per cent target that would ensure herd

immunity and would, if not eliminate, at least drastically reduce the prevalence of vaccine-preventable diseases in our community. I cannot stress enough that the Greens believe vaccination rates need to be lifted. Given this, we would like to see the government prioritise measures that are proven to be effective, and if not proven, at least well considered and informed by experts in public health. Indeed, the Greens policy calls for an increase in funding for educational programs that promote the benefits of mass immunisation. That is a specific policy of the Greens. I would hazard a guess that all of us in this chamber would agree on this point. The question then becomes how this legislation will serve to advance this goal.

I want to make some comments about some of the correspondence that I have been inundated with, as I imagine all members have. I note that the nature of the correspondence coming through to me broadly goes into two camps. There are people who are clearly firmly against vaccination as a regime—I have some comments to make about that—then we have other people who are not opposed to vaccination as such, but are concerned about how it will impact on particular individual situations, and who may have concerns about elements of the vaccination regime and how it is being prescribed. I want to make some comments about the people who have chosen to email me and in some cases—I do not know whether other members have found this—have been really quite abusive on the issue of vaccination. My message to those people, because they will read this *Hansard*, is that they have done themselves an enormous disservice. The concerns of loving parents who might have some legitimate and I think important concerns about the role of coercive health measures in raising a vaccination regime—I will have more to say about that in a moment—have been harmed by those abusive people. I condemn those people for that and for sending me all the abuse as well. If people think that is a good way to get me onside, they really do not know me very well at all. I say to those people: I do not think anyone in this chamber would be particularly enamoured with receiving abuse as a way to achieve a particular outcome. I do not know what is wrong with these people, but, really, they should lift their game; it is absolutely unacceptable.

I want to pick up some of the recurrent themes coming through in the correspondence I have received. I do not care about people who wave around so-called research; I do not believe that vaccinations cause autism. That is a debunked myth. I also do not appreciate the discriminatory language that has been used to talk about people with autism. I am offended on that level as well. As members would know, I am a big advocate for encouraging inclusion of neurodiverse people. Not only is the science these people are presenting not science; it is just complete garbage. It is also offensive, frankly, to people with disabilities—so cut it out.

Another particular claim comes to mind. Over the last 10 days, I have received a number of what are clearly form letters talking about how vaccinations contain parts of aborted foetuses. I wonder whether other members have received similar approaches. Madam President, I note that responses of "yes" are coming from around the chamber. It sounds horrendous, so I spoke to Hon Nick Goiran behind the Chair. I think we would all agree that he would probably have a particularly informed view on this sort of matter. Frankly, if this were a real issue, I thought he would be the member who would be most across this. It was pertinent to me that it was not considered to be a concern—I hope the honourable member does not mind me saying that, but I respect that he would know this.

Hon Nick Goiran: If I may assist, member, perhaps do not categorise it that I don't have a concern about it.

Hon ALISON XAMON: Absolutely. I recognise that if this were a legitimate issue, I was of the opinion that the honourable member would have a considerable concern about it and would probably be the first one to bring that concern to the attention of not only myself, but also the entire chamber. As the honourable member pointed out, there is no evidence to indicate that this is an issue with Australian vaccines, so when people start peddling this idea they do themselves an enormous disservice because it rains discredit upon every other claim in those lobbying emails.

I am pretty exhausted by the suggestion that vaccination regimes are simply a big conspiracy by big pharma to try to ensure it makes more money. That view completely dismisses all the evidence produced over decades and decades that shows that vaccination rates have contributed significantly to positive public health measures, in some cases have eliminated or almost eliminated certain diseases, and they work. I say to the people who send these emails: I am not grateful to you and, more importantly, I am sure that those parents who have legitimate concerns about these sorts of regimes have no reason to be grateful to you either. Effectively, these people have polluted the whole debate so that no-one can have a sensible discussion about how to increase vaccination regimes when legitimately they need to be improved or about how we can take an evidence-based approach and have a legitimate discussion around the risks of vaccination.

As has been mentioned by Hon Aaron Stonehouse, it also does not follow the evidence to try to take the position that all vaccinations are safe all the time and that there is never any risk. Every member in this chamber knows of such cases. I am thinking of the devastating case of Saba Button. It is very rare for a vaccination to go wrong, but when it does go wrong, it is devastating. Let us not slip that one under the carpet; let us at least acknowledge that these things happen. It is why parents, and particularly new parents, as was mentioned by Hon Dr Steve Thomas, holding a precious, gorgeous, little fragile-as-glass baby in their arms for the first time feel genuine fear, because no-one wants to take the risk that something might go wrong with their child.

I think it is eternally frustrating that we are unable to have sensible discussions around the genuine risk of vaccination and what we need to do to make sure that we are increasing vaccination rates. We also need to talk

about the legitimate issue of people who cannot be vaccinated at all—I think it is a relatively rare number of people—and the significantly larger cohort of people who need to deviate from the prescribed vaccination regime and maybe not vaccinate for a certain period or very, very early on in a child's life but who can catch up with vaccinations later. I have more to say on that because that is what happened with me. I am happy to talk about my experience later.

This bill is, of course, a key pillar in implementing the government's no jab, no play policy, which means that children in WA who are not up to date with their vaccinations will be banned from attending formal childcare facilities or participating in preschool. This legislation comes three years after the federal government's no jab, no pay legislation came into effect. Families who do not vaccinate their children are ineligible for the childcare benefit, the childcare rebate or the family tax benefit part A supplement. We need to note that families who use child care and do not vaccinate their children are already penalised and this bill would expand the scope of the federal legislation. As the minister outlined in her second reading speech, in 2017, after the no jab, no pay legislation was introduced, the Council of Australian Governments developed further options for a national approach to increase immunisation rates in early childhood education. However, it was not until August 2018 that that then Prime Minister, Malcolm Turnbull, proposed that COAG should assess the costs, benefits and regulatory impacts of a national approach, which was to be completed in about 2019.

I note that we are yet to see that assessment. Despite this, the Premier has indicated that he is still keen to see this bill progressed as soon as possible. I also note that the bill is not uniform legislation, but in the meantime three states have brought in some version of no jab, no play. The legislation in both New South Wales and Victoria is similar to the legislation before us, while Queensland's legislation does not go quite as far. Instead of flat out banning unimmunised children, the Queensland act gives childcare and early education providers the power to refuse enrolment of unvaccinated children.

Debate adjourned, pursuant to standing orders.

BIRTHDAY WISHES — HON ALISON XAMON
LEGISLATIVE COUNCIL CHAMBER — MEDIA ACCESS

Statement by President

THE PRESIDENT (Hon Kate Doust) [6.20 pm]: Before I ask for any members' statements, I am going to say a couple of things. First of all, I understand that Hon Alison Xamon has celebrated a very significant birthday this week. Happy half century!

The second thing I want to mention is that the Legislative Council has received a request from media to do some filming in the chamber during question time tomorrow at 4.30 pm, for 10 minutes. I have agreed to do that, so members may want to make sure that they are both present and appropriate tomorrow afternoon so that they look good on TV! It will be for only 10 minutes.

INDEPENDENT MEMBERS — SPEAKING TIME

Ruling by President

THE PRESIDENT (Hon Kate Doust) [6.21 pm]: The final thing I want to come back to is that just after question time, Hon Pierre Yang raised a point of order about the speaking time Hon Charles Smith had applied to him during his response to the budget speech. I think the question was whether it was the appropriate time. Hon Charles Smith is not a member of a party; he is therefore not a leader of a party, so he does not get unlimited time. He is not the lead speaker of a party. He is an Independent member of Parliament and therefore he is treated as any other ordinary member in respect of speaking time. For the purposes of that matter, he would, or should, have been allocated an hour, as every other member who is not a lead speaker or a leader of a party is allocated. I hope that resolves that concern.

CHILDREN IN CARE — BANKSIA HILL DETENTION CENTRE

Statement

HON ALISON XAMON (North Metropolitan) [6.22 pm]: I rise because I want to make some comments about the case that was reported last week and over the last few days of the 10-year-old child in the care of the Department of Communities who came before the Children's Court. I note that Child Protection had no placement options available for this child and appeared resigned to the court sending him to Banksia Hill Detention Centre. I do not know whether any other members have been to Banksia Hill Detention Centre; I have, most recently about six months ago. I can tell members that Banksia Hill Detention Centre is a maximum-security facility and should never, ever be considered an appropriate child protection placement option. I asked the Minister for Child Protection what had gone wrong, why the child was not in other accommodation or in secure care, and what supports were being provided to the child and his carers. I was pleased to read that the minister has sought a full briefing on this particular issue to find out what has happened with this child.

This case highlights some of the systemic issues around child protection, and in particular around the intersection between child protection and youth justice. Members have heard me talk about that during the last two years.

I understand from talking to workers in the system that finding emergency placements for the most complex and broken of our children is currently virtually impossible, particularly in regional and remote areas. Members, we are going to have to do better. We need more placement options and more foster carers. We need emergency carers and houses that young people in crisis can go to for short stays, until other placements can be found. We should not be forcing child protection workers into situations in which they simply have no other options for children in care. Likewise, we should have options for the Children's Court to consider when these children offend.

We know that there clearly are some very troubled children in our child protection system. Generally, someone does not go into out-of-home care without having suffered a pretty traumatic home life. Of course, many children who are at the intersection of child protection and youth justice already have a range of physical and mental health issues, including cognitive impairments such as foetal alcohol spectrum disorder. But when children are taken into care, we need to treat it as an opportunity to intervene and change the trajectory of their very young lives. We know that early intervention and therapeutic care work. I remind members that, in this case, we are talking about a child who is only 10 years old. Obviously, I do not know his particular circumstances, but I think we can probably reach the conclusion that he has been comprehensively failed and, I will say, failed by his own parents; they need to take some responsibility for this. But, unfortunately, he has now also been failed by the child protection system. It is absolutely the responsibility of the Department of Communities to ensure that that child is placed in a safe and therapeutic environment.

Youth justice legislation, both here and internationally, indicates that imprisonment of children should always be the absolute last resort. The data shows that it also is absolutely not a good option, and that kids who end up in youth justice are more likely than not to return time and again. Our adult prison populations are made up of significant numbers of care leavers. This is not the outcome we should be aiming for when we take children into care. I again remind members that the recent coroner's report gave us a clear picture about what else happens to these children when they are failed by the system; some of them die. Of course, prevention and diversion take time and money—there is no question about that—but they work, and in the long term they are much cheaper. I know the government recognises this. I welcome its work on bail options and the development of the Kimberley juvenile justice strategy, and I certainly welcome the work the Attorney General is doing with other jurisdictions on raising the age of criminal responsibility. But that also highlights the irony of the fact that we are looking, on one hand, at raising the age of criminal responsibility, while on the other hand, we have put a 10-year-old into Banksia Hill Detention Centre. We clearly have a very long way to go.

We need more accountability in this space. As I have said before, we need to act on the numerous recommendations for independent oversight of services for vulnerable children. It is, frankly, outrageous that we can consider imprisoning 10-year-olds in maximum-security custodial facilities, solely because there are no appropriate placements available. Other states have managed to get a handle on this; we are going to have to do the same.

AGRICULTURE — HON COLIN de GRUSSA'S COMMENTS

Statement

HON DARREN WEST (Agricultural — Parliamentary Secretary) [6.27 pm]: I would have left this for another occasion, but I felt the need to respond to Hon Colin de Grussa's reply to the budget speech. I do so because I think many of his comments will be picked up by rural media, and they need responding to, here and now. The honourable member spent pretty much his entire speech running down a negative agenda on the industry of agriculture. This has become a trend. I think we need to rename the National Party: we need to call it the "Negative Nelly Party", because everything it has to say is negative. Every media statement it puts out is running us down, running the regions down, and running the industry down, and I have had enough. There has never been a better time to be involved in agriculture. I need to refute a few of the things he said today.

Firstly, the member had a real crack at Minister MacTiernan's PRIMED initiative. It is an initiative aimed at getting young people engaged in agriculture. My son has just returned to the farm, and so have many of his mates. I am really noticing that our rural communities are getting more and more young local fellows back, playing in our footy teams and getting actively involved in agriculture because times are good and we are doing all right.

I want to read to the house an email I received recently from a gentleman called John Henchy. John is a bit of an icon in the agricultural sector. He has been heavily involved in the Farm Machinery and Industry Association of Western Australia. In his email, John said —

> Hi Darren,
>
> I attended the PRIMED initiative on Tuesday and was impressed with plans DPIRD and the Department of Education and Training have in raising the bar on Agribusiness career paths.
>
> What I really wanted to say, however, was how impressed I was with Minister MacTiernan's presentation in which she specifically mentioned our industry and the contribution we play in regional WA with employment (as you know sometimes our members are the biggest employers in town).

> Whoever briefed the Minister was spot so I would like to record our apperception for her mentioning us, we are a relatively small, but important, industry and in the context of what PRIMED is trying to achieve we are really battling to get noticed.
>
> I'm not sure how these things work but if you have the opportunity of thanking the Minster it would be much appreciated.

That is feedback we have received from a person who has been around the sector for a while. I have a lot of time for John, but I would not describe him as a traditional Labor voter. I think he is genuinely appreciative of the initiatives the government is taking in trying to promote agriculture in Western Australia and to get young people involved. I, too, applaud Minister Ellery and Minister MacTiernan for taking this initiative and trying to help out.

I would like to point out another thing to the member; I am sorry that he is away on urgent parliamentary business. For those in the know in the agricultural sector, generally speaking—not always, but as a general rule—WA Farmers Federation members are more often farmers who support the National Party, and Pastoralists and Graziers Association members are more the free marketeers and Liberals. That is generally how it works—but not to the letter.

Hon Martin Aldridge interjected.

Hon DARREN WEST: I do not belong to either organisation, member.

On 9 May 2019, following the state budget, the Western Australian Farmers Federation issued a media statement signed off by the CEO, Trevor Whittington, that stated —

> The State government has come through as per its pre-budget announcement, with a turnaround budget for the Department of Agriculture.
>
> For the first time in years, the Department of Primary Industries and Regional Development (DPIRD) has secure funding to end the annual budget cuts, which over the past decade have seen staff numbers effectively halved.

This is from the WA Farmers Federation —

> The $131 million of new funding over the next four years will lock in current staffing at 1580 Full Time Equivalents (FTEs), with around 1000 staffers working on Agriculture related issues. This will mean that the planned cuts in forward estimates which would have taken out another 100 staff will not go ahead.

Hon Martin Aldridge interjected.

Hon DARREN WEST: That is exactly what I am talking about. The Nationals WA cannot say anything positive about the industry, although we are rebuilding the department of agriculture and food. The media statement continues —

> It is not back to the days when the Department had 1500 staff, but at least they have put a floor in, and the Department and can start recruiting the next generation of graduates.
>
> Finally, we have gotten away from the short-term Royalties for Regions projects that while supported by the industry, offered no career path for developing graduates which were on a contractual basis.
>
> This government has spent its first two years finding its feet within the industry, as it merged the Department with Fisheries and Regional Development, but this budget is clearly a sign that this process is coming to an end, and they are up and running and taking our industry seriously.
>
> This is a credit to Minister … MacTiernan as it is the first time in 20 years we have seen a Minister stand up to Treasury and not just hold the line, but push back and demand the level of funding support needed to help the industry grow.
>
> You can not turn a $7 billion-dollar industry into a $10 billion-dollar industry with government not playing its part, as our turnover grows its right to see government reinvest some of our tax revenue.
>
> We have already had announcements this year of new funding support for biosecurity, dog fences, mobile phone black spots, Asian market trade support, and grains research and development.
>
> WAFarmers acknowledges the Minister's focus on these areas and the serious dollars she has put into them.
>
> Fees and charges have been kept at inflation, so no complaints there; except for country stand pipes which have seen huge rises in charges from $2.53 to $8.35 per megalitre.

We acknowledge that —

> $87.5 million for the Wheatbelt Secondary Freight Route which is a start to the billion dollars needed to upgrade the 4300 km of country roads.
>
> $24.1 million in ongoing funding for the 'WA Open for Business' program to promote export opportunities for regional businesses.

> $10 million to support more development in the Ord picks up on one of our calls to keep developing broadacre farming in the north of the state.
>
> $45 million for a new Employer Incentive Scheme and training delivery in regional WA is important to help address the … skills shortage and … WA employers with the costs of employing apprentices and trainees.
>
> WAFarmers Rhys Turton said, "credit is needed where credit is due, the Treasurer and Minister for Agriculture have delivered a good budget which will help set up agriculture for the next four years."

I do not know where members of the National Party get their negative information from, but that was from the Western Australian Farmers Federation. It could never be said that it is a pro-Labor organisation. It is a pro-farming organisation that acts on behalf of its membership of many farmers. I am a little bit over this negativity towards our sector. We have had an image problem for many years and we are working our best to turn that around to get investors back into agriculture and get young people back working in agriculture, because it is a fantastic industry. It is, pardon the pun, a growing industry. We want to see it grow even further. I applaud Minister MacTiernan and the McGowan government for the great work that it is doing in my industry.

EMERGENCY SERVICE ANNOUNCEMENTS — HEARING-IMPAIRED

Statement

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Environment) [6.36 pm]: I rise briefly to respond to an important issue that was raised last night in this chamber by Hon Simon O'Brien, who is away from the chamber on urgent parliamentary business. That issue was the importance of emergency services announcements being delivered in a way that is fully accessible to the whole community, including people who are deaf or hard of hearing, or have hearing impairments. I thank the honourable member for bringing his comments to the chamber, which has given me an opportunity to bring them to the attention of the Minister for Emergency Services. I wanted to convey to the house how importantly the Minister for Emergency Services takes public information alerts. It is fair to say that an emergency incident, whether it is a cyclone, a bushfire or storm, can be terrifying. It is particularly terrifying when a person has to make a decision at short notice to pack up their belongings and get out of the area. They can be extremely tough and stressful situations. In many respects, they can be the worst days of a person's life and many of them end in tragedy. It is really important that they are taken as seriously as they can be.

As both the Minister for Disability Services and the minister in this place who represents the Minister for Emergency Services, I want to comment on some of the comments made by the honourable member.

At the outset I want to convey, on behalf of the Minister for Emergency Services, his utmost respect for the Deafness Council of Western Australia and its president, Hon Barry MacKinnon. The council is a strong advocate for its members who are deaf or have hearing impairments. The minister takes this issue extremely seriously. Following initial advice from the Department of Fire and Emergency Services, he personally requested that the department explore the Deafness Council of Western Australia's suggestions on open captioning to complement the work of Auslan interpreters who have been used by DFES in emergency situations over the past little while.

I have been advised that each media outlet is responsible for and controls their own broadcasting of captioning. As each television channel broadcasts its own feed, each requires its own separate captioning capability. This would be subject to specific national commercial agreements between each channel and the provider of the captioning service. I understand that the ABC has its own live open captioning service for its television broadcast and it utilises that service when broadcasting media conferences live. However, because each television outlet decides whether to broadcast live media conferences, the policies differ. As the Minister for Disability Services, I give an undertaking to contact the various companies that broadcast in Western Australia to see how we might work together to ensure that there is open captioning for these types of emergency services events. The minister recognises that he and the Department of Fire and Emergency Services have a role to play in advocating to ensure that these services are as accessible as possible. I want to take the opportunity on his behalf to run through exactly what DFES is doing in this area.

DFES and Access Plus WA Deaf have been working in partnership before and during DFES major emergencies to ensure that broadcasts are as accessible as possible to the whole community. This includes accessing the latest information and what action to take in an emergency via the Emergency WA website or through the DFES Facebook page or its Twitter feed. Recently completed initiatives include: WA deaf society interpreters routinely appearing alongside DFES spokespeople during emergency press conferences; the production of videos specifically for hard-of-hearing people to explain what to do in an emergency, which have been promoted across each organisation's channels and are ready for broadcast during emergencies; DFES acquiring LiveU technology that gives it the capacity to broadcast live to YouTube or Facebook, and it is currently investigating using a live open captioning service to broadcast to YouTube and Facebook; DFES funding WA deaf society interpreters to attend interstate emergency public information training; regular information exchanges and updates; and the hosting of reciprocal education and awareness sessions by both organisations to promote shared understanding.

The state emergency public information coordinator, based within the Western Australia Police Force, has the overall responsibility for educating and raising awareness with media outlets on the need to ensure that broadcasts are as accessible as possible. I will undertake to bring this issue to the attention of the Minister for Police, too, to ensure that she can use her powers or have conversations with that agency to ensure that it is doing its bit to ensure that we have live open captioning of emergency events. DFES supports and will continue to support this process through its contribution to the guide "Emergencies in Western Australia: A Guide for the News Media". This publication encourages media outlets to reach a wider section of the community through the use of captions and television crawlers.

I want to convey on behalf of the Minister for Emergency Services that he takes very seriously the issues raised by the Deafness Council of Western Australia. I am further advised that the minister has requested DFES to meet with the Deafness Council Western Australia to offer its support and to discuss options on public information for community members who have a hearing impairment. Finally, the minister requested I make some final remarks about the importance of not relying on a single source of information in an emergency situation; it is simply not considered safe. People can access up-to-date information on incidents, alerts and warnings via a number of channels, including the Emergency WA website, emergency.wa.gov.au; ABC Radio; and DFES's social media channels, Twitter and Facebook. DFES encourages all community members to stay aware of their immediate surroundings and conditions in their area. It is imperative that if there is smoke and flames, people act immediately and do not wait to receive an official warning. I encourage everyone in this house to use every opportunity that they can to remind their community of the importance of this. The minister will be responding to the Deafness Council as a matter of priority. I thank Hon Simon O'Brien for bringing this matter to the attention of the house.

House adjourned at 6.43 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

HEALTH — INDUCED ABORTIONS

2106. Hon Nick Goiran to the parliamentary secretary representing the Deputy Premier; Minister for Health; Mental Health:

I refer to question on notice 1890 answered on 4 April 2019, and I ask:

(a) what were the five most common reasons for the 86 approvals provided by the Ministerial Panel for abortions at 20 weeks or later; and

(b) what were the five most common reasons for the 83 induced abortions at 20 weeks gestation or later?

Hon Alanna Clohesy replied:

I am advised:

(a) Approval of termination of pregnancy by the Ministerial Panel after 20 weeks of gestation is for severe maternal and/or fetal conditions. The cases approved are complex and often involve multiple organ defects in the fetus or a complex of both maternal and fetal issues. The decision to approve a termination weighs the overall situation for the mother and fetus and is rarely based on a single issue. The following list is compiled in terms of the most common reasons.

Primary maternal conditions

Primary fetal conditions

Neurological

Cardiac

Chromosomal

Complex other

(b) For the period January to December 2018, the five most common reasons for the 83 induced abortions at 20 weeks gestation or later were

(1) Fetal chromosomal anomalies

(2) Maternal conditions

(3) Fetal cardiac anomalies

(4) Fetal central nervous system anomalies

(5) Other rare fetal conditions

WOODSIDE — AIR EMISSIONS

2115. Hon Robin Chapple to the Minister assisting the Minister for State Development, Jobs and Trade:

I refer to the ASX announcement, dated 30 January 2004 by Woodside Petroleum Ltd entitled, "North West Shelf to Reduce Air Emissions" found here: https://robinchapple.com/sites/default/files/2004-01-30%20ASX%20 Woodside.pdf, and ask:

(a) were the oxides of nitrogen (NOx) emissions reduced from the North West Shelf Venture plant by 25 percent;

(b) if yes to (a), what were the NOx emissions prior to the work being undertaken and what were the NOx emissions after the work was carried out;

(c) what are the current NOx emissions;

(d) if no answer is provided for (c), why not;

(e) were the benzene, toluene and xylene (BTX) emissions reduced from the North West Shelf Venture plant by up to 75 percent;

(f) if yes to (e), what were the BTX emissions prior to the work being undertaken and what were the BTX emissions after the work was carried out;

(g) what are the current BTX emissions;

(h) if no answer is provided for (g), why not;

(i) were the results of the 12 month monitoring program, which concluded in late 2004 reported to regulatory authorities as stated;

(j) if yes to (i), to which regulatory authorities were the results of the monitoring program(s) provided;

(k) if yes to (i), will the Minister table the results of the 12 month monitoring program; and

(l) if no to (k), why not?

Hon Alannah MacTiernan replied:

Please refer to answer to question on notice 2114.

VIOLENCE RESTRAINING ORDERS — BEHAVIOUR CHANGE PROGRAMS

2117. Hon Alison Xamon to the Leader of the House representing the Attorney General:

I refer to my question on notice 1973 regarding 'Behaviour management orders', and I ask:

(a) why have no courts been prescribed;

(b) does the Government intend any courts to be prescribed;

(c) if yes to (b):

(i) which courts; and

(ii) when;

(d) if no to (b), why not;

(e) why have no behaviour change programs been approved under the Act;

(f) does the Government intend any programs to be approved under the Act;

(g) if yes to (f):

(i) which programs;

(ii) who provides these programs;

(iii) where are the programs located; and

(iv) when does the Government anticipate they will be approved; and

(h) if no to (f), why not?

Hon Sue Ellery replied:

(a) Part 1C of the *Restraining Orders Act 1997* (WA) came into force on 1 July 2017. No courts were prescribed under that Part by the previous Government.

(b) Possible changes to Part 1C are currently under consideration as part of the Government's proposed family violence reform bill and subject to consultation with key stakeholders.

(c)–(d) Refer to (b).

(e) Part 1C of the *Restraining Orders Act 1997* (WA) came into force on 1 July 2017. No behaviour change programs were approved under that Part by the previous Government.

(f)–(h) Refer to (b).

FORRESTFIELD–AIRPORT LINK — WORKSAFE INSPECTORS

2124. Hon Tjorn Sibma to the minister representing the Minister for Mines and Petroleum; Industrial Relations:

Regarding work safety notices issued by WorkSafe inspectors for the Forrestfield Airport Link project, for the years 2017, 2018 and 2019 (to date), I ask:

(a) how many verbal directions, improvement notices and prohibition notices have been issued; and

(b) how many provisional improvement notices were confirmed, modified or cancelled:

(i) with respect to (a) and (b) above, what were the specific details of each direction and/or notice issued;

(ii) when were they issued; and

(iii) what actions occurred to remediate those workplace hazards?

Hon Alannah MacTiernan replied:

(a) WorkSafe inspections and compliance monitoring activities at the Forrestfield–Airport Link project have been against the main contractor, Salini–Impreglio–NRW joint venture (Salini). Salini was awarded the contractual responsibility for the design, construction and maintenance of the Forrestfield–Airport Link site in April 2016. Notices are issued to employers with reference to the location of their registered business, not where their work is conducted.

Salini has been issued the following from WorkSafe:

2017: 17 verbal directions, 14 improvement notices and 1 prohibition notice.

2018: 19 verbal directions, 5 improvement notices and 1 prohibition notice.

2019 (YTD): Nil verbal direction, 1 improvement notice and 0 prohibition notices

(b) Nil for 2017, 2018 and 2019 (YTD).

(i)–(iii) [See tabled paper no 2781.]

FORRESTFIELD–AIRPORT LINK — SOIL CONTAMINATION

2127. Hon Dr Steve Thomas to the minister representing the Minister for Transport:

Has the Senior Policy Adviser to the Minister for Transport, Ms Olivia Crowley, had any contact with or discussions with Mr Greg Poland, Ms Corina Johnson or any other person on the potential disposal of the contaminated soil excavated from the Forrestfield Link project in the Peel region and, if so, when, and will the Minister table all communications?

Hon Stephen Dawson replied:

To the best of the recollection of the Senior Policy Adviser (SPA), the only person with whom she has communicated on the potential disposal of soil excavated from the Forrestfield–Airport Link project in the Peel region has been Mr Andrew Ward, CEO of the Peel Development Commission (PDC). That communication was as follows:

The SPA received a phone message on 12 September 2018 from the office receptionist that Mr Andrew Ward, CEP PDC had called. [See tabled paper no 2780.]

The SPA returned the call to Mr Ward shortly after and asked him to put the matter in an email to her.

This email has been tabled (7 May 2019) and is now attached again. [See tabled paper no 2780.]

_____