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(HANSARD)

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LEGISLATIVE COUNCIL

Wednesday, 15 March 2023

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

DISTINGUISHED VISITORS — MR MAREK WOZNIAK AND MR PAUL BITDORF

Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [1.01 pm]: Good afternoon, members. I would like to acknowledge the guests in my gallery today: Mr Marek Wozniak and the delegation from Poland, who are visiting Western Australia on a study tour regarding clean energy solutions; and Mr Paul Bitdorf, Honorary Consul of Poland in Western Australia. You are welcome to the Legislative Council.

Members: Hear, hear!

PAPERS TABLED

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

DAYLIGHT SAVING — ADOPTION

Motion

HON WILSON TUCKER (Mining and Pastoral) [1.04 pm]: I move —

That the Legislative Council —

(a) notes the recent trend towards flexible working arrangements that balance work with leisure and family time;

(b) acknowledges the challenges faced by local businesses due to the three-hour time difference with the eastern states during summer months; and

(c) recognises the economic, health and lifestyle benefits of adopting daylight saving in Western Australia.

Members, it is time to talk about the time. This chamber has been in darkness for far too long —

Several members interjected.

Hon WILSON TUCKER: There are plenty more zingers, members!

This chamber has been in the darkness on the topic of daylight saving for far too long. I am here to enlighten members on the history of daylight saving. From the outset, I will frame this debate by putting the if and how of daylight saving to one side; those points have been criticised and have been, dare I say it, controversial to a degree over the years. Today, I will not talk about what would happen if lightning were to strike the government and it decided to implement daylight saving or how a vote on daylight saving would occur. Rather, I will talk about the benefits of daylight saving.

Before I talk about the benefits of daylight saving, I will provide a brief history lesson on the issue of daylight saving in Western Australia. I ask members to cast their minds back to the very progressive year of 2006, when John Dozario, an Independent MLA, introduced a daylight saving bill.

Hon Dr Steve Thomas: It's D'Orazio.

Hon WILSON TUCKER: I thank the member for the correction.

In 2006, John D'Orazio introduced a private member's bill on the issue of daylight saving. The bill proposed to implement daylight saving through a vote in Parliament. Another bill on daylight saving was introduced in parallel, you could say, by Matt Birney, who was a Liberal backbencher at the time. Discussions were held behind the chair. John D'Orazio's bill lapsed; Matt Birney's bill was debated and passed. Its passage was supported by the Labor Party, which allowed its members a conscience vote and, subsequently, there was a three-year trial, which was followed by a referendum, a vote by the people of WA, on the topic of daylight saving. That bill achieved royal assent in November 2006. Before the 2009 referendum, a few other milestones on the topic of daylight saving occurred in this chamber. The Daylight Saving Amendment Bill 2007 was introduced by the then Leader of the National Party, Brendon Grylls, as a way to curb debate and not allow the public enough time to digest the topic of daylight saving. It was not successful. The Daylight Saving Amendment Bill (No. 2) was introduced by Matt Birney as a way to truncate the daylight saving period. The original bill proposed daylight saving from the last Sunday in October to the last Sunday in March. The community provided some fairly loud feedback about the dark early morning starts in March. Matt Birney's bill proposed to truncate the daylight saving period by removing the months of February and March from the trial, but it was not successful. A referendum was held in 2009. I do not need to remind members of the result of that referendum, but I will remind members that referenda in WA typically fall in the negative. I will

not go into that now. I am not here to labour the result of the referendum. The referendum was the referendum; the result was the result. The people spoke and I respect the will of the people. There have been four referendums on the topic of daylight saving in the history of Western Australia. I remind members that these referendums were narrowly defeated by margins of three to four per cent. Matt Birney framed that quite well when he said that it was a change-of-decision margin. There is a minuscule difference between for and against. We are not talking about landslide results, but WA has generally stayed on course with that position on the topic of daylight saving for the last 30 years.

They are very small percentages. A couple of things went wrong with the 2009 referendum. The opposition to March was strong. Certainly, there are groups of people who get up early in the morning and essentially do not like getting up in the dark. Matt Birney tried to listen to constituents and truncate that period, but there were people who were supportive of daylight saving but not supportive of getting up early in the dark in March.

The WA daylight saving trial period was also out of sync with the eastern states. The states that observe daylight saving start on the first Sunday in October and finish on the first Sunday in April, so WA loses the benefits of having a uniform time zone with the east coast in the summer months. That is a drawback and something that I do not think the authors of the original bill anticipated. In addition, the referendum was held at the end of a very long and hot summer. I spoke to Matt Birney about this and he was of the opinion that if the referendum had been held in the winter months, there would have been a very different result. I think everyone was a bit burnt out and had experienced a bit too much sun, and then had to basically talk about sun. Perceptions change, and the referendum yes vote was defeated by a margin of 54 per cent.

Again, the result is the result; let us put that to one side and talk about the benefits of daylight saving. Before I do that, I will give members a quick quote from Matt Birney back in 2006 on the topic of the referendums. At the time, the question was put to Matt Birney and the Parliament that the issue of daylight saving had come up quite often and Western Australia had held four referendums on it: why would we need another one? Matt Birney's response to that in the other place on 25 October 2006 was —

> The fact that three referenda have previously been held on this subject is certainly not an argument against holding another one. It is, in fact, an argument to do the opposite. We need to recognise that people's lifestyles change substantially over time and that we have a responsibility, and indeed an obligation, as elected members to continually test public opinion regarding issues such as this. In doing so, we can ensure that our policies actually reflect the modern-day lifestyle and not that of yesteryear.

I absolutely agree with what Matt Birney said back then. The comments he made in 2006 absolutely ring true in 2023. There were also arguments put forward by Labor Party members. I remind members that Labor actually supported the passage of the Daylight Saving Bill (No. 2) 2007 and allowed a conscience vote on the issue of daylight saving in 2006. It allowed a free vote for its members to express their opinions on the issue of daylight saving, and Labor members supported it. The benefits of daylight saving were recognised in 2006, and those benefits remain the same today, if not more potent.

Matt Birney made some further comments in the same speech back in 2006 on the benefits of daylight saving. He stated —

> Western Australia is so rich in natural assets and opportunities that it has the potential to market itself as Australia's premier lifestyle state. The rest of the country, and indeed the international community, is recognising very quickly that we have the very best beaches, the best major river system, the best climate, the best parks, the best tourism precincts and the best and most interesting country regions in the nation. Eastern staters and internationals are migrating here at a rapid rate of knots. We now have a once-in-a-generation opportunity to capitalise on that level of interest.
>
> Whilst daylight saving alone is not the silver bullet, it is a very necessary part of the overall strategy to paint WA as the lifestyle state, the state where living is an experience and not just a state of existence. Melbourne used to be known as the al fresco city. Perth could steal that title without any trouble at all, and daylight saving would ably aid that process.

He was highlighting the flow-on effects that could be realised in Western Australia by leaning into the lifestyle benefits that daylight saving could bring.

I turn now to the pro-business argument. Comments were made by John Dozario, who introduced the bill back in —

Hon Stephen Dawson: D'Orazio.

Hon WILSON TUCKER: D'Orazio; I thank the minister. He introduced the Daylight Saving Bill back in 2006, and the benefits he mentioned in his second reading speech on 25 October 2006 have exactly the same relevance today. He stated —

> When daylight saving is in place and a business opens in WA at nine o'clock in the morning, it is already lunchtime over east. The busiest time for retailers in major centres is between 11.00 am and two o'clock.

> Not only is that the busiest time, but also it is the lunch-hour period for staff. When they come back from lunch and that busy period is over at two o'clock, the businesses in the eastern states have closed and there is no-one left to answer queries. Therefore, there is a limited amount of time in which to do business with the eastern states. That is a bugbear for the retail industry. It is very difficult to do business with people from the eastern states during daylight saving hours. The majority of dispatches to Western Australia are sent from the eastern states.

Members, does that sound familiar? The case made by John D'Orazio back then certainly rings true today. The only difference is that the pandemic has fundamentally changed how we do business and how we work. We are moving towards more location-agnostic working environments in which time zones play a much more prominent role in how we do business and how we communicate. The benefits John D'Orazio was talking about back then are certainly compounded in 2023.

The reality is that WA is very much beholden to the east coast time zone. We saw that recently during the AFL grand final when it was held in Perth for, I believe, the first time. It started at a very early time of day to make sure that the east coast was aligned and east coast viewers were satisfied. We see that every day; we see it with the ASX and with businesses having to conform with bank trading hours. That is a reality that we deal with; we are very much beholden to the east coast. That is a fact that is not going to go away. One might say that it is just one hour, but it adds up. Daylight saving has been described as a "big-little" issue. It is big in the sense that it affects everyone in Western Australia, but it is small in the sense that it is only one hour. But it is a very crucial hour, and it could give time back to people in the afternoons for recreation. As we continue down the path of more businesses adopting more flexible working arrangements, the case for daylight saving will continue to build, year on year.

I have highlighted some of the economic and lifestyle benefits. In respect of health benefits, an article was published in 2009 titled *The power of policy to influence behaviour change: Daylight saving and its effect on physical activity*. It found that across the population of Western Australia there had been an increase in physical activity during the daylight saving trial in WA in 2006; more people were active during daylight saving. Some people changed their exercise timetable patterns, moving from the morning to the afternoon, but as a whole, we saw an increase in physical activity and obviously there were health benefits along with that.

Noting the time, I will skip over the other benefits. In a nutshell, health, lifestyle and economy are the three main benefits that we should take into consideration. I would like to take this opportunity to congratulate the Carpenter government of 2006, and the Labor Party, for its courage and conviction for supporting the issue, but also for allowing a conscience vote on the issue of daylight saving. Matt Birney summarised this really well. In 2006 he said —

> … I think that genuine debates that involve members having a free vote, only from time to time, are very rewarding and much better reflect the nature of our work as members of Parliament.

If we look back to 2006, 12 members in the thirty-ninth Parliament under the Carpenter government are still with us today in the forty-first Parliament. We are fortunate enough to have six of those original members in the upper house today. We have Hon Donna Faragher, Hon Kate Doust, Hon Peter Collier, Hon Dr Sally Talbot, Hon Sue Ellery and, last but not least, Hon Dr Steve Thomas. I did some digging through *Hansard* and found some contributions. As I mentioned, the Labor Party supported daylight saving in 2006. None of those benefits have changed, in fact they have compounded since then. Members were allowed a conscience vote and they expressed themselves in the chamber. We heard some fantastic contributions from members. From *Hansard*, Hon Kate Doust said —

> This decision came very easily. I have always been in favour of daylight saving.
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> …
>
> We should not hang everything on what has happened in the past. If we did that with every issue, we would never move forward, there would never be change and there would never be an opportunity to find out if things have changed in our community.
>
> …
>
> I am looking forward to it … We should bring it on.

Wise words, Hon Kate Doust. I know Hon Peter Collier's views on this have been very supportive and I think they remain to this day. He said —

> … it is a personal lifestyle issue. As members of this chamber we must consider that in the daylight saving debate …
>
> People feel very passionate about daylight saving. Unfortunately, it impacts upon relationships and friendships. I know that it has seriously tested my friendships.

I feel Hon Peter Collier's angst. Hon Dr Sally Talbot said —

> It always irks me to have to wear my sunglasses to drive to the pool or the gym at 5.30 am.
>
> …

> I have listened also to my lower house colleagues, as all conscientious Legislative Council members should do—at least on occasions!
>
> …
>
> This will not be a road to ruin … people will realise that the sky will not fall in.

I completely agree, Hon Dr Sally Talbot. Hon Donna Faragher said —

> … on a matter as sensitive as this, which creates unnecessary division and which inevitably affects each and every Western Australian, the people should have a say, sooner rather than later.

There are also comments from the then Premier and Deputy Premier in support of daylight saving. Alan Carpenter at the time said —

> "This is a lifestyle thing, it's also important for business," Mr Carpenter said.
>
> "I think business will appreciate the elimination of that three hour time difference, in bringing it back to two hours."

In a media statement from the then Deputy Premier, Eric Ripper, he said that he was confident that Western Australians would see the advantages of daylight saving. In his words —

> "I believe daylight saving will enhance our lifestyle and make WA an even more attractive place to live, work and invest," …

These are wise words, members.

In 2006, the Labor Party had the courage and conviction to allow for a conscience vote. It recognised the benefits and allowed its members to express their free will, listen to their constituents and have a debate in the chamber on the merits of daylight saving. I would humbly request that during this debate today we put the knives town, we talk about the benefits of daylight saving and we have a conscience vote. Let members think and feel. If their constituents are telling them that they do not want daylight saving, that is perfectly fine, but let us hear from members on the benefits of daylight saving. Let us hear members' viewpoints, let us hear from their constituents if they want to echo those, but let us talk about the benefits, not the if and how, on potentially why daylight saving would be beneficial for the people of Western Australia.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [1.24 pm]: We flipped for it, President, and I won. I would like to thank Hon Wilson Tucker for the motion before the house today. I note that I was one of the six members of Parliament who were in Parliament when my good friend Matt Birney, who is still my friend, moved his original motion, and that Hon Wilson Tucker did not use any of my quotes. I was a little disappointed, but that is okay, because I like to have both sides of the debate going forward. I have great sympathy with most of Hon Wilson Tucker's motion. President, if you read the motion that the member has moved, it states —

> That the Legislative Council —
>
> (a) notes the recent trend towards flexible working arrangements that balance work with leisure and family time;

I do not think anybody in the chamber would disagree with that. I think that is a pretty reasonable statement. The motion continues —

> (b) acknowledges the challenges faced by local businesses due to the three-hour time difference with the eastern states during summer months …

I do not think anybody could say that the challenges do not exist, because challenges certainly do exist. There is difficulty for those who are very time sensitive in business; I used to find that myself. There was a stage in my business, which I ran for 17 years, when ordering from the eastern states meant that daylight saving curtailed my capacity to purchase things. I do not think that that is necessarily unmanageable, and we simply had to be better organised when we established that the time difference was slightly greater. I think that argument can be taken too far though. Most industries can adapt to that, but some are more impacted. In the old days we talked particularly about those dealing with the stock exchange that operated on eastern states time. They had to adjust their time frames. I think the first two paragraphs of this motion have a lot of recommend them. The only part I have a problem with is paragraph (c) which states —

> (c) recognises the economic, health and lifestyle benefits of adopting daylight saving in Western Australia.

I gave some thought to perhaps move an amendment to the motion to strike out paragraph (c) and simply approve paragraphs (a) and (b), but I am trying to play those games with only the Labor Party and the government, rather than the crossbench. I resisted the urge to make changes to the motion before the house today.

I will say though, in relation to daylight saving, that I think the member is right. I will come back to Matt Birney in a moment. A little history is important to understand the benefits and pluses and minuses. From my research,

daylight saving was first tested in Canada in 1908 on a trial basis, but it actually took off around the world during World War I. Believe it or not, it was first introduced in Germany when it was trying to save energy. It thought that moving the clocks back an hour over summer would save energy for the war effort. Germany was quickly followed by Britain and France doing exactly the same thing. The problem is that although that was a very good thought, the reality is that it did not save any energy. One of the problems that goes forward is that the argument around energy saving does not exist.

A really good study took place in America, because not many places have introduced daylight saving as late or as measured as has America. I think it was in the state of Indiana; someone can correct me if they know the history better than me. It introduced it in about 2006. Indiana measured energy consumption in that state in both the year before, when there was no daylight saving, and in the year daylight saving was introduced and the year after that, in 2006 and 2007. It discovered that energy consumption in 2006 went up by only 10 or 15 per cent, but it went up because the clocks were moved back and it was hotter when people finished their day's work later in the day. Cooling costs caused total energy consumption to rise rather than decrease. The next year in 2007, it was much more neutral. I am not sure how hot Indiana gets, but Hon Wilson Tucker could probably tell me as he is more experienced in America. The change in the second year was basically energy neutral. The problem is that the argument that one might put forward, that this is an energy saving exercise, is not true. That has been generally proven around the world. That in itself is potentially not an argument to not have it, but it removes one of the positive arguments.

The argument around whether the extra hour of time difference is critical is also one that although I have some sympathy for those businesses, I think businesses can adapt. In my view, daylight saving really affects—I think the member quoted Matt Birney—people's lifestyles. The member basically said that people's lifestyles change. When we look deeply into daylight saving, we discover that it is effectively a lifestyle issue. Again, that is not a reason to say it should not exist. However, in my view, it is primarily a lifestyle issue.

Matt Birney was, and is, my friend. I was there for those early debates. I do not think some of the things that I said have changed significantly in the nearly 20 years since. The first concept is that there are winners and losers in almost every lifestyle change that is made. I am an advocate for deregulating trading hours.

Hon Dan Caddy interjected.

Hon Dr STEVE THOMAS: Much to the chagrin of the honourable member and his union, that is a lifestyle decision rather than an economic decision, and so is daylight saving. There is a group of people who can generally benefit from daylight saving. In my view, there is a group of people who will be negatively or adversely affected. Basically, when we make the choice, we are winners or losers.

I have lived through a couple of trials of daylight saving. I have seen it in action at various stages of my life. The most difficult stage was when I had young children. When Matt Birney introduced his bill in the lower house in 2006, my memory is that that was before he got married. It was certainly before he had children. He reflected the demographic that probably gets the greatest benefit out of daylight saving. Who gets the greatest benefit? It is people without wider than eight hours' general attachment or obligations and people, particularly younger people, who work at a 37.5-hour week or a 40-hour week. Those people who have a set start time and finish time can most easily shift an hour. That is not the complicated part. They basically gain an hour. They have to remember to try to go to bed an hour earlier. Some very good studies have shown that a section of the community, not everybody, actually experiences a degree of sleep deprivation. Some members of the community can adapt more easily to shifting that hour. Some members of the community struggle. Some young children and families can adapt to that shift in a reasonable way. I remember debating it at the time. People were saying, "We simply black out our windows so that the kids don't realise that there's still sunlight when they're supposed to be going to bed." People can manage that, but there is a group for whom that is very difficult. There is a group, particularly children, for whom daylight saving makes life more difficult. This is a lifestyle decision which is very much about some people getting a lifestyle benefit, but some, particularly that proportion of the group who have younger children or cannot shift their workload, are the losers in the argument.

My business was probably a prime example. This is stuff that I did use back in 2006. As a regional vet, I would normally start my workday when everybody got up—at six o'clock. The last check of the cattle and the horses happened when the sun went down, because that was the last opportunity to check. My workday went from six o'clock to when the sun went down. When the clock was moved back, an hour of work was simply added to my workday to do the same amount of work. It is the case that in terms of work, a group of people are negatively impacted. If people are not on set hours or they cannot easily manage to shift their hours, they are negatively impacted.

Again, there is a group for whom it is a positive and there is a group for whom it is a negative. That is why these referenda are always fiercely fought, highly emotional and tightly contested. I want to put away all the silly arguments that come out on occasions, because I think that we can do better than denigrate people who are opposed to it. Some foolish and derogatory things were said. It is absolutely true that regional people, in general, have been more opposed to it. From memory, during the trial and referenda a couple of years later, only the North Metropolitan Region voted in favour of a permanent application of daylight saving. I am relying on my memory, so someone might be

able to correct me if I am wrong. I definitely remember that the North Metropolitan Region voted in favour. Certainly, my electorate in the South West Region was quite opposed. Certainly the electorate of Hon Wilson Tucker in the north west was violently opposed.

Hon Kyle McGinn: Yes, I have got the figures on that one.

Hon Steve Martin interjected.

Hon Dr STEVE THOMAS: Yes. It was not all that popular in the Agricultural Region either. I am not sure about the East Metropolitan Region or the South Metropolitan Region, but I do not remember more than one region being in favour of it. It was probably representative of the demographic of each of those regions. The people who would advantage from it outnumbered the people who would be disadvantaged by it.

This has been a highly contentious debate. I accept that Hon Wilson Tucker was elected on this mandate. It is appropriate that we have these debates. I am never afraid of debating daylight saving. I will be incredibly interested to see how the members that Hon Wilson Tucker quoted as being very much in favour of it end up voting. The opposition has granted its members a free vote so they can express themselves as they see fit in this particular debate. My view is that it is not the most pressing matter that we have to address. I understand why Hon Wilson Tucker has moved his motion, but it is not a battle that I intend to take up. Over the next two years, I would rather not be involved in a battle over whether I support or oppose daylight saving. There are far too many more important things to battle.

The problem is that daylight saving just develops its own head of steam. It becomes a massive issue that overtakes the rest of the debate. We have all these things that this government is struggling with, despite its massive wealth. This government is struggling in a range of areas. That is the area that I would like to focus on over the next couple of years, rather than the debate on daylight saving. We are absolutely going to have the debate. If I thought it was appropriate, I would try to remove the third part of Hon Wilson Tucker's motion because part (a) and part (b) are inarguable, even if we might vary in how much we think businesses will be impacted, as set out in part (b). I personally cannot support the motion in its entirety. I suspect that a number of members of the opposition, particularly those who represent regional areas, will feel the same way. I suspect this motion will not get up. We can then move on and focus on keeping the government to account in a few other areas.

HON KYLE McGINN (Mining and Pastoral — Parliamentary Secretary) [1.38 pm]: I thank Hon Wilson Tucker for finally bringing this motion into the chamber to have a discussion on it. I am really looking forward to it. Funnily enough, I am going to focus pretty heavily on the first part of the motion. I do not genuinely agree with the statement in part (a) of the motion. Although I think the sentiment is great, I do not believe that there has been a trend of employers moving towards equal time and flexibility in rosters. I think the four and one roster and the two and one roster still exist. We need to take note that we have not got there yet. It is great that we are moving towards more flexible working arrangements that balance work with leisure and family time. Unfortunately, not all employers are doing that. There are some good situations. When Gruyere started up out in the goldfields, it went to a week-on week-off roster straight off the bat, which was excellent, and it filled up with workers very quickly. But up in the north, particularly in the iron ore industry, contractors who do not wear the company's T-shirt end up doing some absurd hours.

There is also an opportunity to look at shutdown crews. That has always been a big issue because shutdown work is periodic and only so much shutdown work is happening. It happens during one half of the year and then there is nothing during the other half. I have said in this chamber before that it would only take employers talking to each other to coordinate shutdowns, particularly in the north west. If the work were spread across the whole period and everyone's shutdowns were lined up, it would allow shutdown crews to potentially operate for 12 months.

Again, I have said in this chamber before that I am very proud of the goldfields for that because it is ahead of the game in that space. I talked with Kalgoorlie Consolidated Gold Mines when I first got into this chamber. I was from Karratha so I did not know too much about the working arrangements of workers in the goldfields, but speaking with KCGM I learnt that it was already sharing information on shutdowns to ensure that when the shutdown crews finish up operations at KCGM, they have a few weeks off and then go to work at BHP. Having that discussion meant that KCGM did not have a skills shortage because there were not enough shutdown workers at the time and shutdown workers had a little bit of security in their work. Whereas, friends of mine and constituents who live in Karratha do four weeks straight and then have a couple of days off before they have to do another four to six weeks straight because a shutdown is starting at another workplace. It is not fair to say that that is the only way that things can be done. Employers need to speak to each other around how they can make it work. If they did that, there would be far more flexible working arrangements that balance work with family and leisure time, which I think would also benefit productivity and people's general mental health at work.

We all know that mental health has been a massive issue in this state, Australia and across the world. I think that is only magnified when rosters are thrown in that are referred to—I will say it in this chamber—as suicide rosters. That is the six-and-one rosters and the four-and-one rosters. To clarify, that is six weeks on and one week off and then six weeks on and one week off. I have stuck to this view since coming in to this place in 2017: that type of roster

needs to be phased out. We need to be getting to eight-and-six rosters, which is eight days on and six days off, or seven and sevens. I come from the maritime industry, which was month on and month off. People would go, "Wow! A month of work is a long time." But the month off really did compensate because I was getting an equal amount of time with my family to what I had missed out on. With the two-and-one roster, people really do not get back one week every time they go to work, and that puts a strain on workers.

Part (a) of the motion that was brought to the chamber today is very well done, Hon Wilson Tucker. But I would not go as far to say that there is a recent trend in that space. I think absolutely some employers have taken it on board, and a lot of work is being done in the fly-in fly-out mental health space. There was an inquiry in 2015, I believe, and then a code of practice was released by the government that highlighted equal-time rosters were a better option for ensuring mental health in the FIFO industry. That being the case, a code of practice came out, which was meant to be where employers would get the standard for creating agreements, but they are still not doing it. It is not good enough to force a workforce into a position in which they do not have equal opportunities. Workers who wear a subcontractor's T-shirt get treated completely differently from workers who wear a BHP, Rio Tinto or Woodside T-shirt. That is not a fair workplace or a way to balance work with leisure and family time, in my view. I do not believe the trend is going in that direction or giving people that opportunity.

I will now look at the daylight saving part of the motion. As Hon Wilson Tucker knows, I have probably stirred him up a little bit trying to learn about daylight saving. Despite living in South Australia for a bit when I was younger, I did not understand the benefits of daylight saving. Since looking into daylight saving and talking with people in my electorate, I have a pretty clear response. Four losses at a referendum is four losses, Hon Wilson Tucker. We cannot wipe clean history and not look at the referendums, but that does not mean we should not have another one. In the last referendum, 13 952 people in Kalgoorlie said no and 4 391 said yes. In the Kimberley, 15 913 people said no and 2 766 said yes. In the Agricultural Region electorate in Geraldton, 21 432 people said no and 3 734 said yes. In the Pilbara, 11 122 people said no and 2 228 said yes. I am a Crows supporter and I know when I am beaten! That is a very clear message from the electorate that daylight saving is not something people are interested in. It is the electorate that we represent, member. The more the member has a crack at this issue, the more he may find that those figures will inflate, because what is relevant to the areas I have spoken about? It is the resources sector in which people work 12-hour shifts and there is FIFO, drive-in drive-out and residential employment. I could not care about the east coast getting upset about the time difference with us because the resources, the resource companies and the engine room of Australia is in Western Australia. If they want to deal with us, they can stay up a bit later!

I found it interesting that the member did not mention that Asia, for example, does not have daylight saving. Western Australia is in a very good time zone to work with Singapore and other Asian countries, which is a benefit to Western Australia over the eastern states. Hon Wilson Tucker focused solely on the positives of daylight saving to try to convince us to get back on board and maybe support another referendum. In my view, from what I have seen and heard, particularly from my constituents, it is pretty clear that the electorate voted in a member of the Daylight Saving Party but they do not support daylight saving. It would have been interesting to hear about Hon Wilson Tucker's experiences in the electorate pushing the daylight saving agenda, and to know whether he had a response or could turn 13 952 voters in the Kimberley across to voting for daylight saving. I think he will find that people, particularly in resource rich areas, will not be contemplating daylight saving, but I am interested to hear about daylight saving from other members and learn what I can. I went to the airport yesterday morning at 5.00 am and it was dark. I like that it was dark because I knew it was early and I am not normally out of bed at that time!

I commend Hon Wilson Tucker for bringing the motion to the chamber and giving us a bit of a lesson on the history of daylight saving. It is something I have been absolutely hungry to hear for the last two years. Thank you very much and I look forward to listening to other contributions of the chamber.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [1.48 pm]: It is my role this afternoon to respond on behalf of the government, noting of course that the parliamentary secretary has already given a contribution. I acknowledge the debate brought forward by Hon Wilson Tucker. It is interesting that it is happening a day after this chamber was advised that the Daylight Saving Party no longer exists and the member is no longer its leader. I think Hon Kyle McGinn made a good point that although Hon Wilson Tucker represents the Mining and Pastoral Region, as has been said in this place before, it was on the strength of, I think, 98 votes and a bit of preference whispering that got us to where we are. Having said that, the member makes a good contribution in this place and I am very thankful. I congratulate him on his work with the Parliamentary Friends of Technology and Innovation. He hosted an event here last night with Caitlin Collins, MLA. I acknowledge his contribution. Certainly, I have to say this afternoon that I and the government will not be supporting the member's motion.

It is important to look at the history of this issue in Western Australia. As has been mentioned previously, we have had four referenda on daylight saving in Western Australia. The first was on 8 March 1975. The second was on 7 April 1984. The third was on 4 April 1992, and the fourth was on 16 May 2009. Each time, the issue has been voted down. In 1975, 53 per cent said no. In 1984, 54 per cent said no. In 1992, 53 per cent again said no, and in 2009, 55 per cent said no.

I have to say that this is not an issue that is raised with me in our electorate, which is the electorate I share with Hon Wilson Tucker, Hon Neil Thomson, Hon Rosie Sahanna, Hon Kyle McGinn and—whom have I missed? My good friend Hon Peter Foster is behind me. Hon Peter Foster reminded me a few minutes ago that in summer in our part of the world it can be bright at about 5.30 am, as it is. That hour's difference would make it bright at 4.30 am. As a parent of a young child who rises earlier in summer at the moment, I dare say that extra hour would take its toll on parents.

The McGowan government respects the outcome of the four referenda that have taken place in Western Australia in the last 50 years, and it is not the government's intention to revisit the issue. It is certainly not its intention to again use taxpayer funds to fund a campaign on this issue. Our priority is to help invest in those areas that need investment. Our priorities are to help diversify our economy and ease the pressure on our health system, amongst other things.

I will touch on the 2009 referendum. To put it in context, the world has changed dramatically since that time. Obviously, we have been through the COVID-19 pandemic, during which people were able to work in a variety of places and around the world, doing their job wherever it needed to be done. In those days, in 2009, we were a society with fewer emails, videoconferences and communications technologies, but, of course, that has rapidly changed over that period of time. It does not matter what time of the day it is, quite frankly, I am sure we have all been contacted by constituents via email, and we have had videoconferences or Teams meetings. Granted, it is galling at times when we have to go to a ministerial council meeting that starts at 6.00 am as opposed to 9.00 am, but that is one of the things that we have to make do with.

As I said, the global COVID-19 pandemic showed us that businesses could connect across different time zones and distances. Hon Kyle McGinn, in his contribution, mentioned the importance of our location in relation to Asian countries. We are in the same time zone as China, Singapore, Malaysia, the Philippines and Taiwan. About 60 per cent of the world's population is in this time zone. I contend that our future is as a hub for those places and not, in fact, for Sydney, Melbourne or the east coast of Australia. If we are serious about diversifying our economy, it will be with a focus on those countries in Asia that are, at the moment, in our time zone. I think to move us away would just put an extra barrier in place. At this stage, we are ideally located where we are.

We have one of the strongest economies. We certainly have the strongest in Australia and one of the strongest in the world, and that has nothing to do with daylight saving. It is the result of responsible budget management and sustained effort to attract investment to our state. Our state economy continues to grow without daylight saving.

It is interesting to look back. The Western Australian Electoral Commission has some interesting information on its website about the results of previous referenda and the "yes" and "no" campaigns from the last referendum, in 2009. In his contribution, Hon Dr Steve Thomas spoke about the history of daylight saving. In fact, the "no" case in 2009 said —

> The idea of daylight saving was first conceived by Benjamin Franklin during his time as an American delegate in Paris in 1784, —

Hon Dr Steve Thomas: That is in dispute; it is a disputed attribution.

Hon STEPHEN DAWSON: Well, this is the "no" campaign from last time. He continued —

> in an essay, "An Economical Project." as a way to save on the expenditure of candles which were expensive and a staple in his day. Franklin intended it as a joke. It was first advocated seriously by London builder William Willett in 1907 in the pamphlet, "Waste of Daylight". This is not a new or even progressive idea. It was conceived in circumstances vastly different to what we experience today.

Whether we have daylight saving or not, there are 24 hours in our day. If the time was changed, our focus would change, but it is an undeniable fact that our kids would get up earlier if the sun is there an hour earlier. As I said, as a parent, I do not want that extra hour at this stage.

It is interesting to look back. Hon Kyle McGinn spoke about the electorate we share with Hon Wilson Tucker, and the figures are quite clear. Our electorate did not support it, and I do not think any regional electorate supported daylight saving the last time we had a referendum, which was in 2009.

I think Hon Dr Steve Thomas was correct: North Metropolitan Region was the only region at that stage that voted in favour of it. Many of the electorates that were close to the beach—regardless of being in the North Metropolitan Region or not—were the ones that more strongly favoured daylight saving. Electorates further from the beach were less likely to support it.

It is an issue that I have had an interest in for many years, and it is an interest that comes up from time to time. Obviously, the last time it came up was with the election of Hon Wilson Tucker. It is not an issue that is raised by the vast majority of people in the general community; they care about things like the cost of living and access to quality health care, good schooling and jobs. Those are the issues that the state government will remain focused on. With the greatest respect to the honourable member, we will not be supporting the motion today.

HON SOPHIA MOERMOND (South West) [1.56 pm]: I support the motion by Hon Wilson Tucker. I like how it relates to a work–life balance. Having worked for several companies that were based in the eastern states, I attended Zoom meetings in my pyjamas long before it was fashionable. The issues that were caused by the time differences in working with my colleagues and in getting orders through on time were quite frustrating, and they hampered efficiency. If we look at the work–life balance, we had meetings at 6.00 am or 7.00 am, which was 9.00 am in the eastern states, and we were still expected to do appointments until 5.00 pm. There was not necessarily any financial compensation for that, and this is still the case for many employees of companies based over east. Not everybody in WA works in the resources sector.

The other aspects relate to recreation. I grew up with daylight saving in the Netherlands and loved the balmy nights, when we would have dinner outside and go to the beach after work. I do not remember children finding it difficult to cope with daylight saving and going to bed while it was still daylight. I would love to see that here. I have not heard anything from anyone in my electorate, and they may well have very different opinions, so I realise that this is my opinion. I also acknowledge that the previous referendums were very clear noes—I get that—but I enjoy going to the beach after work. I feel safer when it is still daylight. I love watching the sun set over the ocean while I am having dinner on a restaurant balcony. I thank the honourable member very much for the motion.

HON MARTIN PRITCHARD (North Metropolitan) [1.59 pm]: I also celebrate the fact that Hon Wilson Tucker brought this motion forward, having been elected on that basis. I think it is appropriate and timely. But we are a representative government, and one thing I can say is that if this were a burning issue, it would have been a burning issue going into the last election and there would have been parties promising to introduce daylight saving or to hold a referendum on daylight saving and there might have been more people on the crossbench who were elected on the platform of daylight saving. Lots of things might have happened. If the government did not get in and introduce daylight saving or hold a referendum on daylight saving, the constituency could vote it out, but it is not a burning issue. I agree with previous speakers in saying that there are often winners and losers in this debate, and the referenda we had previously have demonstrated that there are more losers than winners, and so the majority of people voted against it, although it was close. This is a representative government. We cannot keep going back and having a referendum. I do not have a problem with referenda, but we cannot govern by referenda. As I said, you govern as a representative government.

I was listening to Hon Wilson Tucker's contribution very closely because I wanted to find out what the benefits of daylight saving were. Hon Wilson Tucker mentioned retail. I worked in retail for a long time before I came to this place, and I was struggling to work out how daylight saving impacts retail. Does it impact the person who works on the shop floor? Do they get impacted by the fact that the time in the eastern states is an hour's difference? No. It may impact retail in some respects with ordering, but most ordering is done electronically. If it is not picked up at night, it is picked up the following morning. Most companies deal with that. I was struggling to work out how daylight saving would positively impact retail. I can certainly see, through lived experience, how it can negatively impact on retail. Most people working in retail have family responsibilities, in the main, and getting up an hour earlier to get their children off to school an hour earlier would certainly negatively impact those families. I was trying to work out whether the member would talk about some other industries that I am sure do get impacted and have contact with the eastern states on a daily basis and for which that hour may make a difference, but, unfortunately, that was not raised. As I said, when the member raised retail, I felt that I needed to stand up.

The member mentioned lifestyle, as have others. To be perfectly honest, obviously, I exercise rarely! The most time I exercise is in summer when there is actually time in the morning to get up and go for a walk and go to the gym and do those sorts of things. Trying to move that exercise to the afternoon is difficult and also, given that my father died of complications from skin cancer, people do not want to be out in the sun walking and running when the sun is at its worst. Bringing the time forward tends to bring that time closer to the worst time of the day. Exercise and lifestyle in that regard, I think, is a 50–50 proposition, at the very best.

I will go back to companies for just a moment. I have seen many, many companies, including retail, that have the flexibility to start people earlier or later, but they never do that. My view is that if a company felt it was better to start people a little bit later so that they could have more communication with the eastern states, they would do that. I cannot see very many ways in which that would be opposed. I am finding myself still struggling to work out what benefits the member can demonstrate that would bring me on board. Unfortunately, I have to say that I will not support the motion.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [2.04 pm]: Very briefly on this motion, I will not bore the house with stories of faded curtains and confused cows that we sometimes hear about when we talk about daylight saving, because that is quite silly. I acknowledge Hon Wilson Tucker's motion and why he has brought it to the house. I also acknowledge his passion for actually believing in the benefits of daylight saving. To a certain extent, he is right. There are some benefits that have been adopted in other parts of the world and in the other states of Australia. Those of us who have lived in other parts of the world and in other states of Australia have seen that there are significant benefits to having daylight saving. For example, when I lived in Victoria, which is very far south, it is a short enough day. It is similar in Esperance. There is a shorter day and tacking on that extra hour makes it a bit late when the sun comes up in the morning, but the extra hour in the evening is a benefit, and there is some economic benefit.

But the argument against daylight saving in Western Australia is one of geography. I do not know whether anyone knows where Yellowdine is. Hon Kyle McGinn would know where it is. The significance of the point 33 kilometres east of Yellowdine from the Great Eastern Highway—members can imagine a north–south line running right through the state—is that it is our time meridian. That is where time is measured for Western Australia. That is the actual coordinated universal time meridian. The time at that place on earth is the time right across the state. Western Australians live relatively north, in Perth, and in most of the rest of the state, and a significant number of people also live west of that meridian line. In reality, in the Perth metropolitan area, we have somewhere between 15 and 20 minutes of daylight saving anyway by virtue of living west of that meridian line. That is one of the reasons that I believe people are opposed to daylight saving, because if we added another hour on to that, it would make it an hour and 15 or 20 minutes of daylight saving, which is too much. It would get dark too late. I know from the daylight saving trial period that the great criticism of daylight saving was trying to get kids to bed before school the next day when the sun was well and truly up. That is an issue that we faced, and that is why many people opposed it. The model might work well in other parts of the world and in the eastern states, which are predominantly east of their time zones, especially Sydney—although Melbourne is south of its time zone and Adelaide is about right on its time zone, but is quite south as well—but those advantages would not apply to us as they do to the other states. The honourable member might want to go away and think about a different model; for instance, reverse daylight saving in winter, which I think would have some benefits, or maybe even having only 30 minutes of daylight saving, which would give us 45 to 50 minutes of daylight saving. That would still make our time zone a bit closer to the eastern states. It would throw us out of whack with the greatest populated time zone in the world, which is the one we are currently in. There would maybe be more merit in that for the Western Australian people.

I think the arguments that the member made are sound, but I do not think that geographically it will work for us here with the model the member is proposing. I think that perhaps most people would be open to a different model, but the people have spoken pretty clearly about the model of one hour—the same as everybody else. A bit of creative thinking around this could be beneficial to the member's cause and his debate. I am not arguing that there are not some economic and health and lifestyle benefits, but I am arguing that one hour and 15 minutes for the Perth metropolitan area is too much and that the people have rejected that.

HON WILSON TUCKER (Mining and Pastoral) [2.08 pm] — in reply: I thank all members for their contributions. It is unfortunate that the government is opposed to the motion and would not allow a conscience vote on the issue of daylight saving, as it did back in 2006. It is also sad to see that the opposition will not support it either, but that is hardly surprising. At least it is true to its word in 2006, as it were, and continues in its opposition to daylight saving, at least at a party level.

Hon Dr Steve Thomas: We are consistent.

Hon WILSON TUCKER: It is consistent.

I will address members' individual comments. Hon Dr Steve Thomas, the Leader of the Opposition, spoke about energy saving. The jury is out, in a sense, on whether daylight saving gives us any energy savings. I have read reports that are for and against it. When we look at Western Australia, we see that we are a very solar state; we have a very high uptake of solar. If people are given more time in the afternoon, it means they get home earlier—when I say earlier, I mean they still have more sunlight—so they are coming home during a period of higher solar intensity. I have seen some evidence to suggest that there is a very slight energy saving under the daylight saving model.

Hon Dr Steve Thomas: But you also need more air conditioning when you get to the house; that's the problem.

Hon WILSON TUCKER: That is draw and demand, member. There is an asterisk. I do not want to mislead the house but I have seen some evidence to suggest that there is a slight energy saving under the daylight saving model, but that is not an argument I will die on a hill about. It is the lifestyle argument for daylight saving that is more compelling. Hon Stephen Dawson mentioned the four referendums. I alluded to the results previously. We have had four referendums. They all finished in the negative. It is a logical fallacy to suggest that just because four finished with negative results, a fifth would also finish with a negative result. I do not want to throw away those results. I think the people have spoken but it has been a long period since then. As I mentioned, there are comments from *Hansard* in 2006 that we as elected members have to do a litmus test occasionally. Just because we had a result back in 2009 does not mean we should not ever have another decision on this. It is expensive but democracy is expensive. I think it would be about $2 million to hold a referendum. If $2 million is put into the general equation of this government's surplus, I think it would be $2 million well spent. Again, I am not arguing to have another referendum now. I am arguing for a discussion on the benefits of daylight saving.

Hon Stephen Dawson also mentioned Asian countries and diversification. Diversification is fantastic. I think aligning ourselves with Asia is a step in the right direction. We want to encourage businesses to obviously do business with Asia but the reality is that more businesses communicate with the east coast. I do not think that reality is going to change anytime soon. It is certainly not the reality now and I do not think it is going to be the reality in the future. We are very much beholden to the east coast time zone. We are debating a difference of one hour but it does add up. As we have heard previously, when we talk about the Australian Securities Exchange, the

banking sector and our financial markets, one hour does make a big difference. The reality is that most businesses in Western Australia conduct business with the east coast of Australia as opposed to Asia. Both Stephens spoke about the larger issues in the economy and that they should be given more weight—they are. We have not had a debate on daylight saving in a very long time. There were the now infamous comments made by former Premier Colin Barnett after the referendum. The former Premier back then supported daylight saving but he commented that the issue is there for a generation and that it should not be touched for 20 years—and we have not. We have been in the darkness since then. We have not heard much of a debate on the issue of daylight saving since then. Certainly, there are a number of larger burning issues in the economy, but they are getting the attention and the focus that they deserve in and out of Parliament.

Division

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

Ayes (2)

Hon Sophia Moermond	Hon Wilson Tucker *(Teller)*

Noes (27)

Hon Martin Aldridge	Hon Sue Ellery	Hon Shelley Payne	Hon Dr Steve Thomas
Hon Klara Andric	Hon Donna Faragher	Hon Stephen Pratt	Hon Neil Thomson
Hon Dan Caddy	Hon Nick Goiran	Hon Martin Pritchard	Hon Dr Brian Walker
Hon Sandra Carr	Hon Lorna Harper	Hon Samantha Rowe	Hon Darren West
Hon Stephen Dawson	Hon Jackie Jarvis	Hon Rosie Sahanna	Hon Pierre Yang
Hon Colin de Grussa	Hon Steve Martin	Hon Matthew Swinbourn	Hon Peter Foster *(Teller)*
Hon Kate Doust	Hon Kyle McGinn	Hon Dr Sally Talbot	

Question thus negatived.

COMMITTEE REPORTS — CONSIDERATION

Committee

The Deputy Chair of Committees (Hon Steve Martin) in the chair.

Standing Committee on Environment and Public Affairs — Fifty-ninth Report — Overview of petitions 3 December 2021 to 30 June 2022

Resumed from 13 October 2022.

Motion

Hon PETER FOSTER: I move —

That the report be noted.

It is my privilege today to speak on the fifty-ninth report of the Standing Committee on Environment and Public Affairs. This is the first time we are considering the fifty-ninth report. It is the second report of the Standing Committee on Environment and Public Affairs for this term of Parliament. We previously dealt with the fifty-eighth report which, believe it or not, is on the notice paper following this report. For the information of members, there is another Standing Committee on Environment and Public Affairs report on the notice paper—the sixtieth report, which is about the Dog Act 1976—so there is a lot of Standing Committee on Environment and Public Affairs business to talk about in this place.

The fifty-ninth report is an overview of 15 petitions that the committee dealt with from 3 December 2021 to 30 June 2022. As is customary when we discuss and reflect on reports in the chamber, I would like to acknowledge the committee members, starting with Hon Tjorn Sibma, who I believe is away on urgent parliamentary business. He is my trusted deputy chair. I also acknowledge the other committee members, Hon Stephen Pratt, Hon Sophia Moermond and my colleague sitting next to me, Hon Shelley Payne. I also acknowledge the committee staff who are with us each week as we deliberate and who assisted us in putting together this report. I firstly acknowledge Stephen Brockway, our advisory officer, who has been a servant of the Parliament for some time. I really appreciate his knowledge and the experience that he brings to our meetings. I also acknowledge Kristina Crichton, our research officer, and Maddison Evans, our committee clerk. This is the second report that Kristina has worked on with the committee. She was also involved in the formulation of the committee's fifty-eighth report.

This report was tabled in the chamber last year on 13 October, so it has been sitting on the notice paper for some time. I hope that members have taken the time to pick it up off the shelf and have a read—I know I certainly have. The petitions we dealt with during this time relate to a wide range of subject matter, including social, health, environmental and planning outcomes. Perhaps some members in the chamber will reflect on those matters; I will be reflecting on one later in my contribution.

For those members who are not familiar with the committee, schedule 1 of the report sets out the functions of the committee. One of its roles is to inquire into and report on petitions and, of course, that is what it has done in the fifty-ninth report. All conforming petitions tabled in the Legislative Council by a member are referred to the committee for inquiry. For instance, yesterday three petitions were read into the chamber and they are on their way to the committee to be dealt with. Petitions can either be submitted in the written form or electronically. Certainly, when I started in this chamber in May 2021, we dealt with written petitions, but as time has gone on, the e-petition process has evolved. I note that yesterday, the Standing Committee on Procedure and Privileges tabled its sixty-ninth report, which we discussed briefly. The house resolved to extend the temporary orders, under which the e-petition system was established. The temporary orders have been extended to 31 October 2024, so petitions that were going to be put on hold at the end of March have been extended. The e-petition system will continue until 31 October 2024. As I discussed with my colleagues, I believe that, for the most part, the petitions that we deal with now are electronic petitions, which make it a lot easier for the community to become directly involved with Parliament. Standing out the front of a supermarket with a clipboard is not always the best way to collect signatures for a petition. Everyone has a computer and a smart phone so e-petitions are the way of the future. The PPC's report that we dealt with yesterday referred to a review of the system. I hope that as part of that review, the committee talks to not only members, but also the community about the success of the e-petition system. I personally feel that the e-petition system works well.

Hon Nick Goiran: Are you happy to take an interjection?

Hon PETER FOSTER: Sure.

Hon Nick Goiran: Just with regards to the report that the committee put together, for the future ones, I think it would be helpful to identify which ones were e-petitions and which ones were the hardcopy ones that you are referring to.

Hon PETER FOSTER: Absolutely. I will take that on board.

As part of the committee's investigations, we always write to the tabling member. I know that a number of members in the chamber have been tabling members. We also write to the principal petitioner—the lead signing person for a petition. The quicker we get information back, the quicker we can start our inquiry. If a member lodges a petition, the quicker the committee receives a reply from the member, the quicker we can start our work. Once we have received the responses, we start our inquiry. As it is contained in the report, as part of our inquiry we write to ministers, which is a great way for not only the tabling member but also the community to see exactly how the government is dealing with a particular issue. Depending on the response, the committee may call for an inquiry. Members may recall that recently we announced an inquiry into past forced adoptive policies and practices, which stemmed from a petition lodged in this place by Hon Lorna Harper.

As the committee chair, I am often asked by community members about the status of a petition: "Where is it at?" "What information is publicly available?" Rather than asking me, the best way to find information about a petition is to look at Parliament's website. All the documents are there; people can see the petition, how many signatures are on it, when it was tabled and whether a minister has provided a response. Indeed, any public information is listed on the website, so I urge people to jump on to see all that information.

As I said, the fifty-ninth report covers a number of petitions with recurring themes, one of which is the environment. I want to reflect on petition 30, which deals with the asbestos contamination in Wittenoom, eastern gorge and Yampire gorge. One of the reasons that I chose that petition is that, as members know, I have lived in Tom Price for quite a number of years. Tom Price is the closest town to Wittenoom. Prior to starting in this place, I was a councillor with the Shire of Ashburton, and I have come to know the history and story of Wittenoom quite intimately. The petition was lodged by Hon Dr Brad Pettitt, who is away on urgent parliamentary business, with the principal petitioner being Maitland Parker. I want to stop and talk about Maitland, who I have known for a very long time—practically the whole time that I have been living in the Pilbara. He is a Banjima elder. I have had many conversations with him over coffee at the shops about some of the concerns of the Banjima people. We have great conversations. I work with him on a number of issues. I want to acknowledge him because I think he is a top bloke. He is also unwell, but his health is good for the time being.

When I was with the Shire of Ashburton, we dealt with the legacy of Wittenoom. People were living there; others sought compensation for injury they suffered as a result of residing in the town. The Shire of Ashburton had to deal with numerous compensation claims. It would be remiss of me not to acknowledge that because the Shire of Ashburton continues to deal with the legacy of Wittenoom. The Asbestos Diseases Society of Australia has lodged a petition on the e-petition system that also deals with the legacy of Wittenoom. The issue of Wittenoom remains unresolved.

Noting that I have only 30 seconds left, I will wrap up my contribution. Please look at petition 30, which is about Wittenoom. The responses from ministers refer to some of the actions that are taking place and the work that has already happened. In particular, they refer to the Wittenoom Steering Committee, which continues to deal with the legacy of Wittenoom on behalf of the government in terms of cleaning it up. In closing, I acknowledge the hardworking committee members and commend the report to the chamber.

Hon KLARA ANDRIC: I, too, would like to make a contribution to the fifty-ninth report of the Standing Committee on Environment and Public Affairs. I believe this will be the first time I will make a contribution to the consideration of a report by this committee, and it is slightly different from my usual contributions to consideration of reports by the Joint Standing Committee on the Corruption and Crime Commission.

The Standing Committee on Environment and Public Affairs was appointed back in 2005, with its main purpose and function being to inquire into and report on public and private policy that affects, or may affect, the environment; any bills referred to it by the Legislative Council; and petitions. The petition process can be utilised by the public to express concerns, and it provides a fundamental link between Parliament and the wider Western Australian community. As noted in the report, the committee's consideration of petitions serves to enhance transparency and inform the Parliament and the public about current relevant issues of concern in our community.

Any petitions conforming to the Standing Committee on Environment and Public Affairs are referred to that committee for consideration. I was really pleased to hear Hon Peter Foster talking about e-petitions and how the trial process for e-petitions has been hugely successful. I agree; it will most likely be the way of the future for petitions. Although not all petitions will bring about changes in policy or meet the specific desires of the petitioners, the results of the committee's inquiries can prove effective in providing an explanation for various government decisions and actions.

It is worth noting paragraph 1.10 on page 4 of this report. It states —

> The Committee may decide to limit or conclude its consideration of a petition if: —

I will not include every dot point on the list, just some of the main ones —

- there are other ways to address the issues in the petition which have not been pursued
- the matter has been or is being dealt with by the relevant authority. For example, planning or environmental matters have established decision making and appeal processes over which the Committee has minimal influence
- the issues raised in the petition will be, or have already recently been considered and/or debated by the Legislative Council

  …

- the petition is the subject of a commercial dispute or legal action

As Hon Peter Foster mentioned, this report contains a total of 30 petitions, of which 15 were finalised during the reporting period, which was from December 2021 to June 2022. At the end of the reporting period there were still 15 petitions that remained ongoing. I will not go through them, but the list of those petitions can be found in the report on page 20.

I would like to take this opportunity to speak about one of the finalised reports. Petition 25 caught my attention; it concerns a development planned for the Gnarabup coastline. It was tabled on 18 August 2021 and obtained a total of 233 signatures. The petition expressed opposition to the development of a hotel, short-stay villas, apartments and permanent residential dwellings along the Gnarabup coastline near Margaret River. The issues raised in the petition included things such as the loss of vegetation and native flora and fauna; the development's impact on the ecology of the area; the fact that the development had not been assessed by the Environmental Protection Authority; and the presence of a significant Aboriginal heritage site on one of the affected lots.

Hon Peter Foster does a lot of writing to ministers, but the committee began this inquiry by writing to the Minister for State Development, Jobs and Trade; the Minister for Emergency Services; the Minister for Planning; and the Shire of Augusta–Margaret River, requesting responses to the petition. The committee was advised by the Minister for State Development, Jobs and Trade that the development application was still ongoing and was being scrutinised by the EPA, the Department of Planning, Lands and Heritage and the Water Corporation. It was also noted that there would be further opportunities for public input during the ongoing statutory processes. With this information, the committee finalised the petition.

Since this report was tabled I believe construction of this development in Margaret River has begun, which brings me to the point of the usefulness of such inquiries, even when the outcome may not necessarily be in favour of the petitioners. This petition was not the only avenue taken by opponents of the development to express their opposition. In an interesting and very bold strategy the lobby group, Preserve Gnarabup, attempted to buy some of the land on which the development is to be built—valued at more than $5.5 million—with the intention of the Shire of Augusta–Margaret River footing the bill. That was clever. However, the local council ended up voting against this proposition; from my recollection, it was defeated by a vote of four to three. Although the petitioners' goal in this case was not ultimately achieved, some of the issues raised since the petition was tabled have been addressed.

The inquiries made by the committee assured the petitioners that the EPA was actively involved in the project, and I think that is very important. This, I am sure, was also very reassuring for members of the community who were

concerned about the development. The inquiries also identified that the Aboriginal heritage site had undergone an inspection by a local Aboriginal elder, who provided counsel on the conservation of the site. I was pleased to read that, following advice from the Aboriginal elder, the developers have made a commitment to leave that particular area of land undisturbed. I think that is actually a very good outcome as a result of this petition.

I will wrap up my contribution today by talking about one of Australia's most famous petitions. When I was reading this report, I started to think about the history of petitions in Australia. I am not sure whether any other members are aware of this, but it did not take me very long to find out that Australia's most famous petition was the Yirrkala bark petition of 1963. The petition was collected from the Yolngu people of Arnhem Land, who opposed a bauxite mining lease being granted to a mining company on their land. That lease would have resulted in more than 36 000 hectares being removed from the Yolngu people's land for mining, without their permission or counsel.

I want to put on the record that, after some lobbying, two Labor politicians, Kim Beazley Sr and Gordon Bryant, travelled to Arnhem Land. They advised the Yolngu people to send petitions to Parliament. I think that is an incredible part of our history. Although the outcome was not in favour of stopping the mine, I can possibly talk more about it in my next contribution.

Hon STEPHEN PRATT: It is a pleasure to speak on this report *Overview of petitions 3 December 2021 to 30 June 2022*, being a member of the Standing Committee on Environment and Public Affairs. I thank the members who have made contributions so far: the chair of the committee, Hon Peter Foster; and Hon Klara Andric. It is worthwhile pointing out, and I have done this before, the important role the committee plays and the role that petitions play in the parliamentary process. As members can see from the list of finalised petitions in the contents page of the report, the range of topics covered is quite broad and is a snapshot of the time period the report covers: 3 December 2021 to 30 June 2022. They are some of the issues that our community wants to raise awareness of and bring our attention to. Obviously, the environment gets a large featuring role, maybe because the committee is called the Standing Committee on Environment and Public Affairs or maybe because protecting the natural amenity of our great state is one of the key things our community cares about. Other issues raised are transport, health, housing and planning. I want to touch on a couple of those as I go through the report.

We can see from the report that the committee is quite busy. In this short time, we concluded deliberations on 15 petitions, and at the back of the report we can see the 15 petitions on which deliberations were ongoing at the time of tabling. As can also be seen, members of all political persuasions in this place tabled petitions during that period. It shows that all of us in this place are carrying out and fulfilling our role of being a conduit between the Parliament and the people. The report summarises some of the work undertaken by the committee members, and largely by the committee staff. The hard work that the staff undertake was touched on by Hon Peter Foster. They often make us look very efficient! The report gives a summary of the work and the processes undertaken, such as writing to the relevant government agencies, key stakeholders and other authorities that will play a role in the different issues raised. Following those responses, we can either decide to conclude our deliberations on the petition or we can look into matters even further. This is important because it reflects the thorough process undertaken, ensures that all petitions that come before the committee are dealt with fairly and that further information is sought from relevant persons to get to the bottom of each issue raised. Now I have heard Hon Klara Andric's example of the Gnarabup coastline, it brings to mind an interesting example of a petition that came before the committee and was closed off on. Although the committee resolved to close deliberations on the petition, it shows that the process had the impact of raising awareness of the issue being presented to the community in Margaret River and led to further opportunities for it to be heard at a local government level. It sounds as if the final outcome was that a portion of land was protected.

One example I want to refer to is petition 42, which was tabled in this chamber by me, actually. We resolved to close our deliberations on it, but that followed a response from the appropriate minister on housing and the issues with social housing in the Karawara area. A number of concerns were raised in the petition, and the committee was eventually satisfied with the response from the minister that outlined the work that the minister's agencies were undertaking to increase security and combat some of the issues in that area. Despite another example of the committee resolving no longer to pursue the contents of the petition, we got a formal response. Whether the petitioner is content with that is another question, but it shows the importance of the process and the role that the committee can play, even if does not lead to a long inquiry or a finite conclusion.

Another example is petition 23, which was tabled by Hon Matthew Swinbourn, about the realignment of the south west freight line, which is on page 6 of the report. Again, we can see on page 6 a bit of a snapshot of the products process undertaken. The principal petitioner got an opportunity to write to the committee and outline some of the concerns in more detail, as did the tabling member. The committee then sought responses from the Minister for Transport; Planning. Following that, the committee was advised that community feedback on the issue had been sought and that recent committee consultation sessions had been held, an online survey was available on the project's website and newsletters had gone out to 900 property owners in that area. The results from all of the consultation would be taken into account as part of the ongoing process leading up to the decision. On that basis, the committee resolved to conclude its consideration of the petition.

There are a number of good examples in this report of the committee giving due diligence to each and every petition that came to the committee. Whether the final outcome is a recommendation to government or the committee is satisfied by the minister's response or that of the responsible agency, we can see there is real merit in members of the public engaging in the petitions process because it can lead to some impact and some resolution to the issue raised. Whether that is to the extent hoped for or to the satisfaction of the committee is probably one thing that we do not end up hearing back from the principal petitioners on, but I guess if there were further concerns, we would be hearing from them.

In closing, Hon Peter Foster spoke on petition 30 and his experience in Wittenoom. The petition was tabled by Hon Dr Brad Pettitt. It is another example of the process that the committee goes through, and the thoroughness that the staff goes to to investigate all the issues that are raised before the committee.

Today, I want to touch on another petition that came before the committee, which was on the sad case of the murder of Stacey Thorne. We made a number of representations to the responsible bodies but the committee eventually resolved not to take things any further because an inquiry into those types of issues was happening at a commonwealth level. We decided not to pursue it any further, but it was a challenging and emotional case to be brought before the committee.

As the chair, Hon Peter Foster, mentioned, a petition has come before the committee and we will conduct an inquiry. I am sure it will take up a lot of the focus of the committee in the coming months. With that, I conclude my comments.

Hon PIERRE YANG: Thank you, Deputy Chair, for the opportunity to make a contribution on this fifty-ninth report of the Standing Committee on Environment and Public Affairs, *Overview of petitions 3 December 2021 to 30 June 2022*. I, too, echo the words of Hon Stephen Pratt and thank the members of this committee for all the important work they do on the petitions that come to this Parliament. Members can now present petitions in not only a physical form, but also an electronic form. During my time in this place, I have presented a number of petitions. In the fortieth Parliament, petitions would be presented in paper form having been signed by people. Sometimes petitions would contain numerous pages and at other times just a few and members would present and table them at the beginning of each parliamentary sitting day. Yesterday we voted on extending the temporary order for e-petitions to allow this new mechanism to continue to facilitate the important function of petitions within our democracy. I want to thank Hon Klara Andric for the history lesson. I want to go back in history a little as well and talk about petitions. The Parliament's website states —

> **What is a petition?**
>
> Petitions are a tool that allow the community to bring their concerns directly to Parliament.

The Legislative Assembly's page on petitions goes a little further to say —

> Petitions allow citizens to request the Parliament to redress any personal, local or state-wide grievance they may have. Petitioners might ask for changes to a law or to have an administrative decision reconsidered. Petitions can also request the redress of a personal grievance, for example, the correction of an administrative error. They cannot, however, request the grant of public money direct to the petitioner or another individual.

On the same Legislative Assembly webpage it states —

> While the right to petition the Crown and Parliament dates back to Edward I, it was not until the last year of Richard II that Petitions were addressed to the House of Commons itself. The inherent right of citizens to petition the Parliament was confirmed by resolution of the House of Commons in 1669. This same right has been adopted by the Western Australian Parliament as part of our Westminster system of Parliament.

I have talked about my time as a councillor for the City of Gosnells from 2013 to 2017. During this time, I also presented a number of petitions from its local residents. I remember one occasion very vividly when the Perth Airport had proposed to change the flight path and local residents from the City of Gosnells had organised a public meeting. Most of the people who attended the meeting agreed to get their local government to do something about it. As one of the councillors who attended that public meeting, I was asked to present a petition on their behalf. A few weeks later, I presented a petition at the City of Gosnells council meeting. Petitions are an important function of our democracy that allow people to have an avenue or a method by which they can voice their views.

I want to refer to two petitions in particular in the fifty-ninth report. Petition 36 on mandatory vaccinations was presented by Hon James Hayward on 18 November 2021 and petition 37 was tabled by Hon Sophia Moermond on 30 November 2021. On petition 36 the report states —

> The petition called for the Legislative Council to support the petitioners' opposition to the Premier's proposals to 'force mandatory vaccinations' against the Covid-19 coronavirus, which it was said would threaten livelihoods and cause grievous anxiety and fears. Moreover, the petition raised doubts about the viability of a 'foreign experimental vaccine', and further opposed the proposal to punish businesses that did not enforce the vaccination mandate.

On petition 37 the report states —

> This petition called for the Legislative Council to recommend the repeal of the state of emergency declared under the Public Health Act 2016 …
>
> - Since 2020, Australia's mortality rate from the Covid-19 coronavirus had reduced.
> - Deaths were lower than pre-pandemic seasonal influenza deaths.
> - The World Health Organisation had advised that most people recovered with no treatment.
> - The vaccine does not work, but was a serious threat to health, killing at least 634 Australians.

I strongly disagree with what those two petitions called for, but we live in a democracy. I may not agree with what those petitioners are saying, but I respect their right to voice an opinion. It is important in a democracy that people have the right to voice their views even if they do not agree with others' views. It does not help to ridicule anyone for holding a different view. Nonetheless, it is very different when people use violence or the threat of violence to accompany and support their views. It was reported in the news that this had happened when the Premier and his family were subjected to disgusting threats and harassment during the pandemic. It is important that we uphold democratic rights but, at the same time, we need to ensure that it is exercised and voiced peacefully and without the threat of violence. I look forward to another opportunity to continue my contribution on this report.

Hon SOPHIA MOERMOND: I find the Standing Committee on Environment and Public Affairs a most interesting one to work on, especially as it has provided me with a great way to learn about various issues that affect people locally and statewide. I have also learnt a lot from the other members about what petitions can achieve and how committees are run. I very much value the insights that Hon Tjorn Sibma has offered. The opportunity to take a deep dive into very specific subjects like dog attacks and prescribed burning was both very enlightening and very interesting.

I am very pleased that the e-petition function will be in place until the end of 2024 as this format allows people to engage at a statewide level. It is a fairly easy process to start, reducing barriers for engagement for the general public. I thank the chair for running the committee as well as he does. Thank you.

Hon NICK GOIRAN: I rise as we consider the fifty-ninth report of the Standing Committee on Environment and Public Affairs. In particular, I would like to spend some time considering petition 33 tabled by me on 14 October 2021. At the time, the e-petition process had not begun. As I understand it, a trial began in early 2022 and, as members have recently noted, that has now been extended for good reason until the end of next year. This particular petition tabled by me on 14 October 2021 had 2 262 physical signatures, I suppose we could say. The petition was finalised by the committee on 18 May 2022. Hon Stephen Pratt, in setting out the process the committee embarks upon, including going to the relevant ministers and seeking a response and so forth, made the observation that the committee does not get to hear back from the principal petitioners about whether they are satisfied with the outcome of a particular matter. I indicate that with regard to petition 33 there was no satisfaction with the outcome. Those members who are familiar with this petition will be aware that the grievance of more than 2 000 Western Australians was that the Attorney General is in possession of a recommendation from the State Coroner of Western Australia but we do not know what that recommendation is. There are 2 262 Western Australians who pleaded with the committee to have that recommendation released.

I acknowledge that the committee might hold the view that it cannot compel the Attorney General to provide this recommendation from the Coroner's Court. I am going to leave that for another day, but I suggest to the committee that there was at the very least one option available to it; that is, for committee members to view the recommendation and then form a conclusion about whether it was appropriate that it was kept secret. In fairness to the Attorney General, let us keep in mind that he did reply to the 2 262 petitioners in the form of a letter sent to Hon Peter Foster, the hardworking chair of the standing committee. It was in response to a submission I put forward on 15 November 2021.

Regrettably, I have less than seven minutes to explain a matter that has a 12-year history. The genesis of the matter raised in the petition was a question asked by Hon Ed Dermer, a former Labor member of the Legislative Council. He asked a question about Western Australian babies who survive an abortion procedure and are born alive and then left to die, as *Hansard* will reflect because I have spoken about this previously. Ed Dermer and I had a conversation when he retired. He was concerned and thought it was important that someone pick up this matter, and I undertook to do so. I have been pursuing it ever since.

There are many, many episodes in this longstanding saga. I know that the A word is very divisive across the political divide. That is not what the petition is about. The petition is about a cohort of babies who were born alive prematurely and left to die. I would like to think that, if not all, the vast majority of Western Australians would continue to be horrified that in the twenty-first century we have a situation in which Western Australian babies are left to die. By way of some explanation of how prevalent this is, members may or may not be aware that at the start of each parliamentary calendar year I ask whoever is the Minister for Health at the time—it does not matter whether it is Hames, Day, Cook or Sanderson—a series of routine questions. Last year, I asked the Leader of the House who was representing the Minister for Health one of these questions on notice. I asked: what is the total number of these cases?

The total number of cases was 31. In other words, 31 Western Australian babies were born alive and left to die. Of course, those numbers have been gradually increasing since Hon Ed Dermer first asked this question 12 years ago and uncovered that the number of cases was 14. The number of cases has increased from 14 to 31 from 2011 to 2022.

As I said, there is limited time to have this important discussion this afternoon, but I will make this observation. During the course of the various episodes of this matter, a coroner's amendment bill came before the house. At the time, Hon Sue Ellery represented, if I recall correctly, the Attorney General. Obviously, this was during the previous Parliament. Committee of the Whole House provided a useful opportunity to ask questions as the Leader of the House was being advised by the then principal registrar of the Coroner's Court. During Committee of the Whole House it was confirmed that these deaths—that is, the deaths of Western Australian babies who survive an abortion and then die—are what is referred to as reportable deaths. It was confirmed at that time that they are reportable deaths. It was also confirmed at that time that those deaths had not been reported. The very next day, I reported the matter to the State Coroner. That led to the recommendation at the heart of this particular petition. After repeated requests from me to the Coroner's Court for an update on the inquiry into the 26 or 27 Western Australian babies who were born alive and left to die, which I reported to the coroner in accordance with the advice provided by the government during the Committee of the Whole House process, the update I eventually received was, "I have made a recommendation to the Attorney General." As members would expect, I then pursued the Attorney General for this recommendation to be made available. His response consistently was that he was not in a position to do that. He indicated, potentially through the hardworking parliamentary secretary who now represents the Attorney General, that this was a matter that was going to be subject to consideration between him and the health minister and was ultimately a matter for cabinet.

The point is that the Standing Committee on Environment and Public Affairs is as powerful as any other committee and when the Mr Attorney General writes back to it saying, "Look, I am not going to release this at this time because of these reasons", it can call for the document and view it in closed session. The five committee members can determine whether they think what the Attorney General has said is fair and reasonable. Again, even after that, they might take a very conservative approach and say that they will not release the document, despite the fact that the committee now has it in its possession, and that they will make some kind of finding, a little bit like we see when the Auditor General from time to time draws a conclusion whether something is reasonable or not with respect to section 82 notices. That was something that could have been done by the committee, but it was not done; I think that is regrettable. Nevertheless, I want to get it on the record that I thank the committee for taking up petition 33 on behalf of more than 2 000 Western Australians. I use this limited 10-minute opportunity to give an example of the useful point made by Hon Stephen Pratt: we do not necessarily get to hear whether people are satisfied with the outcome, but I think this is an example of when people could see that perhaps the process could be improved. I thank the committee for the work it has done.

Hon SHELLEY PAYNE: It gives me great pleasure to stand and talk about the fifty-ninth report of the Standing Committee on Environment and Public Affairs, *Overview of petitions 3 December 2021 to 30 June 2022*. As the report title says, it is pretty much an overview of the petitions from the first half of last year, from 3 December 2021 to 30 June 2022. I would like to thank my colleagues on the committee: Hon Peter Foster, who does a great job as chair; Hon Sophia Moermond, who has just left the chamber on urgent parliamentary business; Hon Stephen Pratt, who made a contribution earlier; and Hon Tjorn Sibma.

I would also like to acknowledge the staff who are working on this committee and supporting us. It was only today that I thanked the staff. I said to them that this is the second meeting in a row in which they listened to what we said and came back to us at the next meeting with information and actions that we talked about in the previous meeting. I thank Stephen Brockway, Kristina Crichton and Maddison Evans for their hard work on this committee.

When I was first elected, I was pleased to get appointed to this committee because I had an interest in knowing what issues out there were driving people to bring forward petitions. It has given me a really interesting insight into the kinds of issues that irk people. I think we have a great system here. The petition does not just disappear; it actually gets tabled, and a committee will look at it, write to the various ministers, seek to raise the issues and get a response for the petitioners. In some cases, the committee gets really good outcomes. We have a really good system here compared with other Parliaments' systems.

During this period, we finalised 15 petitions, and 15 petitions were still ongoing. I want to talk about one of the first petitions that we received during the period of this report, the petition about the Caravan Parks and Camping Grounds Regulations. We are all aware of the issues we are having right now with housing across the state, and this petition was really about tiny homes, which people are getting more interested in now that we have a lack of housing. People were concerned about the Caravan Parks and Camping Grounds Regulations and did not want mobile dwellings or tiny houses to be defined as "camping". They requested that tiny houses be excluded from the three-night camping limit on private property. They also submitted that the regulations should be modified to better reflect the standards, technology and features found in self-contained habitable vehicles and trailers, and they said that the three-night limit was inappropriate, given Western Australia's housing shortage.

As the report notes, we wrote to the Minister for Housing, who noted that a caravan can be used for up to three nights on private land but that the length of stay can be extended to three months with local government approval. By approval from the Minister for Local Government, the length of stay can be approved for up to one year or longer.

We wrote to a number of local governments requesting information about their viewpoints, including the City of Wanneroo, the Shire of Broome, the City of Kalgoorlie–Boulder, the City of Albany, the City of Greater Geraldton, the City of Armadale, the City of Busselton and the Shire of Augusta–Margaret River. Their view was that they receive very low numbers of applications for camping on private property for more than three nights.

One thing I wanted to talk about was the Shire of Esperance, which is leading the way in Australia. It has recently passed a policy on tiny homes to help with the housing shortage. The shire states —

> With the aim to provide alternative accommodation options, the Shire of Esperance unexpectedly finds itself leading the way in approving tiny houses.

It has recently passed this policy —

> Seen as an affordable and sustainable way to live, the popularity of tiny houses is on the rise. In a way to support the development of these dwellings, Shire of Esperance Councillors have adopted the Local Planning Policy—Tiny Houses.

I want to do a shout-out to the councillors at the Shire of Esperance. They do an awesome job—whether it is looking after their community or whatever it is—and the council is really driving what is happening down there. I thank all the hardworking councillors for adopting this kind of policy, which is the first in Australia.

The shire had to research other local government policies and found that none were there, so it worked with the Australian Tiny House Association to get a draft policy. It then did a few tweaks, which made it really work well for the Esperance region, and it did some consultation to get feedback and suggestions from stakeholders in the community to form the final policy. It defined the tiny houses as being dwellings of no more than 50 square metres, built on a wheeled trailer base, constructed of domestic-grade materials and finishes, and permanently occupied. Tiny homes cannot be moved under their own power, and are designed and built to look like conventional dwellings. What does this mean? It means more housing choices in the Shire of Esperance, and people will be able to live in and then sell their tiny houses as permanent dwellings. The process to have a tiny house established is limited to planning approval, making the process quicker and simpler, so people do not have to do building and planning applications; it is just a short planning approval process. Well done to the Shire of Esperance for the local planning policy it has recently adopted.

Earlier this afternoon, Hon Klara Andric talked about the e-petitions system, which I also want to comment on. I think it is working really well for the public. On 23 February, the sixty-ninth report was tabled by the Standing Committee on Procedure and Privileges, *Preliminary review of e-petitions*. Yesterday, we continued the remarks from Hon Martin Aldridge, who moved that recommendation 1 of the report be agreed. Recommendation 1 is for the e-petitions temporary order to be extended until 30 October 2024. The question was put and passed, and I am very pleased that the e-petition system will be extended.

As of 17 February this year, we had 32 e-petitions. Of those, 25 e-petitions, containing over 92 000 signatures, have been presented to the Legislative Council. Corresponding to that, there have been fewer contemporary petitions—18, with only 22 830 signatures. This shows that the great thing about e-petitions is that people do not have to go to their local shops; they can be at the other end of the state and still be able to connect with a petition that has some meaning to them or that they want to be involved in. This shows that it has been a really positive thing for us to implement.

The report mentions how there was a pretty big learning curve technically to get e-petitions working when they were set up. I want to thank all the staff of the Legislative Council for their work in setting up and trialling the e-petitions system, the webpage and the portal. I thank all the staff who were involved in that.

As my colleagues Hon Peter Foster and Hon Stephen Pratt said, a range of petitions came in over the course of the first six months of last year, and it has been quite interesting to go through them and help people with their issues.

Consideration of report postponed, pursuant to standing orders.

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

LEGAL DEPOSIT AMENDMENT BILL 2023

Introduction and First Reading

Bill introduced, on motion by **Hon Samantha Rowe (Parliamentary Secretary)**, and read a first time.

Second Reading

HON SAMANTHA ROWE (East Metropolitan — Parliamentary Secretary) [3.20 pm]: I move —

> That the bill be now read a second time.

This government is committed to Western Australia's documentary history being collected, cared for and made accessible for future generations. The State Library of Western Australia is a keeping place for a vast collection of artworks, diaries, film, maps, music, oral histories, photographs, archives, newspapers and the ephemera of everyday life. These collections are part of who we are. They help us interpret and tell our collective and individual stories.

Legal deposit is a legal right for a collecting institution to receive all published material in a jurisdiction. The Library Board of Western Australia, through the State Library of Western Australia, administers the Legal Deposit Act 2012, while regulations to the act give the framework for the collection of these materials by the State Library. When the Legal Deposit Act 2012 was enacted, an online portal for the deposit of internet publications had not yet been envisioned. National edeposit, which was launched in 2019, is a collaboration by member libraries of the National and State Libraries Australasia. The State Library is a member library. This world-leading approach to digital collecting enables publishers to meet their national, state or territory legal deposit obligations by depositing a single copy of a digital publication into an online portal. By doing so, the nation's published digital documentary heritage is collected, preserved and made accessible to current and future generations. Without NED, the State Library would not have the infrastructure, capacity or resources to collect online publications.

Although many Western Australian publishers are voluntarily depositing digital publications using NED, it is proposed to make regulations that will require publishers to do so. Before these regulations can be made, however, section 12 of the Legal Deposit Act 2012 requires repeal. This will enable the State Library to use NED to collect, preserve and make available online publications. In turn, this will have the benefit of minimising compliance costs and effort required by publishers to satisfy their legal deposit obligations and maximise efficiency and cost effectiveness for the State Library.

Pursuant to Standing Order 126(1), I advise that this is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party, nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the Commonwealth.

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

[See paper 2085.]

Debate adjourned, pursuant to standing orders.

DIRECTORS' LIABILITY REFORM BILL 2022

Report

Report of committee adopted.

ANIMAL WELFARE AND TRESPASS LEGISLATION AMENDMENT BILL 2021

Committee

Resumed from 23 February. The Deputy Chair of Committees (Hon Dr Brian Walker) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

Clause 8: Section 38 amended —

Hon STEVE MARTIN: The good thing about having a break between consideration of the clauses is that we get to carefully scan *Hansard* for what was said the last time. I draw the parliamentary secretary's attention to some of his remarks, if he does not mind, without spending too much time going over old ground. Before we ran out of time several weeks ago, the parliamentary secretary and I were having a discussion about the roles of the Department of Primary Industries and Regional Development inspectors. I made some remarks and the parliamentary secretary made some remarks. At the end of that debate, the parliamentary secretary said —

> … it strikes me that he —

That is me —

> has no regard for the professionalism of DPIRD inspectors. He is casting a slur against them and their potential professionalism. Tell me I am wrong, member, but that is what I heard you say.

It would be remiss of me not to take the opportunity to explain why I think the parliamentary secretary was wrong. What I was doing in consideration of clause 8 was outlining what the bill will allow inspectors to do. Effectively, the parliamentary secretary reassured me that they would not use this bill to the extent that they could because they have vast experience and they will be trained and will do the right thing. I did not disagree with that. I certainly was not calling into debate the professional abilities and standards of the inspectors.

However, when I first arrived in this place, we saw an example of a power being given to people and whether we expected them to use every bit of that power. That was around the SafeWA bill. We were assured over and again that it was for health purposes only. The police read the bill and discovered that it gave them the ability to do all sorts of things, and it should not have surprised us that the police used those powers. The point I was attempting to make,

perhaps not as well as I could have, is that the powers that these inspectors will have are significant and that we would be naive to think that they would not use the powers available to them, perhaps not immediately or perhaps not in a couple of years' time, but at some stage.

I was also trying to determine the type of facility that the DPIRD inspectors could inspect without notifying anyone that they had been on the property after the event. They could inspect a facility and leave. The parliamentary secretary and I engaged in a discussion about some of the terminology. I will start today by going back over that again. There was a discussion about the commercial scale of a facility. Commercial food production was mentioned a couple of times. I want to clarify this because I raised the example of a small feedlot with 150 head on a farm. I think the parliamentary secretary said that if it was not on a commercial scale or for the purposes of intensive food production, it would be okay.

Again, without labouring the point, I would like to ask: who will decide whether a 150-head facility on a farm—there are lots of them—is, in fact, capable of being inspected under this regime?

Hon MATTHEW SWINBOURN: I am not going to go into those matters that were raised previously in the exchange that we had. I do not think that will take us anywhere. I think if we can just focus on clause 8, which is the current question before the house, we might be able to make some progress on that.

I want to take up a point. The first thing is that the member made a connection between commerciality and size. I do not think I have made that connection. The member talked about a small lot with 150 heads. The concept of commerciality is not related to the size of the farm. Although size might be a factor that comes into it, it is not a set rule. When we use the word "commercial", we are trying to distinguish those people who might hobby farm from those who farm for a commercial purpose. They might sell some eggs or a few bits and pieces on there, but they are not a commercial farm in that regard. Generally speaking, a commercial farm would be for the purpose of making a profit. Of course, as the member would know, whether they make any profits is an entirely different matter, but it would be a farm for the purpose of profit, rather than, as I say, a small hobby farm that might be in the back areas of Wooroloo or somewhere like that, on which they run a few head of sheep but they are mostly pets, or something along those lines. I do not want to get too caught up in those things.

The other issue is who decides whether a place is an intensive production place. In the first instance, it would be the designated inspector forming the requisite state of mind on whether a place is an intensive production place. If we look at the terminology, it says that they must have reasonable grounds for forming that particular opinion. As is always the case with these sorts of things, the inspector will form that view on reasonable grounds. There may be a dispute between the inspector and the occupier, who may take a very different view, but if that dispute arises, as in every other case in which we have an attempt to force entry—not physically force entry, but enter a property without the consent of the occupier—a court will ultimately decide whether it is an intensive production place. That is where those things end up when they are in dispute. Obviously, as a matter of practice, if there is a dispute in a particular situation, it will come back to the department's policies on how it manages those particular disputes and what is appropriate in the circumstances. The department may go to court or get the police to assist its inspectors to enter a particular property.

We are talking about extreme cases here. I would imagine—not imagine; I think it is reasonable to assume that, overwhelmingly, these matters will proceed on a fairly rudimentary basis. Remember that the department's purpose here is compliance and monitoring, and most of the activity here is monitoring, so it will become a routine thing. That will obviously—how can I describe it; I do not want to use the word—develop over time. In an earlier conversation outside the chamber, I said to the member that the concept might start widely like that; however, over time, it will start to narrow, and people's understanding will become embedded.

That is probably a more fulsome answer than I intended to give the member, but I am just trying to cover the field, if the member will pardon the pun, on this matter.

Hon STEVE MARTIN: I will not labour the point, but there are some issues. The parliamentary secretary mentioned that the initial determination would be—I will use the phrase—the "state of mind" of the inspector. I refer to some responses that were given on 23 February, in which the parliamentary secretary said —

> The example that the member gave in which a feedlot is created for 150 head of lambs for three months of the year might be done because there is not enough food on the farm, which becomes a matter of farm management. It is not being done in connection with an intensive food production facility. It is a consequence of the seasons and the availability of food on that property, but in and of itself, is not necessarily an intensive production activity.

That feedlot with 150 animals in it—ignore the number, small or large—will look absolutely identical to another feedlot with a similar number of animals in it that might not be a matter of farm management and might trigger an inspection. I am unsure how an inspector would make that call, unless, of course, they take the word of the farmer, who tells them, "I'm out of feed and it's a farm management issue rather than a commercial enterprise." That inspector does not have to talk to the farmer prior to inspection. Again, I am concerned that there is a lot of "could"

and "might be" around this, which I think is a risk. I do not understand how that distinction of farm management and intensive food production facility will be determined, unless the inspector takes the opportunity to discuss that with the farmer first. Of course, the inspector might not believe the farmer. Can I have a bit of clarity on how the department sees that process working in a practical sense?

Hon MATTHEW SWINBOURN: We need to go back to the wording in the bill. It is important to note that "feedlot" is not a defined term in the bill, but it is obviously a farming practice. I cannot point to a uniform definition of "feedlot". There is a dictionary definition, but that does not form part of the wording of the bill. We have to go back to the wording in the bill. For example, as stated in the bill, "intensive production" means an activity that is carried out at an animal source food production facility at which the animals do not have an opportunity to graze or forage outside and that lack of opportunity to graze or forage outside is in the ordinary course of animal source food production; that is, it is the usual practice at that place and a key component of that production system. As the member would be aware, there are large-scale commercial feedlots, and that is their business. They advertise as a place for people to take their animals for the purpose of fattening them up for slaughtering at a later date—that is their business.

We seem to be bogged down on the more ad hoc examples that the member might have been given about a particular farmer and whether they have fenced off an area in which they are feeding animals without the animals having any opportunity to forage for food. If the elements of this are not satisfied in a particular circumstance, it will not be—what is the wording I am looking for?—an intensive production place. The key here is to not focus on the concept of a feedlot as such because it is not a single thing; it can be a multiple thing. I did a bit of Google searching to determine whether there is a uniform definition of "feedlot"; different groups give definitions. It is a problematic because, as I said, it is not a defined term in the bill. We know about the things that will not allow it to fall into this definition. It cannot be a residential place. It must be a place at which animals do not have an opportunity to graze or forage. It will definitely not be a residential place. A designated inspector does not have any right to enter the residential part of a farm because it is a residential place. It is places at which the activity is not undertaken in the ordinary course of animal source food production. I used the example of three months; perhaps that is not consistent with actual practice, but let us say that a farmer has yarded his animals in a temporary or permanent structure for a short period for a specific purpose that is not related to that. Indeed, animals penned due to drought or flooding and animals confined due to breeding or sickness would not be included in this. I refer also to places at which animals are kept inside but have an opportunity to graze or forage; for example, free-range chickens, or places at which there are deferred grazing practices. The type of facilities that are intended to be captured are intensive piggeries and commercial-scale feedlots that are connected to intensive food production and intensive poultry farms for chicken and egg purposes. I hope that provides the member with a bit more clarity.

As I said, I think we have become stuck in the feedlot cul-de-sac and have been going around in circles. It is not a term defined or used in the bill. We need to move away from that and focus on intensive feed. I cannot give the member an exhaustive list, "Yes, that will be in" and "No, that will be out" because it is very much circumstantial.

Hon STEVE MARTIN: There are no cul-de-sacs in feedlots, parliamentary secretary. They move smoothly around the facility.

The parliamentary secretary referred to a situation in which an inspector turns up at a property and is told, "No, you're not coming on." Is there a code of conduct process or a formal set of guidelines about what would take place?

Hon MATTHEW SWINBOURN: I am not sure whether there is a code of conduct, but there are standard operating procedures for existing practices. As the member knows, currently when inspectors present themselves at a facility and consent to enter is not given, they have to leave because they have no right to enter without obtaining a warrant. The department will be developing those procedures; of course, it has a responsibility under work health and safety laws to protect its employees so it must have practices in place to manage potential conflict. Let us hope that that never happens. There is the potential of physical and psychological risks when there is conflict in a workplace so the department will put practices in place for when there is a refusal, as the member defined it. It will be an offence to refuse. In more general circumstances in which people have a right of entry and a refusal takes place, unless they are the police, they do not use force. They record the refusal and speak to their lawyers about whether there is the prospect for prosecution as a consequence of the refusal rather than continuing to exert their rights because that could lead to a cascading series of issues. I must admit that I am speaking as a former union official who had a right of entry to property and things of that kind. Obviously, in those circumstances —

Hon Nick Goiran: Did you use force?

Hon MATTHEW SWINBOURN: No. Actually, I never exercised the right of entry, but I dealt with a lot of situations. I am talking about a different regulatory regime here but in effect we are talking about a similar legal principle, which is that they have a right to enter under certain circumstances and that right is regardless of whether or not there is consent. However, the practice employed is that when faced with a refusal, a record of the refusal is made and a legal process is used to deal with it because typically significant fines are associated. As far as people getting into a physical altercation, I do not think the Department of Primary Industries and Regional Development has any interest in seeing its employees engaged in that kind of circumstance.

Hon STEVE MARTIN: I thank the parliamentary secretary for that detailed response. I assume that the offence of refusing entry is part of the Criminal Code.

Hon Matthew Swinbourn: It is in the Animal Welfare Act 2002.

Hon STEVE MARTIN: What are the penalties?

Hon MATTHEW SWINBOURN: I refer the member to section 77 of the Animal Welfare Act 2002, "Obstruction of inspectors", which reads —

> A person must not hinder, obstruct, abuse or threaten —
>
> (a) an inspector exercising a power under this Act; or
>
> (b) a person assisting an inspector to exercise a power under this Act.
>
> Penalty: $20 000 and imprisonment for one year.

No new penalty is associated with the provisions that we are introducing; that provision currently exists.

I think there are also Criminal Code provisions that relate to interfering with someone performing an official function, but I cannot tell the member what they are off the top of my head. Typically, if someone was exercising their own power, they would use the power within their own act to prosecute the individual or the corporation concerned, depending on who was responsible for the obstruction or hindering.

Hon STEVE MARTIN: I have just one more question, as I know my colleague has some questions on clause 8. Just out of interest, how will the inspector know which entity they are dealing with if they inspect a property, either attended or unattended by anybody? Will there be different levels of responsibility? Will the landowner be included as well as someone who leases the land to run an intensive production facility? Can I get a bit of clarity about that process?

Hon MATTHEW SWINBOURN: It comes back to the Animal Welfare Act. The definitions section refers to a "person in charge". It states —

> ***person in charge***, in relation to an animal, means —
>
> (a) the owner of the animal; or
>
> (b) a person who has actual physical custody or control of the animal; or
>
> (c) if the person referred to in paragraph (b) is a member of staff of another person, that other person; or
>
> (d) the owner or occupier of the place or vehicle where the animal is or was at the relevant time;

Obviously, it is about control and who has that control. The member gave the example of someone who owns land but they lease it to someone else. The provisions of the Animal Welfare Act apply to all the circumstances in which there are prosecutions or entry. It is not particular to these provisions; it is uniform. I will give an easier example. If a person who owns a property rents it to someone who is engaged in animal cruelty, unless that person is a party to those actions, they will not be subject to these provisions because the person who rents the property has subsumed control over the land. Although the person might own the property, there are restrictions on how they can enter the property and do a range of other things. However, if someone leases a property to their mate and they engage in illegal dog fighting or those sorts of things, the fact that they are the owner might be a relevant factor in those circumstances. If the landowner who has leased the property to a company that is engaged in animal welfare issues has no knowledge of it, because they might be interstate or overseas, they will not be subject to these provisions. That is not how it will work, because they would not be a person in charge of the animal in those circumstances.

Hon NICK GOIRAN: Just picking up on the issue of the procedure that will guide the designated inspectors and the power that they will be given under clause 8, the parliamentary secretary mentioned to Hon Steve Martin that they currently have operating procedures but some further procedures will be developed in due course. When we last considered this bill and, indeed, this clause on 23 February 2023, the parliamentary secretary made some reference to a tabled document, *Regulatory compliance approach*. Is that the operating procedures to which he has referred or is that a separate guiding document?

Hon MATTHEW SWINBOURN: That is not what I was referring to in terms of procedures. Procedures would be the day-to-day way of dealing with this situation. The document that the member referred to is a more high-level approach for the department's regulatory compliance stuff.

Hon NICK GOIRAN: Are the more precise operating procedures for an inspector who has to deal with a landowner, in contrast to, as the parliamentary secretary said, the high-level regulatory compliance approach, capable of being tabled either today or at a later stage?

Hon MATTHEW SWINBOURN: The current ones exist, but we do not have them with us today. The issue is that they are not in a form that we would be comfortable tabling, because some of the information they contain is sensitive to the way the department operates its compliance activities. We are worried that tabling that information or making it public would give opportunities for people to avoid the activities.

Hon Nick Goiran: It would undermine the compliance process.

Hon MATTHEW SWINBOURN: Yes, that is a good way of putting it. We will consider whether part of it can be redacted, but the problem with redacting is that it can lose all its context and meaning. We will give it consideration overnight.

Hon Nick Goiran: For what it's worth, I'm not pressing the point at this time.

Hon MATTHEW SWINBOURN: Thank you.

Hon NICK GOIRAN: Thank you for that, parliamentary secretary. The parliamentary secretary indicated that the document he referred to, the operating procedures, will need to continue to be developed. To what extent will the changes that are envisaged in clause 8 necessitate the need for those operating procedures to be enhanced moving forward?

Hon MATTHEW SWINBOURN: Regarding the need for development, firstly, these laws have not yet passed, so the department will not work on those things until it becomes the law of the land. Secondly, this bill will introduce a monitoring regime that it does not currently have. The department will have to develop and manage that monitoring regime and the identification of these intensive production places, because that information, including who the players are and those sorts of things, is not readily available and will need to be developed into its procedures. Inspectors have not had a right of entry; they had to do it by consent. The kind of practices about what will happen at the point at which they are refused entry will include whether that person's refusal could be negotiated, when to go back, and how will they elevate that through different levels within the department to make a decision about whether there is prosecution or to go back. Those kinds of things will have to be expanded on as the department does not currently have those arrangements in place. That work will be undertaken over time.

Hon NICK GOIRAN: What we see is that the current operating procedures are not adequate for the new powers moving forward. The new powers will create new scenarios for the inspectors. For example, they will need to expressly consider whether they intend to use this new power of entry, rather than simply trying to seek voluntary compliance on the part of landowners. This is not a criticism; this is simply an acknowledgement that the current operating procedures will be inadequate to guide inspectors under the new regime with this new power. We can therefore see just how important these operating procedures will be. These operating procedures will guide the use of this new law. These operating procedures will not be tabled in Parliament, for the very reason the parliamentary secretary identified earlier, because if they were, it might undermine—although that was my interjection—the compliance process. I can appreciate why any government might not want to table those operating procedures for exactly that particular reason; however, it makes it all the more important for us to provide guidance to the government, the advisers and the departmental officials now before the operating procedures are developed so that those people who are drafting it understand precisely what Parliament would like to see with regard to these right of entry of powers.

The parliamentary secretary indicated to Hon Steve Martin that the penalty that will apply for what I would describe as not facilitating entry will be a fine of up to $20 000 or one year's jail. As I said, my expression is "not facilitating entry", because the actual term the parliamentary secretary indicated was obstruction —

Hon Matthew Swinbourn: It was hinder, obstruct, threaten—a range of things.

Hon NICK GOIRAN: Yes. The scenario at the moment is when an inspector asks the landowner for consent and the landowner says no. Once this new regime comes into place, we can see a scenario whereby that might happen. The inspector will come along and the secret operating procedures—I do not use the word secret to denigrate the process—will tell the inspector that at first instance they must seek to enter voluntarily. The inspector does so, and is told to get lost. The inspector then gets lost. He or she removes themselves from the premises. In that scenario, even though they have been denied entry, that would not seem to be an obstruction or hindering of the process. Are we saying that there will need to be something more from the landowner to be deemed to have breached this right of entry and to have obstructed, hindered or threatened? I appreciate that it is entirely different if the landowner says, "You better get lost; otherwise, I'm going to get my shotgun out." That would be a threat and, yes, they would have fallen foul of that. It is different if the person says, "Can I come and inspect", and the landowner says, "No, get lost." That is not a threat. I would respectfully submit it is neither to hinder nor to obstruct in that scenario, either. I would think that the inspector would have to do more than that, but can we get confirmation that that is the case?

Hon MATTHEW SWINBOURN: I think the member said that they would seek consent at the first instance, and if the person said, "No, get lost", consent has not been given. The inspector has not then forced their right or exercised that right. It will take positive acts for those rights. The inspector would have to be clear. For example, if the inspector says, "I would like your permission to come onto your land, and these are the purposes I want to do it for", and the person said "Rack off, hairy-legs; you're not coming on here", the inspector would typically then be in a position in which they would then make it clear that they have rights under the particular act—not that there is a prescribed firm form of words, but courts generally look at whether there has been an active exercise of a positive right and that that right has been communicated to that person and then that person acts in a manner. A refusal is hindering; I think the member can accept that that would be. Other acts say "refusal" rather than "hinder and obstruct", but we can put under those two headings—"hinder" or "refuse". I think it is then a matter of evidence before a court

about whether the court would accept that the actions of the designated inspector elevated themselves up to the point at which they had exercised their right of entry and the actions of the other person effectively amounted to a refusal, therefore hindering and obstructing those rights.

Hon NICK GOIRAN: Excellent. Is it the intention with the operating procedures moving forward that this positive expression of a right to enter will manifest itself in some kind of a written notice? Will the inspectors, having been denied voluntary entry onto the premises, say, "Well, I'm now exercising my rights under the Animal Welfare Act and I'm now giving you this notice which warns you of the consequences if you choose not to now allow me to go and inspect." Is that the kind of thing we can anticipate will be found in these operating procedures so that these landowners, who, the parliamentary secretary can understand, may have no expertise into the elements of compliance in the Animal Welfare Act, will have some general understanding of it? In terms of the specifics, we do not want otherwise good, law-abiding citizens to be caught up because emotions run high when somebody comes onto their premises.

Hon MATTHEW SWINBOURN: As the member would appreciate, the bill itself does not require the giving of a written notice for the person to have the legal right to enter the property. These things are to be developed and we can contemplate that they may develop materials that they will hand people when they are doing these things. What we have to understand about what we are doing here is that even though it might feel as though it is, it is not the case that we are dealing with a situation similar to when police effect right of entry on someone who is engaged in a criminal enterprise. There is not exactly a lot of civility in those circumstances. This is the introduction of a compliance and monitoring scheme. One of the keys that the Department of Primary Industries and Regional Development is conscious of is the relationship it continues to have. The point here is to ensure that there are appropriate animal care practices going on within these facilities and to get these facilities operating in a way that is consistent with that. Part of that is to ensure that one is not going onto a particular facility with a view to instantly forming conflict. Page 7 of the *Regulatory compliance approach* document that was tabled earlier is headed "DPIRD's regulatory compliance objectives". This is what will help inform the development of these new procedures. It states —

> DPIRD is committed to ensuring that primary industries and the Western Australian community understand, respect and adhere to the legislation DPIRD administers. DPIRD strives for an outcome where participants in primary industries and the Western Australian community believe in and understand their legislative responsibilities, are aware of the practices and behaviours required, and display high levels of willing compliance. Further, stakeholders trust that DPIRD will monitor behaviours, and where there are non-compliant behaviours, appropriate and proportionate action is taken according to risk.

That is what drives this. It is quite possible, without making a firm commitment, that written material will be developed, including about the rights. I am not sure whether the honourable member was out of the chamber on urgent parliamentary business when we discussed that they will have an ID card, and although it is not prescribed by the regulations as to its form, if the person is a designated inspector, it will say so on that card and make reference to the provisions of the Animal Welfare Act 2002 under which their powers exist—and they will be required to show that card if they are asked to do so when they have the interaction at the gate, if I can say that.

Hon NICK GOIRAN: That gives some comfort that it will be contemplated. I note that the panel that conducted the review of the operational effectiveness of the Animal Welfare Act recommended that inspectors must provide reasonable notice of entry unless there was a reason to suspect that the provision of notice would jeopardise the purpose of the entry. The bill has not done that. As the parliamentary secretary indicated, not only does it not require written notice to be provided to the owner, it does not require any notice to be given to the owner. All it does is require as a matter of law the agent, or in this case the designated inspector, to assert to the landowner that they will exercise this statutory right of entry—nothing more—and that can be done at no notice. It can be communicated orally rather than in written form. I strongly encourage the department as it is developing these procedures, consistent with the *Regulatory compliance approach* document that the parliamentary secretary just read from, and the objects of that, the intent of that document, to prepare some form of written notice or package that will then be delivered to the landowner so that there can be no confusion as to the rights of the designated inspector at that time, but also the rights that still remain for the property owner.

In that respect, what is intended to be the mechanism that might then break the deadlock or dispute between the landowner and the inspector? There is little to be gained by a designated inspector just forcing their way onto the property. In the overall scheme of a compliance and monitoring function, there is little to be gained by that, other than perhaps creating potentially even a violent episode to occur, which no-one wants. Rather than create a system that might lend itself towards that kind of outcome, is there intended to be some form of mediation process or right of review? Even if a landowner says, "Oh, well; it sounds like I have no option here but to allow you onto my premises", even after the event, will there be some form of mechanism by which the landowner can then go to someone in the department? I know that ultimately they can always write to the minister and, as we have just debated recently, they could even petition Parliament and do all those kinds of things. However, I am talking about something far more simplistic than that—an immediate dispute resolution mechanism.

Hon MATTHEW SWINBOURN: There is no formal process of mediation—I think that was the member's word—or right of review. If we gameplay this a little to say that somebody has an issue with the way an inspector has conducted themselves or there is a dispute, the person might wish to raise that, and can raise it, with the CEO, who is the person who appoints inspectors and has the power to revoke an inspector's designation as a designated inspector. The CEO could do that; that would be a particular circumstance.

The department has a structured complaints process through which it could make a complaint and it would be dealt with. We think it is pertinent that similar powers exist in the Food Act for inspectors. There is no formalised right of review or a mediation role, and it is the same with the Fisheries inspectors. We have not created a scenario in this legislation that is dissimilar to current regimes in which inspectors have a right of entry.

I would whimsically hope that over time the industry will have an understanding of the role the department is playing and the department will develop its processes and procedures in a way that works towards education, compliance and those sorts of things and we do not see the kind of disputes that we can probably anticipate occurring now, particularly the violent ones that we want to avoid under all circumstances. The likely people who are refusing entry are probably those doing the wrong thing rather than those who are just confused or ignorant. That is where this is heading over time. By way of a general fluffy statement, that is what we are hoping for here.

Hon NICK GOIRAN: This structured complaints process that already exists is the type of thing that should find itself in what I referred to earlier as the package of documents that would be provided to the landowner, where the designated inspector says, "I am exercising my rights to enter under the act and here is a notice of your rights, which includes the fact that the department has a structured complaints process. If you would like to take that up, you are free to do so." That type of thing would be helpful in this scenario. I hope that is taken on board by those who will be responsible for this, as I am sure they will.

Will there be any reason the landowners themselves will not be able to monitor the designated inspector carrying out his or her functions on their premises?

Hon MATTHEW SWINBOURN: Nothing will prevent them from doing that, so long as they do not hinder, obstruct or those sorts of things. My advisers at the table and I think that in most instances it would be facilitative for the landowner to accompany the person. Quite frankly, the point about the monitoring is to elevate animal husbandry practices—that is not a technical term—but to get this intensive food production industry to provide assurances around what it is doing around the humane and ethical treatment of the animals concerned.

Hon STEVE MARTIN: We have talked a lot about the revised guidelines that are required by DPIRD inspectors because of the significant change in their role. I wish to inquire about the planned rollout to educate and illuminate the industry about what is coming. I assume that would be significant.

Hon MATTHEW SWINBOURN: At the outset, because the bill has not passed the Parliament, no such thing has been designed yet. That will not happen until this legislation becomes law. On the passage of the legislation, we intend to engage with industry and stakeholders to push that education. When I read out the regulatory compliance material, I said that one of the key parts is education. I forget the wording, but it was quite helpful. It said that the Western Australian community believe in and understand their legislative responsibility, are aware of the practices and behaviours required and display high levels of willing compliance. That can only happen with education. Some of the things that are contemplated include workshops, engagement with key stakeholders in the agricultural industry and getting that information out there. To some degree, these laws will apply to a quite narrow group because obviously there has to be that intensive production place rather than everybody in the agriculture —

Hon Steve Martin: Don't get that ahead. They'll get a bit worried.

Hon MATTHEW SWINBOURN: I know. There will obviously be a range of agricultural things that will have absolutely no relationship to this particularly narrow right-of-entry power.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 70A amended —

Hon COLIN de GRUSSA: Clause 10 is in part 3 of the bill, which seeks to amend the Criminal Code. Clause 10 seeks to amend section 70A of the Criminal Code to insert a number of different things, including several definitions such as "abattoir", "animal source food production", "animal source food production facility" and so on. A number of those definitions refer back to the original act. The definitions of "abattoir" and "knackery" both refer back to the Animal Welfare Act 2002. The Biosecurity and Agriculture Management Act 2007 is also referred to in these definitions. Presumably, contemplation has been given to the fact that those acts are currently under review and will have to be amended further. This clause will eventually have to be amended as part of that review process.

Committee interrupted, pursuant to standing orders.

[Continued on page 941.]

QUESTIONS WITHOUT NOTICE

GRIFFIN COAL

206. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Energy:

I refer to the importation of 100 000 tonnes of coal from Newcastle to Collie in the last three months. As at 13 March 2023 —

(1) How many tonnes of the imported coal have been physically unloaded at the port of Bunbury?

(2) How many tonnes of imported coal have been delivered to Collie?

(3) How many tonnes of landed Newcastle coal remain in stockpile storage awaiting transport to Collie?

(4) How much of the imported coal has been blended to allow it to be used for electrical generation?

(5) How much of the imported coal has been burnt for electrical generation?

Hon JACKIE JARVIS replied:

I answer on behalf of the parliamentary secretary representing the Minister for Energy. I thank the honourable member for some notice of the question. The following answer has been provided by the Minister for Energy.

As the coal has been sourced in Australia, by definition it has not been "imported". However, this is the relevant information regarding the coal's movement.

(1) It is 101 128 tonnes.

(2) 100 000 tonnes have been delivered to Muja power station.

(3) There are zero.

(4) It is 24 681 tonnes.

(5) It is 24 681 tonnes.

GOLD CORPORATION — BOARD MINUTES

207. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Mines and Petroleum:

I refer to the Gold Corporation board appointed to oversee the operations of the Perth Mint.

(1) On how many occasions since March 2017 have the Perth Mint board minutes been submitted to the oversighting minister's office for review?

(2) On what dates were they submitted?

(3) Did any of the submitted minutes identify the substitution of silver into gold being sold by the Perth Mint; and, if so, on what dates?

(4) Did any of the submitted minutes raise concerns about potential breaches of criminal law or potential breaches of transaction reporting laws; and, if so, on what dates?

Hon JACKIE JARVIS replied:

I answer on behalf of the parliamentary secretary representing the Minister for Mines and Petroleum. I thank the honourable member for some notice of the question. The following answer has been provided by the Minister for Mines and Petroleum.

(1) Nil.

(2)–(4) Not applicable.

MERREDIN TRAIN STATION — ACCESSIBILITY

208. Hon COLIN de GRUSSA to the Leader of the House representing the Minister for Transport:

I refer to the Merredin high-level platform, also known as the secondary platform, which has been delayed repeatedly, and I note that the tender for the project is due to expire in May 2023.

(1) Will the project be designed and constructed before the tender expires in May 2023, given the tender was awarded to LKS Constructions on 24 May 2022 and was due to start on that same day?

(2) If no to (1), what is the new time line for delivering this project and will it be fast-tracked, given the high number of commuters who use this service who are elderly or require ramps due to disability?

(3) Can the minister confirm to train users that the new platform will be, at the very latest, ready before the end of 2023?

Hon STEPHEN DAWSON replied:

I answer on behalf of the Leader of the House representing the Minister for Transport. I thank the honourable member for some notice of the question. The following answer has been provided on behalf of the Minister for Transport.

(1)–(3) Construction is anticipated to be completed in the first quarter of 2024, subject to the availability of materials and labour. Delays to the project were due to challenges associated with the contractor obtaining updated cost estimates and finalising approvals with Arc Infrastructure.

CRIMINAL LAW (MENTALLY IMPAIRED ACCUSED) ACT — OFFENDERS

209. Hon TJORN SIBMA to the parliamentary secretary representing the Attorney General:

I refer to the 47 of 56 offenders managed under the Criminal Law (Mentally Impaired Accused) Act 1996 who were on a leave of absence and/or a conditional release order as of 31 December 2022.

(1) How many were subject to electronic monitoring as a condition of their leave of absence or conditional release order?

(2) Of the 47, how many are today on either a leave of absence or a conditional release order?

Hon JACKIE JARVIS replied:

I answer on behalf of the parliamentary secretary representing the Attorney General. I thank the honourable member for some notice of the question. The following answer has been provided by the Attorney General.

As of 31 December 2022, 49, not 47, of the 56 persons managed under the Criminal Law (Mentally Impaired Accused) Act 1996 were subject to a leave of absence order and/or a conditional release order. I refer the honourable member to the answer to question without notice 193, asked yesterday.

(1) None. Levels of supervision are determined by qualified professionals who are in a position to evaluate each individual's circumstances and the safety of the public.

(2) All 49 are currently subject to either a leave of absence order or a conditional release order.

HEALTH — CHILD HEALTH NURSES — FUNDING

210. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Health:

I refer to the answer provided to question without notice 1269 asked on 29 November 2022, relating to the service agreement between WA Health and the Salvation Army to provide child health nurse services through the Salvation Army's child health centre in Balga.

Will all programs currently delivered by the centre's child health nurses for children and families, including face-to-face antenatal, first aid and baby sensory classes, which are in addition to the universal child health check appointments and parenting groups, continue under the Child and Adolescent Health Service; and, if not, why not?

Hon STEPHEN DAWSON replied:

I answer on behalf of the Leader of the House representing the Minister for Health. I thank the honourable member for some notice of the question. The following answer has been provided on behalf of the Minister for Health.

The Child and Adolescent Health Service will continue to deliver all activities outlined in the service agreement with the Salvation Army. CAHS and the Salvation Army are working constructively to ensure a smooth transition of the child health nurse service for local families. CAHS child health nurses regularly connect families to local services, such as the Salvation Army, which may choose to continue to deliver ancillary services.

GOVERNOR'S AIDE-DE-CAMP — INSPECTOR PAUL NEWMAN

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

I refer the minister to question without notice 94 asked on Tuesday, 21 February 2023.

(1) What position did Inspector Newman hold prior to taking the role of aide-de-camp?

(2) What is the current salary of Inspector Newman?

(3) Who held the position as aide-de-camp prior to Inspector Newman?

Hon STEPHEN DAWSON replied:

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

The Western Australia Police Force advises —

(1) He was an inspector.

(2) It is an inspector salary.

(3) The Western Australia Police Force does not coordinate Government House activities, including the duties of an aide-de-camp, and does not have access to further information. The appointment of an aide-de-camp is consistent with the past practice of Government House. The permanent appointment of an aide-de-camp also mirrors that of other official houses located throughout the various states of Australia.

KIMBERLEY MEAT COMPANY

212. Hon NEIL THOMSON to the Minister for Agriculture and Food:

I refer to the request by the Kimberley Meat Company to move cattle by sea from Wyndham to Broome.

(1) Has the minister been advised by the commonwealth whether all necessary approvals will be granted to ensure the supply of cattle from the East Kimberley?

(2) Has the Maritime Union of Australia made any representations opposing the request to the minister or to the federal minister?

(3) Noting the urgency to supply the Kimberley Meat Company operations, when will these approvals be granted?

Hon JACKIE JARVIS replied:

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

(1) The state government has responded to a request from the Kimberley Meat Company for support. The company has been working with my office and the Department of Primary Industries and Regional Development, at my direction, over the past month to achieve a successful outcome for pastoralists east of the Fitzroy River and for KMC employees who have been directly affected by the floods in the Kimberley. Biosecurity issues continue to be front of mind in managing this issue. These approvals are handled by the Department of Agriculture, Fisheries and Forestry, a federal agency. We understand that KMC is currently in discussions to finalise these matters prior to shipping commencing.

(2) The Maritime Union of Australia has not made any representations to me opposing this request. I am not aware of any opposition being raised with the federal government.

(3) The approvals required are being managed by the Department of Agriculture, Fisheries and Forestry.

GOLD CORPORATION — GOLD BAR CONTENT

213. Hon JAMES HAYWARD to the parliamentary secretary representing the Minister for Mines and Petroleum:

I refer to the claims made in the ABC *Four Corners* report "Tainted gold".

(1) Can the minister clarify whether Gold Corporation continued producing gold bullion with reduced gold content after the organisation became aware of concerns raised by a customer?

(2) Can the minister confirm that a reduction in gold content created savings for Gold Corporation for a period of time?

(3) Can the minister confirm concerns relating to the actual content of gold in bullion supplied by the Perth Mint are the subject of a London Bullion Market Association investigation, which was announced after the *Four Corners* report?

(4) In percentage terms, to three decimal places, what elements are contained in the gold bullion produced by the Perth Mint?

Hon JACKIE JARVIS replied:

I answer on behalf of the parliamentary secretary representing the Minister for Mines and Petroleum. I thank the honourable member for some notice of the question.

An answer cannot be provided in the required time frame. An answer will be provided to the member on 16 March 2023.

YOUTH DETENTION — SUICIDE AND SELF-HARM ATTEMPTS

214. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Corrective Services:

I refer to youth detention. Will the minister please provide the number of suicide and self-harm attempts for February 2023 and March 2023, to date, at Banksia Hill Detention Centre and Unit 18, respectively?

Hon JACKIE JARVIS replied:

I answer on behalf of the parliamentary secretary representing the Minister for Corrective Services. I thank the member for some notice of the question.

The answer has been provided in a tabular form. I seek leave to have the response incorporated into *Hansard*.

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

Table 1. Distinct Self-Harm and Attempted Suicide instances between 1 February and 13 March 2023, by Month and Facility

Facility	February 2023			March 2023		
	Attempted Suicide	Self-Harm – Serious	Self-Harm – Minor	Attempted Suicide	Self-Harm – Serious	Self-Harm – Minor
Banksia Hill	1	0	15	0	0	5
Unit 18	0	1	18	0	0	6

Definitions and Terminology

Term	Definition
Attempted Suicide	An act where the circumstances indicate the intent of the act was to take their own life through: a) self-inflicted injury; or b) self-asphyxiation or hanging; or c) intentional self-poisoning (including drug overdose); or d) other intentional acts intended to take one's own life.
Self-Harm – Minor	An act of self-harm that does not require overnight hospitalisation, overnight care at a facility medical centre/infirmary or ongoing medical treatment or any other act of self-harm that does not result in injury.
Self-Harm – Serious	An act of self-harm that requires either overnight hospitalisation in a medical facility (including facility clinic/infirmary), or ongoing medical treatment.

ALCOHOL–CANNABIS — CRIME

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

I refer the minister to two studies undertaken recently in Canada, the first concluding that cannabis is 114 times safer than alcohol and the second noting that easier access to cannabis results in lower alcohol sales.

(1) How many incidents involving alcohol are Western Australia Police Force officers called upon to attend on average each week?

(2) On average, how many cannabis-related incidents would they be likely to attend over the same period?

(3) What dollar figure, if any, can the minister put on alcohol and cannabis-related crime respectively as a percentage of WAPOL's annual budget?

Hon STEPHEN DAWSON replied:

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

(1)–(3) The Western Australia Police Force advises that a response to these questions cannot be provided, as alcohol and cannabis-related incidents are not individual categories recorded in the police dispatch system.

POLICE OPERATION — STANDING FOR WOMEN RALLY

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

Yesterday at the "Let Women Speak" event outside Parliament, Western Australia Police Force held an operation, headed by Senior Sergeant Brady, badge number 10149, as there were two opposing groups, women's rights activists and trans activists, that culminated in the crew from Freedom Media being assaulted and having their equipment damaged.

(1) Will the minister direct the WA Police Force to work with Parliament House security to investigate the incident, including reviewing any body-worn camera footage available from the protest and report back to this house?

(2) If, as I understand footage of the incident shows, trans activists caused significant damage to equipment, will Freedom Media be compensated?

Hon STEPHEN DAWSON replied:

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

(1)–(2) The Western Australia Police Force advises that should this matter be reported to police, as part of a full investigation, all the evidence including statements, CCTV, body-worn camera footage and footage from Freedom Media will be reviewed. If there is sufficient evidence to support a charge, restitution can be requested of the court on a finding of guilt.

KIMBERLEY FLOODS — SPECIAL EMERGENCY FINANCIAL ASSISTANCE

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

I refer to a media statement released on 14 March 2023 titled "Special emergency financial assistance for Kimberley residents".

(1) What is the total budget for this program?

(2) Is this program funded through the disaster recovery funding arrangements, or DRFA; and, if not, can the Premier please identify the funding stream?

(3) Noting that this funding is, and I quote, "to provide emergency financial assistance", why has it taken 10 weeks since this disaster occurred for this funding to be announced?

(4) How will the debit cards be restricted to ensure they are used only to fund the replacement of items such as clothing, tools, household goods and other personal items, as per the Premier's media statement?

Hon STEPHEN DAWSON replied:

I answer the question on behalf of the Leader of the House representing the Premier. I thank the honourable member for some notice of the question.

(1) This a demand-driven program and is expected to cost approximately $750 000.

(2) The program is funded separately from the disaster recovery funding arrangements.

(3) The premise of the question is incorrect. Financial assistance has been provided to the community since the onset of the flood event in January 2023. The payment referred to by the honourable member is in addition to that prior support.

(4) Successful grant applicants will be issued with a debit card issued by the Department of Communities. The debit card can be used only for items such as clothing, tools, household goods and other personal items. Certain items, including alcohol and tobacco, are not eligible purchases on the card.

CHILDREN IN CARE — WHEREABOUTS UNKNOWN

218. Hon NICK GOIRAN to the minister representing the Minister for Child Protection:

I refer to the answer on 15 February 2023 to my question without notice 43.

(1) Have the two children reported to the Western Australia Police Force as missing persons been found?

(2) Have the four children recorded in the placement type "unknown—in contact" been found?

(3) For how many days was each child recorded as missing?

(4) How many children who are in the care of the CEO have their whereabouts currently recorded as —

  (a) a missing person; and

  (b) unknown—in contact?

(5) How many missing person reports did the department submit in the last calendar year?

Hon JACKIE JARVIS replied:

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

If the honourable member has particular concerns about a child, he may wish raise them with the minister or report them to the central intake team by telephone or email. Children and young people may move between living arrangements, which are recorded by case management in the child's or young person's placement type. A child is recorded in a placement type as "unknown—in contact" if the young person is unwilling to disclose their location but is still in contact with their caseworker or other safety networks that keep in contact with them. If the child cannot be located or contacted, they are recorded in placement type "missing child" and a missing person report is submitted to the WA Police Force. The Department of Communities and police work to contact and locate the child and ensure their safety. Many of these children are teenagers. Every child still has access to the same supports that would be made available to them if they were residing in their approved placement.

The Department of Communities advises the following —

(1) Yes. One child has further absconded and is currently recorded as a missing child.

(2) Yes. There are three children. One child continues to be recorded as "unknown—in contact".

(3) They were missing for 29 days and 14 days before further absconding and are currently recorded as a missing child for one day.

(4) (a) There are three children.

  (b) There are three children.

(5) Information on missing children reports to WA Police Force is recorded on individual case files and not in a centralised and aggregated manner.

WATERWAYS — ABORIGINAL HERITAGE ACT

219. Hon STEVE MARTIN to the Leader of the House representing the Minister for Planning:

I refer to the Aboriginal Cultural Heritage Act 2021 and the Aboriginal Heritage Act 1972.

(1) What steps has the Department of Planning, Lands and Heritage taken to inform WA rural landholders of any obligations they may face in relation to waterways governed by the Aboriginal Heritage Act 1972?

(2) Have landowners been advised of changes to their obligations under both acts in light of the recent amendments?

(a) If yes to (2), how was this undertaken?

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

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I answer on behalf of the Leader of the House. The following answer has been provided on behalf of the Minister for Planning.

(1)–(2) This question should be directed to the Minister for Aboriginal Affairs.

WESTERN POWER — THREE-PHASE POWER CONNECTION — SOUTH WEST

220. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Energy:

I refer to Western Power's acknowledgement of the significant time frame blowout in the validation and design phase for proponents in the south west seeking connection to three-phase power.

(1) As at 13 March 2023, what is the current time frame for validation of applications seeking connection to three-phase power in the south west?

(2) What is the current time frame for detailed design and issuing of quotes to proponents seeking connection to three-phase power in the south west?

(3) What is the current time frame for construction for proponents seeking connection to three-phase power in the south west?

(4) How many applications for three-phase power connection are in —

(a) the validation stage;

(b) the design stage; and

(c) the construction phase?

Hon JACKIE JARVIS replied:

I thank the honourable member for some notice of the question. On behalf of the parliamentary secretary, the following response has been provided by the Minister for Energy.

(1) Of the 792 applications received, 141 were no longer required as they were cancelled, and 356 applications passed through the validation stage and paid the design fee to progress to the design stage. For these applications, the average time in the validation phase was 11 days. The longest application in the validation phase over this period was 172 days, of which 62 days was with the customer waiting for further information.

(2) There have been 406 designs completed, and quotes were issued over this period for the south west region. For these requests, the average time in the design and quote phase was 103 days.

(3) There were 260 projects that completed construction over a period for the south west region. For these requests, the average time in the construction phase was 110 days from customer payment to construction complete.

(4) (a) There are 325 applications in progress for the validation stage.

(b) There are 189 requests in progress for the design and quote stage.

(c) There are 212 projects in the construction phase. They are scheduled and not on hold with the customer.

WEST COAST DEMERSAL SCALEFISH RESOURCE

221. Hon COLIN de GRUSSA to the parliamentary secretary representing the Minister for Fisheries:

I refer to the $10 million fund to support the west coast demersal scalefish resource management arrangements.

(1) How many commercial fishing licences have been identified for voluntary buyback within the fishery?

(2) When will the buyback be completed, and what will be the total amount of compensation paid to licence holders?

(3) To date, what support package has been put in place for charter operators?

(4) What amount of the $10 million package funding has been allocated to each of the six support measures?

Hon KYLE McGINN replied:

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

(1) There are currently 60 interim managed fishery permits in the west coast demersal scalefish interim managed fishery that will be eligible for the voluntary fisheries adjustment scheme when it opens.

(2) The voluntary fisheries adjustment scheme closing date has not yet been determined. There has been $2.5 million allocated to fund the scheme to buyback entitlement in the west coast demersal scalefish interim managed fishery; however, this is a voluntary scheme and a final figure will not be known until the scheme concludes.

(3) The details of the $500 000 charter fishing business diversification grants program are being prepared to support charter fishing businesses diversify their operations from demersal scalefish to other fishing and marine tourism experiences.

(4) The $10 million recovery support package funding allocation is as follows.

(a) There is $2.5 million for a voluntary fisheries adjustment scheme.

(b) There is $2.474 million to boost fisheries science and monitoring, including recreational digital catch reporting.

(c) There is $1.75 million for a public education and awareness campaign.

(d) There is $1.5 million for the statewide fish aggregation devices, or FADs, program.

(e) There is $1 million for restocking pink snapper in the west coast bioregion.

(f) There is $776 000 for charter tourism business diversification and charter sector management reform, including $500 000 referred to in response to (3).

FREMANTLE RAIL LINE

222. Hon TJORN SIBMA to the Leader of the House representing the Minister for Transport:

I refer to patronage on the Fremantle line.

(1) What factors are deflating patronage on the Fremantle line to under 70 per cent of pre-COVID levels?

(2) When does the minister expect the patronage to reach parity with pre-COVID levels?

Hon STEPHEN DAWSON replied:

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

(1)–(2) The opening of the airport line in October 2022 has seen an increase in the number of services between Bayswater and Claremont stations. As expected, some Fremantle line passengers are now accessing airport line services and therefore are no longer reflected in Fremantle line patronage figures.

KIDS HELPLINE

223. Hon DONNA FARAGHER to the minister representing the Minister for Community Services:

I refer to the Kids Helpline counselling service for young people aged five to 25 years and the Department of Communities. What was the total amount of funding provided by the department to deliver this service in 2022?

Hon JACKIE JARVIS replied:

I thank the member for some notice of the question. The following response has been provided by the Minister for Community Services. The amount was $78 810, excluding GST, in 2021–22.

POLICE — CHILD ABUSE SQUAD

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

I refer the minister to the sex crimes division at Western Australia Police Force.

(1) How many staff are allocated to the child abuse squad?

(2) How many vacancies exist within the child abuse squad?

(3) Of the number of staff employed in the child abuse squad, how many are on secondment from elsewhere in the agency?

(4) Of those staff referred to in (3), what are their ranks?

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 Police.

(1)–(4) The Western Australia Police Force advises that, due to operational sensitivities, staffing information below the district or divisional level is not released.

MARTUWARRA FITZROY RIVER

225. Hon NEIL THOMSON to the Leader of the House representing the Minister for Transport:

My question without notice of which some notice is given is to the Minister for Transport and I refer to —

The PRESIDENT: Sorry, member. I cannot quite hear you and I am sure Hansard is having the same problem.

Hon NEIL THOMSON: I refer to the recent tragic deaths of two Kimberley men who died swimming in the Martuwarra Fitzroy River.

(1) Has the minister considered building a temporary footbridge or other pedestrian-capable structure?

(2) If not, why not?

(3) If yes to (1), why has the minister not proceeded with the project?

(4) If yes to (1), what were the cost estimates of any options considered?

(5) Given the tragic deaths so far, and the two years to go before the new road bridge will be constructed, will the minister reconsider the decision not to build some form of pedestrian crossing that could be utilised by pedestrians after hours?

Hon STEPHEN DAWSON replied:

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

(1)–(5) Main Roads considered the installation of a temporary bridging structure—Bailey bridge—across the Martuwarra–Fitzroy River, which currently spans 200 metres. However, this was not considered a viable option due to the damage sustained to the existing bridge and piers; the additional extensive piling work required to make it safe and secure for use as a superstructure; and the requirement for a complete rebuild of the eastern bridge abutment and bridge approach roads.

Further investment on making the old bridge "safe" was not deemed appropriate, given that demolition of the structure is due to commence in May. As an alternative, a ferry service was progressed to provide pedestrian access across the river in the first instance. This commenced yesterday. Subject to water levels, the ferry service will be scaled up to take essential vehicles.

In the meantime, Main Roads is also working on establishing low-level river crossings for vehicles. Development work for the construction of two temporary crossings is underway. Timing of construction is dependent on future rainfall events and river conditions, but it is expected that the first of these crossings, which will be accessible to four-wheel drives only initially, may be available in late March. A second crossing is planned near the existing bridge and should be available in May for use during the dry season when river levels are low.

If I can say as Minister for Emergency Services, it is terribly, terribly sad that people have died in the river. Prior to the ferry service, a helicopter was in operation to take people from side to side, but obviously some people have swum in the river and it has ended badly. I urge everyone to keep out of the river because it is still not safe.

POLICE — FIREARM OWNERSHIP

226. Hon JAMES HAYWARD to the minister representing the Minister for Police:

I refer to the media conference held at the Pinjar rifle range on 22 March 2022.

(1) Can the minister confirm one of the risk mitigation strategies for the firing of the .50 calibre rifle was to make this a one-off event that was not to be repeated; and, if so, how did that reduce risk to persons and property on the day of the event?

(2) Who was ultimately accountable for the media conference and for making the decision to proceed with the event despite some qualified experts expressing safety concerns?

(3) Will the minister table all communications between the minister's office and WA police that relate to the media event in question; and, if not, why not?

Hon STEPHEN DAWSON replied:

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

(1) The Western Australia Police Force advises: yes, with a strategy used in combination with other mitigating safety measures recommended by a highly trained and qualified military and civilian firearms instructor, range safety officer with extensive experience in the use of .50 calibre firearms.

(2) The WA Police Force.

(3) As advised to the honourable member yesterday, as the Minister for Police I did not have involvement in the approvals process for this demonstration. Therefore, there are no communications to be tabled.

YOUTH DETENTION — OUT-OF-CELL HOURS

227. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Corrective Services:

I refer to youth detention.

(1) What were the average out-of-cell hours at Banksia Hill Detention Centre and unit 18, respectively, in February 2023?

(2) On how many occasions in February 2023 did a detainee at either Banksia Hill Detention Centre or unit 18 spend 20 or more hours in their cell?

Hon JACKIE JARVIS replied:

I thank the honourable member for some notice of the question. I answer on behalf of the parliamentary secretary representing. The following response has been provided by the Minister for Corrective Services.

(1) In February 2023, the average out-of-cell hours for Banksia Hill Detention Centre was 6.74 hours and for unit 18 it was 2.96 hours.

(2) In February 2023, there were 714 occasions at Banksia and 291 occasions at unit 18.

LOGAN PAUL PRIME ENERGY DRINK

228. Hon Dr BRIAN WALKER to the Minister for Agriculture and Food:

I refer the minister to the release of Logan Paul's Prime energy drink here in Western Australia, despite it containing almost two times the amount of caffeine normally permitted in Australian beverages.

(1) What, if anything, can the state government do to close or modify the loophole in the Australia New Zealand Food Standards Code that allowed this product to be sold locally?

(2) Given the clear and documented dangers of excess caffeine consumption, especially amongst young people, who appear to be the target market for this product, will the minister work with her cabinet colleagues, both here and interstate, to ensure that all such measures are taken as swiftly as is practicable?

Hon JACKIE JARVIS replied:

Was that question from some time ago?

Hon Dr Brian Walker: It was.

Hon JACKIE JARVIS: I have seen the answer but it is no longer appearing in my file so, hopefully, someone is listening and they will get the answer to me.

LUNG CANCER

229. Hon SOPHIA MOERMOND to the Leader of the House representing the Minister for Health:

An alarming new report by the Cancer Council has predicted that of the lung cancer cases diagnosed between 2017 and 2026, 16.1 per cent of cases in men and 28.9 per cent in women would not be attributable to active smoking. Considering this I ask the following.

(1) What is WA Health doing to ensure that the public knows the risk factors that can cause risk factors outside smoking such as exposure to occupational carcinogens like silica dust, asbestos and diesel engine exhaust?

(2) Given most people associate lung cancer with smoking, will the minister consider a campaign to make the public aware of the high risk that car fumes and indoor pollution can contribute to lung cancer diagnoses?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. I answer on behalf of the Leader of the House. The following answer has been provided to me by the Minister for Health.

(1)–(2) WA Health provides information about cancer, including risk factors, types of cancer, support services and treatment to the public on the HealthyWA website.

MARINE RESCUE PORT HEDLAND

230. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:

I refer to media reports that the Port Hedland Volunteer Marine Rescue base was not able to secure funding from the commonwealth's Building Better Regions fund and is facing closure if a new facility is not constructed.

(1) What funding commitment has the state government made towards this project?

(2) Why has the Department of Fire and Emergency Services chosen not to endorse the $2.7 million facility that the Port Hedland Marine Rescue has requested?

(3) Has the state government advocated to the commonwealth for any funding for this project; and, if so, please provide details?

(4) What work has DFES undertaken to properly cost the project and identify a fit-for-purpose, fully functional facility design?

Hon STEPHEN DAWSON replied:

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

(1) The Volunteer Marine Rescue Capital Grants Committee allocated $357 000 in the 2022–23 financial year and is planning a further $357 000 for the financial year 2023–24 towards a new building for Marine Rescue Port Hedland.

(2) Current costings indicate that a suitable fit-for-purpose building could be constructed for much less than $2.7 million.

(3) DFES supported MRPH applications to the commonwealth government's Building Better Regions fund.

(4) DFES and the Volunteer Marine Rescue Western Australia continue to meet and collaborate with the MRPH committee regarding their building for a new building.

VACCINE SAFETY SURVEILLANCE SYSTEM — ANNUAL REPORTS

231. Hon NICK GOIRAN to the Leader of the House representing the Minister for Health:

I refer to the answer on 23 February 2023 to my question without notice 161 in which the minister acknowledged that the Standing Committee on Estimates and Financial Operations had been told that the *Western Australian vaccine safety surveillance: annual report 2021* was due to be released by the end of August 2022.

(1) Why then was the report released only in February 2023 after follow-up parliamentary questions?

(2) Is the minister aware that in 2020, there were 270 reports of adverse events following more than two million immunisation doses?

(3) Is the minister aware that in 2021, there were 10 726 reports following more than five million immunisation doses?

(4) Has the minister been briefed about this significant increase in reported adverse events; and, if so, was this before or after the report's release?

Hon STEPHEN DAWSON replied:

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

(1) Due to the substantially higher number of vaccinations administered in Western Australia in 2021 and the efforts to ensure accurate and appropriate evaluation of all reported actual and potential adverse events following immunisation, publication of the *Western Australian vaccine safety surveillance: annual report 2021* was delayed.

(2) Yes.

(3) Yes.

(4) Yes. The Minister for Health was briefed prior to the report's release.

ROADS — REGIONS

232. Hon STEVE MARTIN to the Leader of the House representing the Minister for Transport:

I refer to roads throughout regional and rural Western Australia.

(1) For each Main Roads Western Australia region, how many total kilometres of road are there?

(2) How many total kilometres of maintenance and construction have been scheduled or completed in each region for the 2021–22 and 2022–23 financial years?

Hon STEPHEN DAWSON replied:

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

(1)–(2) This information cannot be provided in the required time frame. I ask that the honourable member please place this question on notice.

GRIFFIN COAL

233. Hon Dr STEVE THOMAS to the minister representing the Minister for State Development, Jobs and Trade:

I refer to my question without notice 104 of 21 February 2023 pertaining to "fair" coal pricing.

(1) When will the government make a decision on extending to Synergy coal supplier, Premier Coal, an equivalent coal pricing revision in parity with the increased Griffin Coal fair coal pricing?

(2) As at 13 March 2023, what modelling, analysis or cost determinations has the government formulated in establishing a fair price for coal?

(3) What time frame has the state imposed on itself for the determination of what is a fair price for coal?

(4) Will the minister table the governments flow-on costs implications modelling for the end users based on establishing and applying its fair price for coal; and, if not, why not?

Hon STEPHEN DAWSON replied:

I thank the Leader of the Opposition for some notice of the question. I provide this answer on behalf of the Minister for State Development, Jobs and Trade.

(1) Synergy's coal pricing arrangements are commercial-in-confidence.

(2)–(4) The government has not set —

Hon Dr Steve Thomas: A gold-standard transparency!

Hon STEPHEN DAWSON: Does the Leader of the Opposition want this answer or not?

Hon Dr Steve Thomas: Yes, sorry.

Hon STEPHEN DAWSON: The government has not set a fair price, but expects that a fair price is paid that reflects the true costs of production. The Griffin Coal receivers and managers have made assessments of what the current cost of production is and have engaged mining consultants to assist in mine planning and cost forecasts.

ROADS — SPEED CHANGES — GOODWOOD ROAD, CAPEL

Question on Notice 1225 — Answer Advice

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [5.05 pm]: Pursuant to Standing Order 108(2), I wish to inform the house that the answer to question on notice 1225, asked by Hon Dr Steve Thomas to the Leader of the House representing the Minister for Transport, will be provided on 16 March 2023.

SCIENCE POLICY FELLOWSHIP PROGRAM

Question without Notice 198 — Answer

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [5.05 pm]: I would like to provide an answer to Hon Dr Brian Walker's question without notice 198 asked yesterday that I seek leave to have incorporated into *Hansard*.

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

I thank the Honourable for some notice of the question.

(1) No.

(2) There are no plans to establish such a scheme in Western Australia at this time.

EMERGENCY SERVICES — FORRESTFIELD — TRAINING ACADEMY

Paper Tabled

A paper relating to an answer to question on notice 1231 was tabled by **Hon Stephen Dawson (Minister for Emergency Services)**.

NATIVE FOREST — ECOLOGICAL THINNING

Question without Notice 203 — Answer

HON JACKIE JARVIS (South West — Minister for Forestry) [5.06 pm]: I would like to provide an answer to Hon Dr Steve Thomas's question without notice 203 asked yesterday that I seek leave to have incorporated into *Hansard*.

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

(1) Tendering processes will be in accordance with WA Government procurement policies and the Forest Products Act. Contracts may include an hourly rate, dependant on the area for ecological thinning.

(2) Yes.

(3) The Forest Product Commission has always and will always continue to provide strict guidance on their contracts.

LOGAN PAUL PRIME ENERGY DRINK

Question without Notice 228 — Answer Advice

HON JACKIE JARVIS (South West — Minister for Agriculture and Food) [5.06 pm]: Earlier today, Hon Dr Brian Walker asked a question in relation to energy drinks. The answer cannot be located, but I recall that the answer asked that the question be referred to the Minister for Health who is in charge of food standards. The member may want to re-lodge the question and I will get an answer for him tomorrow.

Hon Stephen Dawson: If I could add to that, we will check whether it has been re-diverted to another minister and see whether we can get the member an answer.

ANIMAL WELFARE AND TRESPASS LEGISLATION AMENDMENT BILL 2021

Committee

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Sandra Carr) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

Clause 10: Section 70A amended —

Committee was interrupted after the clause had been partly considered.

Hon MATTHEW SWINBOURN: Before we were interrupted for question time, Hon Colin de Grussa asked a question about definitions in clause 10 that reference the Animal Welfare Act. Specifically, the definitions of "abattoir" and "knackery" were under review, and he asked whether they would require further changes in this bill when it becomes an act. We do not anticipate that it will, but I suppose within the realms of things that are possible, it could be possible if those definitions did change. In the future, if a bill were brought to Parliament that dealt with those matters that changed those definitions, the Criminal Code would have to be amended as a consequence. It would form part of the bill. We do not anticipate at this stage that the things the member pointed out would be subject to change, but, for example, the numbering might change so that would have to be updated.

Hon COLIN de GRUSSA: Thank you, parliamentary secretary. I guess where I was going with that was to make sure contemplation is given to the fact that if those acts are amended, reviewed or changed, these definitions within the Criminal Code would have to reflect those changes.

Hon Matthew Swinbourn: Yes, they would have to be updated.

Hon COLIN de GRUSSA: They would have to be updated, yes. Clause 10 will amend section 70A of the Criminal Code, and the definition of animal source food production facility will be quite broad. It includes things like a farm or other place where animals are reared or fattened—dairy farms, egg farms and so on. The application of the trespass provisions will be broader than the earlier application of the powers of inspection. An inspector will be able to inspect only an intensive production place, but these are deliberately broader. That is my understanding; is that correct?

Hon Matthew Swinbourn: By way of interjection, your characterisation is correct.

Hon COLIN de GRUSSA: That is correct. The idea is that protection will be provided as broadly as possible; however, the inspections will be limited quite specifically to intensive production places.

Hon Matthew Swinbourn: They are narrow, yes.

Hon COLIN de GRUSSA: That is all I have on that one.

Hon STEVE MARTIN: I refer to the definitions that will be inserted in section 70A. Paragraph (c) of the proposed definition of "animal source food production facility" states —

> an egg farm or other place where poultry are kept to produce eggs;

That is apparently the extent of the interest in poultry farming. Is there a gap? I assume there are poultry farms that are designed to produce chickens for Red Rooster.

Hon MATTHEW SWINBOURN: And not just Red Rooster, but Chicken Treat as well! I indicated in a previous session of the Parliament my love of Masters iced coffee, crumbed cheese sausages and Chicken Treat. More seriously, paragraph (a) of the proposed definition will encapsulate a chicken farm for the purposes of breeding chickens for meat. As Hon Steve Martin quite rightly pointed out, paragraph (c) relates only to eggs. Paragraph (a) will capture other chicken-farming facilities.

Hon STEVE MARTIN: At the end of clause 10, proposed section 70A(2B)(a)(i) talks about a supervision requirement. It states —

> a supervision requirement with a direction that the offender must not enter or remain on an animal source food production place specified, or of a kind specified, in the order …

Proposed subsection (2C) then states —

> Subsection (2B) does not apply in a particular case if the court is satisfied that exceptional circumstances exist in that case.

They seem contrary to me. Can the parliamentary secretary outline what those exceptional circumstances might look like?

Hon MATTHEW SWINBOURN: At this stage, I will refer the member back to the explanatory memorandum, because it provides some explanation of examples that could be contemplated. I could not give the member an exhaustive list of the kind of circumstances that might fall under that term. However, we have anticipated the example of an offender who has an impaired decision-making capacity or is experiencing financial difficulty, such that the minimum fine would not be appropriate. The member also needs to understand that in this particular circumstance, it will be incumbent on the person who has been charged under this provision to make the case for the exceptional circumstances. They will have to put that before the court and the court will have to be satisfied. It is quite a high threshold, but I think the purpose is to avoid an injustice happening. Obviously, the nature of the penalty provisions is that they are almost mandatory. As I said, we have stepped away from making them purely mandatory and will give the court the power to exercise at least some discretion, but only in those exceptional circumstances. We can imagine that an ordinary person who contravenes these provisions will not be able to satisfy them in that regard. As I said, they will have to be exceptional circumstances. I think it is highly unlikely that most people convicted of the previous offences would have been able to satisfy that requirement.

Hon STEVE MARTIN: Correct me if I am reading this wrong—I may well be—but proposed section 70A(2) is about non-aggravated trespass and there is a penalty of jail time or a $12 000 fine. Proposed subsection (2A) is aggravated trespass and then under proposed subsection (2B), where those exceptional circumstances might exist, the penalty can become community service and a smaller fine. Does that relate just to aggravated trespass?

Hon Matthew Swinbourn: Yes.

Hon STEVE MARTIN: Can non-aggravated trespass be downgraded to community service and a smaller fine?

Hon MATTHEW SWINBOURN: The Sentencing Act will apply in those circumstances and those options will be available to whoever deals with it—probably a magistrate. We are obviously dealing only with aggravated trespass provisions in this case.

Hon COLIN de GRUSSA: I will take a step back to proposed section70A(2). There are two different forms of trespass—trespass on a place and aggravated trespass. My reading of the proposed subsections is that trespass of an animal source food production place will be considered trespass only if it is aggravated—that is, it will have to satisfy the criteria under the proposed definition of "interfere with". If someone trespasses on an animal source food production place but does not satisfy the criteria, will they be captured only by proposed subsection (2), which is trespass on a place? Is that correct?

Hon MATTHEW SWINBOURN: If they meet the elements of the offence, yes, the member is correct in that regard. Obviously, the aggravating circumstances are dealt with in the proposed definition of "circumstances of aggravation", which states —

> … in relation to a trespass on an animal source food production place, means …

It then provides the particular elements. A person must first commit trespass and then must interfere with or intend to interfere with the animal source food production, or they must assault, intimidate or harass, or intend to assault, intimidate or harass, a person who is there or a family member. If those elements are satisfied for aggravation, it will therefore fall under proposed subsection (2A), but if none of those elements are present other than trespass, it will just come under proposed subsection (2).

Hon COLIN de GRUSSA: Okay. That is where I was getting to. If the elements for aggravation are not satisfied, it will simply be a trespass on a place, which means they can expect 12 months' imprisonment or a fine of $12 000 as the maximum penalty, whereas in order to be subject to the higher penalty, they must meet the criteria for aggravation.

Hon Matthew Swinbourn: Yes, the circumstances of aggravation, which will be defined earlier in that section.

Hon NICK GOIRAN: Proposed section 70A(2C) is what I would describe as the now customary safety valve for any mandatory sentencing provisions. We normally see this with mandatory sentencing for terms of imprisonment; here we see the safety valve being applied for a community order. Why has it been deemed necessary to include that, given that the minimum mandatory sentence in this situation of circumstances of aggravation is going to be a supervised community order?

Hon MATTHEW SWINBOURN: The member helpfully described it as a "safety valve" for the mandatory sentencing provision, and he is correct. It will apply to the community order, which is a mandatory part of this provision; the fine of $2 400 is the other mandatory part. I think we already covered the exceptional circumstances that might apply in which that will be seen to be particularly harsh or oppressive. With regard to a community order under the Sentencing Act, we are contemplating at proposed section 70A(2C) a situation in which the court is satisfied that exceptional circumstances exist. For example, the person might live on a farm. Proposed section 70A(2B)(a)(i) provides that the person must not enter or remain on an animal source food production place. If they actually live on an animal source food production place, it could create an exceptional circumstance. They could also be employed in those circumstances. Because they are exceptional circumstances, we are straining a little to provide examples, but as the member says, the purpose is to act as a safety valve. The mandatory nature of those provisions means that exceptional circumstances can sometimes be beyond our contemplation, and we all know that mandatory provisions are an extremely blunt instrument. As a matter of trying to avoid a potential injustice in a particular, dare I say exceptional, set of circumstances, we have included that additional provision.

Hon NICK GOIRAN: The parliamentary secretary said that the government is straining for examples of this exceptional circumstances provision. There is a good reason for that, because it is not readily apparent what the exceptional circumstances would be. I respectfully submit that the scenario put forward by the parliamentary secretary would not apply because the reference at proposed section 70A(2B)(a)(i) is to "an animal source food production place". It has to be a specified place, so it would have to be in the order. No self-respecting magistrate in Western Australia is going to specify the home of the individual; in any event, it would make no sense, because we are talking about trespass, and the person is hardly going to be trespassing on their own premises. With respect, I do not think that that exceptional circumstance applies at all. I am struggling to see what the exceptional circumstances would be. What would be the hardship for the person? If I am not mistaken, we are envisaging a scenario in which extreme vegan activists trespass on an animal source food production place, causing all kinds of mayhem and mischief, and harass the owners of that place. As I understand it, that is the type of scenario that this bill is trying to address, amongst others; it is not only that scenario. The person has the capacity to commit this offence, and the courts have deemed the person to have capacity. There is no suggestion that we are talking about the mental impairment scenario that will be the subject of a debate at a later stage; that is not the scenario here. We are talking about a person with capacity who has chosen to trespass on another person's property. Now the government is saying, "Well, look; at the bare minimum in these aggravated circumstances, we, the Parliament, are giving you, the judiciary, a direction that we want you, as the absolute minimum, to give this person a community order; you're not going to imprison them." I cannot see why a person who clearly has the capacity to commit a trespass offence could not comply with a community order. With regard to the fine of $2 400, as we know, there is also the capacity for a person to apply for a work and development permit scheme in circumstances of hardship and so forth. I am struggling to see why we have applied this safety valve to a community order.

We are making amendments to the Criminal Code. Is there information readily available to the parliamentary secretary as to other provisions within the Criminal Code in which this type of mandatory sentencing safety valve, as I have described it, has been applied to sentencing options other than imprisonment?

Hon MATTHEW SWINBOURN: There may be, but I do not have the advice at the table to be able to answer that for the member now. If we come across something, we can come back to that point.

Hon NICK GOIRAN: That is a little unsatisfactory, I have to say. We have before us a bill that seeks to amend three acts. One of the acts it seeks to amend is the Criminal Code. I would expect the government to make advisers available to the hardworking parliamentary secretary who are across the Criminal Code and the amendments being made here. The government has made a deliberate decision to impose a mandatory sentencing regime in the bill. It is quite within the government's rights to do that. There is, of course, a diversity of views across Western Australia, particularly within the legal profession, as to the appropriateness of having mandatory sentencing regimes. Nevertheless, the government, as a matter of policy, has decided that if a person trespasses in aggravated circumstances, they will be sentenced, as a minimum, to a community order. That is what the court must impose, according to the government's policy, which has the support of the opposition. I note that much of the consternation within the community, including the legal fraternity, around mandatory sentencing regimes particularly revolves around mandatory imprisonment. Members can well understand why that might be the case, because depriving a person of their liberty and jailing them is a very significant imposition indeed. There may well be a necessity for discretion to be given to the judiciary. That is the ordinary, customary approach—that the judiciary have discretion about whether they are going to place this imposition on a person's liberty by imprisoning them. That is not what we are talking about here. Here we are talking about a scenario in which it is a community order. I would like to know from the government where this idea has come from. Has this template come from another provision within the Criminal Code or from some other portion of our statute? Somebody has invented this idea that finds its place at proposed section 70A(2B). The words here have been deliberately drafted and agreed to by government. Someone must know where this has come from. Has this come from another jurisdiction? As I said, has it come from another place within our statute? It is not acceptable, now that the matter is before the house of review, to be told, "We don't know". Someone needs to go and do that work.

We have about 50 minutes left in this sitting day to try to deal with this bill. I do not have primary carriage of this bill; in fact, I do not have primary carriage of any bills at the present time—that is another matter—but as it so happens, for what it is worth from my perspective, I would have liked to have seen this particular bill dealt with today so that we could get on to some other matters, including the Guardianship and Administration Amendment (Medical Research) Bill 2023. We are going to struggle to make progress if the government is unable to answer this question. Somebody must know something about mandatory sentencing regimes. It is not just the McGowan Labor government that has done this. Of course, what has been referred to as the Barnett government was also from time to time a fond user of mandatory sentencing regimes and the reforms that have come through. This is something that officers within government are well versed in. They are well versed in the circumstances in which a government of the day issues them a direction and says, "As a matter of policy, we want a mandatory sentencing regime." They are well versed in that respect. It is my contention at this time that that typically applies to when that court is going to impose a term of imprisonment. It is not so typical to see it applied to a community order. If my contention is wrong, and it is actually quite common on our statute book and quite common in the Criminal Code that a community order is subject to one of these safety valves, I am quite happy for that to be placed on the record and we can swiftly move on to the next clause. I struggle to be satisfied that the house of review can simply pass clause 10 of the bill without having a satisfactory answer to this particular question. I wonder, having taken a few moments to elaborate on my concern there, whether any further material might be able to be provided to the house at this time on this issue.

Hon MATTHEW SWINBOURN: I do not think I will satisfy the member with the answer I am about to give.

Hon Nick Goiran interjected.

Hon MATTHEW SWINBOURN: In order to manage expectations. The advisers at the table, who are very capable advisers, to my detriment, perhaps, were not involved in the original drafting of the 2020 bill which this 2021 bill is based on. As the member might recall, a process happened and these provisions were in that original bill as it was introduced to Parliament three years ago. It was also the subject of consultation with the community—an exposure draft or a green bill was put out so people had that opportunity. The exceptional circumstance provision was in there. I will say more broadly that the member and I both know that amongst the legal fraternity there is great degree of uncomfortableness about mandatory sentencing of any kind. Most of the mandatory sentencing within the Criminal Code relates to very, very serious matters. Although this matter is important, we cannot elevate it to the seriousness of murder, for example. Although I cannot give the member an explanation about how it came to be inserted, as a matter of policy it is appropriate to at least have this safety valve, even with this much lower level of offending and the supervision order. As I said, I do not know whether my answer will be satisfactory to the member. A policy decision has been made to include this safety valve. As to the point at which that was made, I cannot help the member with that. As to the Criminal Code, we are reasonably certain that provisions in the Criminal Code relate to community supervision orders being mandatory and there being an exceptional circumstances relief valve in relation to that.

Hon NICK GOIRAN: Is the parliamentary secretary essentially saying that he is reasonably confident that what we are doing here in terms of having a safety valve —

Hon Matthew Swinbourn: It is novel.

Hon NICK GOIRAN: Is it not novel or is it novel?

Hon Matthew Swinbourn: It is novel in terms of sentencing for supervision orders, and that is why we are reasonably confident. It is not an example that we can point to because it is not something that has previously had something to rely on.

Hon NICK GOIRAN: Yes, thank you. That is consistent with my understanding. I cannot recall having seen this before and that is why it attracted my attention. I am reluctant for the house to just simply, number one, not read these things and, number two, just pass what is effectively, then, the opportunity in due course for this to be considered some kind of precedent or template that should be followed in the future. I am not necessarily arguing the merits for or against the safety valve with regard to this lesser sentencing option. That is an important debate to be had. I can concede that this is at least retaining that important element of judicial discretion, but it is the lessening of that discretion that causes the consternation. If something positive can be said about the provision that is presently before us it is that it is maintaining that. I am happy to concede that particular point in terms of the argument, but I still think that a cogent comprehensive explanation needs to be provided as to why that would be necessary as distinct from desirable. Why would it be necessary when we are not talking about the severity of a term of imprisonment? Perhaps it would assist to take the matter a little further, because I accept that the parliamentary secretary has probably exhausted the options available to him in terms of advice on this point. Is any information available to the parliamentary secretary on the mandatory sentencing provision before us contained in proposed section 70A(2B) and (2C)—if we can see them as a package—and whether any reservations or concerns have been raised by any of the stakeholders either in the most recent round of consultation or during the earlier iteration of the bill?

Hon MATTHEW SWINBOURN: The adviser is checking her notes. Apparently, there were 185 submissions in total, but from her recollection the answer is no. The only specific issue raised was that the President of the Children's Court identified a technical issue that could have resulted in certain juvenile offences being liable to the minimum penalty. The bill has remedied that particular concern so that young offenders are not subject to the mandatory provisions, but in terms of anybody saying that there should not be an exceptional circumstances relief valve, we have nothing. We can check overnight if we are still on the bill, but it is not something that is screaming out at us, if I can put it that way, as an overriding concern. As I say, we had 185 submissions, so I would not want to exclude the possibility that someone raised it in an abstract way or something of that kind.

Hon STEVE MARTIN: Clause 10(2) deletes section 70A(2) and inserts proposed subsections (2) and (2A) that deal with penalties. From memory, during my contribution to the second reading debate and in the parliamentary secretary's reply we raised the possibility of dealing with crowdfunding as a consequence of the escalation of fines. The parliamentary secretary's response was that it is obviously not being considered. He also mentioned that our level of penalty is significantly higher than that of some other jurisdictions. Do any other jurisdictions double up for subsequent offences?

Hon Matthew Swinbourn: Do you mean double the penalty?

Hon STEVE MARTIN: Is there an escalation of penalty for the second, third and subsequent offences?

Hon MATTHEW SWINBOURN: The member mentioned crowdfunding in the first instance and I covered that off in my reply, but just to round that out for the purposes of today, crowdfunding for the payment of penalties is an issue that goes beyond just what we are dealing with here. It comes back to what governments and courts can do to make sure that a person who commits an offence feels the sting. It might be, for example, a circumstance that comes to the attention of a court during sentencing in terms of what might be an appropriate penalty. For example, if somebody had a public GoFundMe page that is for committing offences, a court might be more inclined to impose a term of imprisonment. That is possible, but it really depends.

In relation to the other part of the member's questions, which I think was in three parts, about where other jurisdictions are at and the differences here, South Australia did its reforms and it is 12 months' imprisonment or a $10 000 fine for being on a premises for an unlawful purpose in circumstances of aggravation, and six months' imprisonment or a $5 000 fine if the offence is not committed in circumstances of aggravation. South Australia's previous maximum penalty was six months' imprisonment and a $2 500 fine. Our penalty with aggravation is two years' imprisonment or a fine of $24 000. Plain old ordinary trespass under this legislation will be 12 months' imprisonment or a $12 000 fine, so we are significantly ahead of South Australia.

In New South Wales, which is a bit closer to us, it is 12 months' imprisonment or a $13 200 fine for unlawfully entering agricultural land in aggravated circumstances, and three years' imprisonment or a $22 000 fine if the offender was accompanied by two or more people or if circumstances of aggravation apply—that is, the person presented a risk to the safety of a person on the land. The maximum penalty for the aggravated offence used to be $5 000. New South Wales has a longer term of imprisonment than we are proposing but its maximum penalty is $2 000 less for offences in the circumstances of aggravation. It is not necessarily one for one in terms of the offence because each jurisdiction has its own, for want of a better word, bespoke provisions that are not reflected uniformly. These are roughly comparable offences. In Queensland, it is 12 months' imprisonment or a $2 875 fine for unlawfully entering farmland; the previous maximum penalty was six months' imprisonment or a $1 334 fine. As members can see from the examples of those three jurisdictions, there is some difference in the penalties but generally speaking ours are higher.

I think the member's last point was about what I would perhaps describe as a stepping up of the financial penalty if people commit further offences. We do not structure our fines regime in that way. It is not our practice to do that and I am not aware of other jurisdictions doing it. The member will find that a court will deal with a person's first offending and give the appropriate penalty. If subsequent offending happens, they will work their way up to the maximum penalty. Courts do not generally do that unless they are mandatory amounts. We have a mandatory minimum amount not a mandatory maximum amount at proposed subsection (2B)(b) of at least $2 400, which is 10 per cent of the maximum. A range of sentencing principles have been developed by the courts over a long period for how they deal with things, but obviously in each particular circumstance. If a person keeps coming back, the court theoretically will do that.

Parliaments and governments usually like to set mandatory amounts when the community is not happy with the amounts the courts have set for offending. We say: as elected representatives, we are providing you with very specific guidance about what we think a minimum sentence should be in this particular case for an aggravated trespass. Obviously, sometimes mandatory sentencing provisions are the maximum amount or a single set thing for very serious things. I hope that has covered off the three things that the member raised.

Clause put and passed.

Clauses 11 to 13 put and passed.

Clause 14: Section 35 amended —

Hon NICK GOIRAN: Clause 14 seeks to amend section 35. We have now moved to the third of the three acts that this bill deals with—that is, the Restraining Orders Act 1997. I draw the parliamentary secretary's attention to proposed subsection (2A)(g). What are some examples of the kinds of matters that a court may consider relevant pursuant to paragraph (g)?

Hon MATTHEW SWINBOURN: I do not have anything specific to give the member as an example of other matters the court might consider relevant but I will draw the member's attention to section 35 of the Restraining Orders Act 1997, "Matters to be considered by court generally", which states —

> (1) When considering whether to make an MRO for reasons referred to in section 34(a)(i) or (ii) and the terms of the order a court is to have regard to —

That is followed by paragraphs (a) to (i). Paragraph (i) states —

> other matters the court considers relevant.

Subsection (2) states —

> When considering whether to make an MRO for reasons referred to in section 34(a)(iii) and the terms of the order a court is to have regard to —

That is followed by paragraphs (a) to (h). Paragraph (h) states —

> other matters the court considers relevant.

The point I am making is that the drafting in this bill to add proposed subsection (2A)(g) is consistent with the drafting that already exists in the Restraining Orders Act for those other provisions. I do not think we can take the member to any other matters because it is about the consistency of drafting rather than us having thought of other things that we did not include in that list. It is just things that obviously come up in paragraphs (a) to (f), and there is the safety valve, for want of another word, that is paragraph (g).

Hon NICK GOIRAN: In this particular instance, the misconduct restraining order is made against an individual. There is no other change to the Restraining Orders Act in that sense. Every other aspect of the procedure, including the considerations that are taken into account on whether to grant a misconduct restraining order and the terms of the misconduct restraining order, are the same. The system is one and the same. The additional factors are set out at proposed section 35(2A). Otherwise, is the system essentially the same?

Hon MATTHEW SWINBOURN: The member is correct.

Clause put and passed.

Clause 15: Section 36 amended —

Hon NICK GOIRAN: I indicate that I have only one question on clause 15 —

Hon Matthew Swinbourn: Do you promise?

Hon NICK GOIRAN: It is a good point that you make, parliamentary secretary. I should have said "one theme". We will see whether it is limited to one question, but thereafter I have nothing further to add in respect of the bill presently before us.

I refer to clause 15 and in particular the restraints that are listed in section 36(3) of the act. What kinds of restraints may be imposed on a respondent to prevent them from committing aggravated trespass pursuant to section 36(1)?

Hon MATTHEW SWINBOURN: This is not an exhaustive list in the circumstances because that would obviously be a matter for the court and the prosecuting authorities and the particular applicant who might be making an application. However, I think the kind of restraints that would be appropriate could be restraints on communication, what I would define as proximity restraints—for example, not to go to a certain place or go within a designated distance from a certain place—or restraints on the use of social media. Those are the kinds of thing that would relate here. If we think about the activities of the people who are engaged in this and how they do it, it is about place, they tend to engage in a trespass so the MRO would be explicitly saying —

Hon Nick Goiran: Publicity.

Hon MATTHEW SWINBOURN: It is about publicity; that comes under communication. That is where that would be. It might be that the court restrains them from further using their social media to promote what they intend to do or, alternatively, how they have contact with other people they are working in concert with in relation to those things. Those restraints can be quite effective in getting ahead of the behaviour in the first place.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by **Hon Matthew Swinbourn (Parliamentary Secretary)**, and passed.

MAJOR EVENTS BILL 2023

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Stephen Dawson (Minister for Emergency Services)**, read a first time.

Second Reading

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [6.06 pm]: I move —

That the bill be now read a second time.

The primary purpose of the Major Events Bill is to establish a framework to facilitate and regulate the holding and conduct of major events in Western Australia. Major events deliver significant economic, tourism and social benefits to the state. They attract business investment, a high number of interstate and international visitors, create local employment opportunities and add vibrancy to the destination. Major events also create opportunities to promote the state to national and international audiences.

It is becoming increasingly common for international bodies to require potential host cities of major events to provide certain protections or guarantees for their events. The existence of major events legislation may therefore be a determinative factor in the state's ability to bid for and host major events. Most other jurisdictions in Australia have major events legislation in place. This bill will enhance the state's competitiveness in bidding for major events by providing greater certainty to major event organisers and venue operators. The bill will provide for the safe and orderly running of major events, streamlining of appropriate approval processes and protection of the commercial interests of major event organisers.

The legislation will apply only to an event that is prescribed as a major event. This could be a sporting, cultural or other event, such as a political or economic event, however it is intended that only significant events will be prescribed as major events. Part 2 of the bill outlines the mechanism for prescribing an event as a major event and the relevant criteria. The minister must be satisfied that the event is a large event of state, national or international significance and it is in the public interest for the event to be prescribed as a major event. A range of matters may be considered by the minister when considering whether to recommend that an event be prescribed as a major event, including the size, prestige and likely social and economic benefits of hosting the event. Before prescribing an event as a major event, the minister must consult with other ministers and relevant persons. Examples of past events of such scale and scope that may attract declaration as a major event include the ICC Cricket World Cup, the Rugby League World Cup, the Commonwealth Heads of Government Meeting and *The Giants*, which was held in 2015 as part of the Perth International Arts Festival.

The regulations that will prescribe an event as a major event will outline key matters, including details of the major event organiser, the major event period and the major event area. For large events, the major event area might include a number of different locations.

The regulations will also specify which provisions of the act apply to the major event. This will enable government to scale the legislative protections to the particular requirements of an event. For example, the parts of the act providing for traffic management will only be enlivened if required for an event, similarly the commercial protections in the act will only be applied if necessary to protect the commercial interests of the major event organiser.

The regulations may also provide that the legislation specified in schedule 1 is suspended or modified in order to allow for the operation of a major event. The bill includes a number of limits on this power, including that suspension or modification is only permitted if it is in the public interest and necessary for the operation of the major event. For example, road traffic legislation may require modification for a cycling or motor racing event. In addition, the minister is required to consult the relevant minister administering the legislation, who must agree to this suspension or modification.

Part 3 of the bill includes provisions to facilitate the construction of temporary works required for a major event, such as grandstands, barricades and marquees. The minister may authorise temporary works for a major event and impose conditions on an approval. The bill also outlines requirements for restoration of land following an event.

Part 4 of the bill provides for the management of roads, waters and traffic in relation to an event. A major event organiser will be required to develop a transport and traffic management plan in consultation with relevant authorities and will have the ability to close roads and establish major event lanes for the purpose of an event.

Part 5 of the bill sets out comprehensive provisions in relation to safety and crowd management intended to ensure that the safety of participants and spectators and improve the enjoyment of an event. It outlines the standards of behaviour expected in relation to entry, movement and conduct in the major event area, offences for breach of the requirements and enforcement powers for authorised officers.

One of the objectives of the bill is to provide protection for the commercial interests of major event organisers. Part 6 includes provisions prohibiting unauthorised sale or distribution, ambush advertising, unauthorised advertising and unauthorised broadcasting. This part also provides for offences for breach of the requirements and powers of authorised officers to request a person to remove or cover a thing or to seize items. Part 7 of the bill includes protections in relation to official logos or titles.

Parts 8 and 9 of the bill make provision for the appointment of authorised officers and outlines the powers of authorised officers in carrying out their functions in enforcing the requirements of the act. Police officers also have the powers of authorised officers.

The bill also includes limits on the liability of the state in relation to major events.

The Major Events Bill 2023 will put Western Australia on an equal footing with other Australian jurisdictions with similar legislation and enhance the state's capacity to bid for and host major events for the benefit of all Western Australians.

Pursuant to standing order 126(1) I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party, nor does this bill by reason of its subject matter introduce a uniform scheme or uniform laws throughout the commonwealth.

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

[See paper 2087.]

Debate adjourned, pursuant to standing orders.

CANNABIS — LEGALISATION

Statement

HON SOPHIA MOERMOND (South West) [6.13 pm]: I am here to remind members that cannabis will be legalised sooner than they think. Legalisation equals regulation equals safeguarding. Incidentally, it has been shown that cannabis does not cause lung cancer, which is really good.

It is interesting that a proposal to legalise cannabis that conforms to European laws will be presented in Germany. The plan is simple, much more simple than our bill for which resources have been undemocratically removed. The proposal includes that 18 years be the legal age for cannabis; a 20 to 30-gram possession limit; regulated outlets; no cap on THC percentages; the cultivation of up to three plants per adult per household; and the removal of cannabis from Germany's narcotics laws. The aim is to improve public health. One more thing that I would like to see added to the proposal is to not have advertising out in the open.

The Germans are known for their thoroughness and efficiency, and I think we should totally follow suit because it makes sense.

HA LING PEAK

Statement

HON PIERRE YANG (North Metropolitan — Parliamentary Secretary) [6.15 pm]: The word "Chinaman" is loaded with historic baggage. It is used to denigrate people of Chinese cultural heritage. It used to be very common in everyday life. For example, "I'm going to the Chinaman's for lunch", or "John Chinaman". It is a term that dehumanises people of Chinese cultural heritage. It signifies a lack of interest in knowing a person from that cultural background; he was not worthy of being known by his name. John Chinaman is of the same cut. According to the Oxford English Dictionary, British sailors who were not interested in learning the names of the Chinese crew who worked with them came up with the generic nickname. One may ask, "What's the big deal? Don't we have "Englishman" and "Frenchman" in the English language? What's wrong with Chinaman?" We have "Englishman" and "Frenchman" in the English language, but not England-man or France-man so why the word "Chinaman"? The grammatical incorrectness of the word "Chinaman", which resembles stereotypical characterisations of Chinese accents in English speaking countries, suggests that the term has strong pejorative overtones. The word "Chinaman" was a racist term 200 years ago and it is a racist term today.

I came across a story about a mountain in Canmore, Canada, called Chinaman's Peak. According to local newspaper *Medicine Hat News,* reporting on 22 October 1896, Ha Ling, a Chinese cook for a Canmore mining company, climbed the peak as part of a $50 bet that he could not climb it and be back in town within 10 hours. The mountain was called Chinaman's Peak in his honour. That is an interesting story but, unfortunately, it comes back to the same point I raised earlier. People were not interested in knowing Ha Ling the person. They just decided to call the mountain Chinaman's Peak. But this story has a fine ending. In the mid-1990s, four activists in Canmore began to lobby to remove this offensive and derogatory name. One of them, Roger Mah Poy, is a third-generation Canadian of Chinese cultural heritage. I recently had the honour of conversing with Mr Mah Poy by email. I learnt a lot about him, his life story and his fight in the late 1990s.

Roger and his colleagues helped to change the narrative and the public's understanding of why "Chinaman" is a racist term and why the mountain should be named after Ha Ling. Roger found that the *Medicine Hat News* story

suggested that the mountain should be named after Ha Ling because of his daring intrepidity in climbing it. He is of the view that it was a situation of cultural misunderstanding and, to some extent, racism that resulted in the mountain being named Chinaman's Peak. Roger said that in 1997, they ran into a lot of people who said the name Chinaman's Peak honoured all the Chinese people of the valley. At one time, there was quite a large Chinese population in Canmore. At that time, many Chinese workers were employed as cooks, laundry workers and general labourers. In those days, they were all nameless people. The Chinese were not known by their given names—only by their ethnicity. Some of the old mining books listed their Chinese workers as Chinaman 1, 2 and 3, so the racism was real. It is a denial of personhood, because you do not know the person's name, you just know their ethnicity. The term "Chinaman" is a derogatory slur. It is not just a descriptor of an ethnicity.

Roger concluded that some would say that they wanted to change history. They did not want to change history; they wanted to preserve history the way it should have been preserved right from the start. Mr Mah Poy said —

> This is an important piece of Canadian history—it's a landmark named after a Chinese guy. This is one of the only, if not the only, peak in Canada named after a Chinese climber.

After an inquiry that ran for over six months and included public hearings, the Alberta Geographical Names Program changed the mountain's name in July 1997. This story is preserved by the Canadian Broadcasting Corporation in its documentary *Ha Ling Peak*. One may ask: what does this have to do with Western Australia? President, I will have more to say in due season.

I want to give a shout-out to Mr Mah Poy and his colleagues for their stance on social justice and their fight against racism. I know how deeply traumatising and frustrating it can be to deal with something that goes to the core of your personhood and dehumanises not only you, but also your family, your partner, your children and their children—yet it is acceptable to some and they do not care what it means to you. What they are actually doing is supporting something that dehumanises you. Roger and his colleagues took up the fight and won the resounding support of the Canmore and wider Alberta community. I commend and applaud Roger, his colleagues and the wider Canmore and Alberta community for choosing respect and fairness over racism and prejudice.

KIMBERLEY FLOODS — CLIMATE CHANGE

Statement

HON DR BRAD PETTITT (South Metropolitan) [6.22 pm]: I rise today to speak about three interconnected things—the recent devastating floods in the West Kimberley; the science linking the floods to global warming; and the support for fracking in the Kimberley, which will of course be a huge source of greenhouse gas emissions. I want to acknowledge those in the Kimberley who helped me pull my speech together and make this statement. I also want to acknowledge the enormous personal, social and economic impact that the recent unprecedented floods have had, especially on vulnerable First Nations people and other communities in the West Kimberley.

In discussing the floods, I want to start with a very good article in The Conversation titled "Disastrous floods in WA—why were we not prepared?" Toni Hay and Courtney-Jay Williams state in the article —

> Indigenous communities are among the most vulnerable to the impacts of climate change. Yet, current Australian disaster risk management approaches fail to consider the needs of Indigenous communities, such as housing shortages and reduced access to medical services. This leaves them vulnerable to disaster events like flooding. Most towns and communities in WA have no climate adaptation plans in place.

The article asks some really important questions around when we are actually going to start taking some of these climate impacts seriously for the First Nations communities in these areas. Of course, for many years, climate scientists and government agencies, such as the Intergovernmental Panel on Climate Change and the CSIRO, have warned that global warming caused primarily by the extraction and burning of fossil fuels is changing our climate. In fact, the Bureau of Meteorology's most recent *State of the climate 2022* report states —

> The intensity of short-duration … extreme rainfall events has increased by … 10 per cent or more in some regions and in recent decades, with larger increases typically observed in the north of the country.

It further states —

> As the climate warms, the atmosphere can hold more water vapour than cooler air can. This relationship alone can increase moisture in the atmosphere by 7 per cent per degree of warming, all other things being equal.

The latest example of extreme weather in the Kimberley caused by global warming will impact the region and its communities for many years to come. The science shows that these devastating floods are likely to be followed in the near term by further extreme weather events across the Kimberley, including more record flooding. There were a lot of conversations after the floods. The Minister for Emergency Services, Hon Stephen Dawson, said at the time that this was a once-in-100-year event. Unfortunately, it is likely that such events will happen far more often than once every 100 years. In fact, it is more likely that they will occur every decade.

That brings me to the next key point I want to make. It is good that we saw a recent commitment by the state government to legislate a target of net zero emissions by 2050 and the recent statements by our environment minister that —

> "Climate change is the greatest challenge of our lifetime. We need to take decisive action this decade.

I welcome both those things. Despite WA being the only state with rising emissions, we have heard some good announcements, such as the closure of Collie's coal-fired power stations this decade. That will hopefully see our emissions come down. The closure of the coal-fired power stations will bring down emissions by about six million tonnes a year, from memory, but if we do that whilst opening up new gas reserves in the Kimberley, such as Browse basin or the onshore Canning basin with fracking, we will see the emissions jump up extremely. We can reduce emissions by six million tonnes by closing the coal-fired power stations, but Canning Basin alone could release between 13 billion and 21 billion tonnes of CO_2 into the atmosphere. Australia's whole emissions target to keep us at 1.5 degrees is 5.5 billion tonnes. I wanted to make the contrast between that and coal because it is so extreme. Climate analysts have done some really good work in that space.

The devastating Kimberley floods not only are evidence of the more severe climate events that will be caused by fossil fuel burning, but also highlight the fact that planning for development in the Kimberley has to be completely re-thought. For example, if large-scale irrigated agriculture had been established along the Martuwarra Fitzroy River, as advocated by some in industry and some government agencies, it would have been completely destroyed by the floods. Likewise, the proposed fracking wells and other pipeline infrastructure, such as wastewater dams full of contaminated fracking water, would have been flooded and the pipelines swept away. The floods up there were a big reminder of the kind of future we want for the Kimberley. Hopefully, it reminds us that we do not want a future that will double-down on climate change by upping emissions. We need to seriously consider adapting to those issues and enabling communities to respond. I do not think that gas is going to be a part of that. The Kimberley floods should be a wake-up call that a gas-based, business-as-usual model has been swept away. These floods are just the latest sign that new polluting fossil-fuel projects must not be approved in this area.

RACIAL ABUSE AND TRANSPHOBIA

Statement

HON SANDRA CARR (Agricultural) [6.29 pm]: I rise tonight in support of the statement that Hon Pierre Yang shared this evening. It provoked me to share an experience I had as a teenager. I do not know whether members recall the old Lumiere Cinema at the Entertainment Centre; it used to play some interesting films. I used to imagine myself as being a little quirky and interesting, so I often attended those films by myself. Often they were not very well attended.

I remember once leaving one of those films. There was only a couple of us walking across the car park in the evening. There was me, a car leaving and a young—forgive me for the very generic term, but I am not sure of her specific ethnicity—Asian woman. I could not make out her features, only very generally, but she was also walking back to her vehicle. The car that was leaving was filled with a bunch of young white men who chose that moment to start screaming racist abuse at the young woman, who was physically cowering and scurrying back to her car in obvious terror. The young men hung out of the car windows and trailed her as she walked towards her car. I will not repeat the words they used; members all know the kind of horrible language that is directed at people whom other people do not necessarily see when they look in the mirror and do not understand and choose not to understand, and by people who choose fear over compassion and understanding.

I can remember that, as a young woman, I was too scared to walk towards that woman and walk her to her car. I was only a teenager myself. To this day I still remember that, and I still feel such immense shame that I did not have the courage to walk over to that woman and that, as a bystander, I was scared of these young men. I cannot possibly begin to imagine the fear that that young woman would have felt. I do not imagine that that woman would now be watching this, but from the bottom of my heart, I apologise for not having had the courage and strength to walk beside her and offer some sort of comfort and support. It is something I reflect on very often and it is a deep shame that will never leave me for not having the courage at that time to support her. It has also made me very resolute in always wanting to stand up when I see people being treated unfairly or when I see people being judged or hated because they are different.

That is why I feel compelled to comment on the behaviour we saw in the protest yesterday. It was driven by hate, fear and intolerance of anything that is different and that people do not see in the mirror when they look at themselves. There is no place for that in this place, there is no place for that in this state, and there is no place for that in our country. We are very blessed to live in this place, and we should look at others and seek first to understand and to show compassion and love.

Yesterday was a terrible example of when people choose fear and hate, and I felt the same sense of fear. I would feel the same sense of shame in myself if I did not stand up and comment and mention some statistics. Transgender people aged 14 to 25 are 15 times more likely to have attempted suicide than the general population. Every time there are protests and behaviour like that and every time we do not stand up and support those people and say,

"We see you, we care about you, we value you and we accept you for what you are", we are adding to that cruel, horrible and intolerant statistic. It leads to awful mental health consequences. We must all collectively come together to extend a loving hand and a hand of tolerance and peace to say, "We see you; we accept you for who you are. We value you, we love you, and we don't support that kind of behaviour. We don't support making queer people in our work environment feel unsafe."

For my part, and from this side of the chamber, I am so deeply sorry.

PROFESSOR RAPHAEL MECHOULAM — MEDICAL CANNABIS RESEARCH

Statement

HON DR BRIAN WALKER (East Metropolitan) [6.33 pm]: Before I commence my statement, I want to stand here in support of Hon Pierre Yang and Hon Sandra Carr because you are my brother and sister, and you reflect entirely the belief I have and, I am sure, share with everyone in this chamber.

On 9 March, one of the leading lights in cannabis research left this earth. We in the Legalise Cannabis Party Australia are mourning, together with his family, friends and colleagues, Professor Raphael Mechoulam—the father of cannabis research. He was born in Sofia, Bulgaria in 1930. His father was a physician and his mother was an educated lady, educated in Berlin; they were a Sephardic Jewish family and lived in some comfort until, of course, the catastrophe of the Holocaust. His father was incarcerated in a concentration camp but survived. After the Nazi regime fell, the family migrated to Israel, where Professor Mechoulam lived for the rest of his life. He studied and spent the majority of his life as a researcher at the Hebrew University of Jerusalem.

He is best known for his discovery in 1964 of THC—the active ingredient in cannabis that produces the plant's well-known psychoactive effects. But how did he manage to get his hands on the material to study cannabis? He went to the local repository of cannabis—that is, the local police station—and asked very politely, "Can I have some cannabis for research, please?" Having reassured them that he was a researcher and not a wanted criminal, he was given five kilograms of cannabis to take home. He did not have a car, so he went back to the university in a bus. One can imagine how attracted the people in the bus were to the smell of five kilograms of cannabis; I understand they were quite interested in his carry-on luggage! Surviving that was, I think, testament to his persuasive abilities and his dedication to advancing science.

He was also well known for his passion for education—something that the teachers in this chamber will be well aware of. He was known for his ability to explain complex scientific concepts in a way that was easy for anyone to understand, from his students to the general public. That is the mark of a great teacher—someone who masters a subject and can express it in simple terms. His enthusiasm was contagious.

He gained a Master of Science in biochemistry from the Hebrew University of Jerusalem and a PhD from the Weizmann Institute with a thesis on the chemistry of steroids. He also undertook postdoctoral studies at the Rockefeller Institute in New York. He was on the scientific staff of the Weizmann Institute before moving to the Hebrew University of Jerusalem, where he became the Lionel Jacobsen Professor of Medicinal Chemistry, rector and pro-rector. He was elected a member of the Israel Academy of Sciences and was one of the founding members of the International Association for Cannabinoid Medicines and the International Cannabinoid Research Society. He was a giant among researchers.

Perhaps Professor Mechoulam's most significant achievement was his impact in the field of medical cannabis. His work laid the foundation for a number of cannabis-based treatments for a variety of conditions, including epilepsy, chronic pain, nausea, autism, ADHD and PTSD. He has changed countless lives. A recent trip to Israel showed the extent of research that stems from his groundbreaking work that will, I think, transform the world.

He is best known for his work in the isolation, structure elucidation and total synthesis of delta-9 tetrahydrocannabinol, or THC. He is also known for the isolation and identification of the endogenous cannabinoids anandamide, which I certainly well remember, and 2-arachidonoyl glycerol—which I do not tell people about, because I cannot pronounce it! He worked with his students, postdoctoral students and collaborators and elucidated how we make our own cannabinoids. That goes on to the fact that he elucidated the endocannabinoid system in 1996, yet it still is not taught in our medical schools.

This is groundbreaking work. As I said, he was a giant among men. As we say goodbye to Professor Raphael Mechoulam, we honour his memory and his incredible legacy. May his memory be a blessing to all who knew him, and to those whose lives he touched through his work: Y'hi zichro baruch.

ALBANY PRIDE FESTIVAL

Statement

HON DARREN WEST (Agricultural — Parliamentary Secretary) [6.38 pm]: I have a much happier member's statement; I think I will have the happiest member's statement of those made tonight. We have touched on some really important issues, and I thank all members for their contributions.

Last Friday night, along with Hon Dr Sally Talbot, I had the great pleasure of being invited to attend the Politics in the Pub event at the Premier Hotel in Albany as part of the Albany Pride Festival. For those who may not be aware, my engagement with Albany Pride came about as a result of hearing about the Baptist Church and its planned conversion therapy sessions in Albany. I thought that was appalling, but it came to my attention through a news article that Albany Pride had gone to great expense to put up a large banner to promote the festival. The festival went over about nine days and recently ended. I think the committee is pleased that it is over for another year, even though it was a wonderful festival.

The banner was stolen. No-one believed that it had blown away in the wind; I am of the view that someone took a pair of scissors and snipped it off the fence, took it away and thought that that would be a funny thing to do. What that person or those persons did not realise is that it gave a lot of attention to Albany Pride, including to me. I got onto its Facebook page and offered to buy it another banner, because a good friend of mine is a member of Albany Pride, a fellow farmer, Darren Moir. I teamed up with the wonderful Rebecca Stephens, member for Albany, and we chipped in and bought Albany Pride not one, but two banners. Sure enough, the first one was stolen again, which gained another round of promotion and attention for the wonderful work that Albany Pride does and the festival. Fortunately, the third banner was not stolen and the festival went ahead. I quote just a little about Albany Pride from its website —

> ALBANY PRIDE started back in 2011, when one in five young people presenting at headspace Albany identified as "not straight" (the figure is now one in four), which prompted Andrew Wenzel (headspace Albany manager) and Annie Arnold (social worker) to get together to see what could be achieved to better support the greater LGBTIQA+ community in Albany, with the generally accepted estimate that around 10% of the population is LGBTIQ).
>
> The result as the founding of Albany Gay and Lesbian…and Everyone In Between (AGAL).
>
> Queer people in rural communities face a number of boundaries not faced by their straight peers, or by LGBTIQA+ people in metropolitan areas, putting them at an increased risk of isolation, or being 'in the closet', magnifying the associated mental and physical health and wellbeing risks. AGAL soon began setting up monthly social events which allowed the Queer community of Albany/Kinjarling and the surrounding region to socialise and network; they soon grew in number and highlighted the need by our community for such events.

It then went on to become Albany Pride in subsequent years and the rest is history.

I wanted to make a special point about that, because a wonderful group of people have now come together to help put this event together. The 2022 committee is an outstanding group of people from Albany who have stood up to homophobia and bigotry in their community and have now emerged at the other end as a strong organisation. I was very proud to go down as a straight person and be a part of the event. Hon Dr Sally Talbot and I provided the perfect double act, with Hon Dr Sally Talbot of course dealing with all the clever and hard questions, and I dealt with the rest. But we were able to entertain and listen to the concerns of the community regarding important legislation that will affect them that they want us to pass through this Parliament. I shout out to all the members of Albany Pride: Annie Arnold, still the president from those early days of her involvement; Millie Reid, the vice president; Darren Moir, my fellow farmer and very good friend from the Borden area who is the treasurer; Trish Ryans-Taylor, the stand-in secretary; Tiger Bird, who picked me up from the airport and expertly drove me back into Albany through the dreaded roundabout that he had great fear and trepidation in navigating, but he got through it; and Kore Ford. I also acknowledge past members Lupo Prenzato and Karina Carpenter. I just want to give a big shout out and thank Albany Pride for its hospitality. It was a wonderful event; I had a really good time. Some ex-members of Parliament turned up as well, and then we all went out and had some dinner and checked out the night spots of Albany on a Friday night. Well done, Albany Pride. I am glad you had a great festival and I look forward to being involved in the future.

CORRUPTION AND CRIME COMMISSION — MISCONDUCT INVESTIGATION

Statement

HON DR STEVE THOMAS (South West — Leader of the Opposition) [6.43 pm]: A fairly momentous event occurred today in the hearings of the Joint Standing Committee on the Corruption and Crime Commission, which was a public hearing, so I can make reference to it. What was presented was an answer to a question about a fairly salacious episode that I like to entitle, "Phil Edman's laptop". The commissioner was asked what was happening with the investigation of Phil Edman's laptop. The commissioner said that that investigation is "effectively closed" and that the contents of the laptop "did not live up its hype". He went outside then and said in a quote to the media —

> "I haven't seen anybody that needs to be buried with the contents …

Members might remember, particularly those who were around for the last parliamentary term as well as this one, the enormous furore that occurred over the contents of Phil Edman's laptop. Some poor devil in the Corruption and Crime Commission had to sit there and go through the contents of his laptop, which must have been one of the

most disturbing and possibly disgusting things that they had to do, but the end result has been that there is nothing to see here, or certainly nothing that impacts the operations of the Corruption and Crime Commission. I make this note because I remember the enormous amount of television, media, newspaper and radio coverage. The salacious nature of this laptop was in the media constantly. The issue of the laptop was the cause of enormous debate and discontent in this Parliament.

Hon Kyle McGinn interjected.

Hon Dr STEVE THOMAS: I am not defending him for an instant, member.

Hon Kyle McGinn: Do you know what he said? He said that there was enough on that laptop to bury people.

Hon Dr STEVE THOMAS: He did, and it was obviously rubbish. As the commissioner himself said in a public hearing today, it did not live up to the hype.

I will probably have a few more things to say about this because I think careers were damaged. I am not interested in the careers of the people mentioned in the investigations, but within this house people stood up for what was right and were damaged in that fight. As it turns out, the laptop in question did not live up to the hype. I am looking forward to some media coverage on that, because all the salacious media coverage suggesting all these things was over the top.

Hon Kyle McGinn: He suggested it.

Hon Dr STEVE THOMAS: That is right; he suggested it. I am not arguing. He suggested it, but it got enormous coverage. I am hoping there is a bit of equivalency here. I am hoping to see the media outlets say, "Despite what Phil Edman himself said, the laptop did not live up to the hype and the investigation is effectively closed." I think there is a message for everybody that when we buy into that hype, we probably embarrass ourselves, and ourselves as a chamber, but we also injure and damage people, including people on the other side of the house. Let us be very cautious and careful about what we throw around on this one and take note, because I think there will be some follow-up on this issue that caused enormous concern and discontent. It put people in this house at odds, and the result is that it has not lived up to the hype. We need to very carefully look at ourselves, our house, the way we have behaved through this process and, in particular, the media before we go down this path again.

STANDING FOR WOMEN RALLY — PARLIAMENT HOUSE

Statement

HON DAN CADDY (North Metropolitan) [6.47 pm]: I rise to follow on from my colleague and good friend Hon Sandra Carr and reflect on yesterday's events and add my voice to hers in condemning the people who were outside Parliament House. The term TERF—trans-exclusionary radical feminist—is nothing more than a specific form of transphobia and it is absolutely abhorrent. For those people outside to stand and vilify a section of our community—our community, not some external group, but a valued part of our community who already experience discrimination, sometimes on an extreme level—was disgraceful and it showed no decency.

Obviously, I cannot stand here and speak firsthand of that sort of discrimination. That is a soft way of describing it—discrimination. I cannot stand here with firsthand experience of the discrimination that transgender people experience. I would like to introduce the chamber to my amazingly talented and hardworking electorate officer, Gabby. She is a young transwoman, and she was disgusted as well. She has my complete support, and no doubt the support of most of us in this chamber. Let me read some of what she emailed through to me. I read this with her permission. I pulled out two of her experiences. First, she wrote —

> I was trapped in a carpark, by a car full of men who saw it fit to sexually harass me. But not in such a way that would be reserved for cisgendered women: again, it's comments that imply that although I'm presenting as a woman, I'm a degenerate, and inferior, beneath human. In that instance, if the whim had seized them, they could have pulled me out of my car and attacked me there. Away from anyone to see or hear me, one can imagine the fate likely to befall me there, had they felt violent inclinations.

The second experience I would like to share with members reads —

> I'm lucky that the worst experience of aggression towards me because of my trans identity involved retreating into a unisex toilet, as an aggressor bangs on the door, trying to break in and inflict harm upon me. Many others in my position, now and in times past, have not been so fortunate.

They are just two of the list of things that Gabby emailed through to me. That is just some of what she endured. Every time a transwoman is beaten to within inches of her life, or worse, those people who rally outside can take a little bit of credit for that as a result of their hate speech. It was disgraceful.

House adjourned at 6.50 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

EMERGENCY SERVICES — FORRESTFIELD TRAINING ACADEMY

1231. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to a September 2020 announcement that the State Government will invest $2.05 million in a business case to replace the 'aging' Forrestfield training academy, and I ask:

(a) how much of the $2.05 million has been spent to date;

(b) on what date was the business case completed;

(c) please table the business case;

(d) has the State Government considered the business case and if so on what date did such consideration occur;

(e) what conditions are placed on the continuing use of the current facility at Forrestfield, noting that it is a registered contaminated site;

(f) please table the six reports that DFES received in relation to the site between October 20 and November 2, 2022;

(g) has the Department of Fire and Emergency Services (DFES) received any complaints in relation to the facility other than the six identified by the DFES spokesperson in media reports;

(h) if yes to (g), please table those complaints; and

(i) what is the estimated cost of constructing a new training academy?

Hon Stephen Dawson replied:

The Department of Fire and Emergency Services (DFES) advises:

(a) $1,258,620.12

(b) The first revision of the business case was completed in December 2021.

(c) The business case was submitted to Government for consideration. It remains Cabinet In Confidence.

(d) The Government considered the business case in March 2022, to inform the funding allocation for the 2022/23 financial year.

(e) The conditions are stipulated in the Site Management Plan prepared in accordance with relevant Department of Water Environment and Regulation guidance documents and frameworks. Mainly relating to:

  (i) Groundwater abstraction is not permitted at the site except for analytical testing and/or remediation.

  (ii) Intrusive works and training exercises must be conducted in accordance with the auditor-approved Site Management Plan.

  (iii) Stormwater and wastewater must be managed in accordance with the site Waste Management Plan.

  (iv) Land use of the site is restricted to commercial/industrial use.

(f) Redacted reports attached. [See tabled paper no 2086.]

(g) One additional online hazard report relating to the dam water quality was received on 7 November 2022 with no personal impact.

(h) Redacted report attached. [See tabled paper no 2086.]

(i) The full cost of the project will be finalised once a suitable site has been selected.

PUBLIC TRANSPORT — TICKET PRICES

1238. Hon Wilson Tucker to the Leader of the House representing the Minister for Transport:

Will the Minister please provide a table of TransPerth ticket prices, for each ticket type, for the period of the last 6 years?

Hon Sue Ellery replied:

Historic Transperth fare information is contained within the Public Transport Authority's Annual Reports.

CYCLONE SEROJA — MINISTER FOR EMERGENCY SERVICES

1240. Hon Martin Aldridge to the Minister for Emergency Services:

(1) I refer the impact of Severe Tropical Cyclone Seroja on sixteen Local Government Area's in the Mid West, Gascoyne and Wheatbelt regions in April 2021, and I ask:

(a) on how many occasions has the Minister visited the affected region; and

(b) of those identified in (a), please provide:

(i) the date of the visit;

(ii) the duration of the visit;

(iii) please table the itinerary, the Minister's diary day sheet and any briefing material for each relevant day; and

(iv) please identify what, (if any), Seroja related business was conducted during the travel?

(2) I note that the State Government held a Community Cabinet meeting in the Mid West in February 2023, did the Minister conduct any Seroja related business whilst in the region and, if so, please provide detail?

Hon Stephen Dawson replied:

(1) (a) Since Tuesday 21st December 2021 when I was sworn in as the Minister for Emergency Services, I have visited the region affected by Cyclone Seroja on seven (7) occasions.

(b) (i) I visited the affected region on the following dates:

12 January 2022;

22 January 2022;

10 March 2022;

11 April 2022;

1 July 2022;

9 November 2022; and

6 February 2023

(ii)–(iv) No. The Hon Member may make a formal request through the Freedom of Information Act 1992 to view these documents. This is to ensure the right of third parties to be consulted is upheld.

(2) Yes, I conducted a range of meetings across my portfolio areas whilst I was in the region, where Seroja was mentioned.

CORONAVIRUS — COVID MARSHALS

1242. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to the use of COVID Marshalls or officers of the Department of Fire and Emergency Services for the purpose of enforcing COVID regulations and procedures, and I ask:

(a) did the Department of Fire and Emergency Services (DFES) engage such officers for this purpose;

(b) what was the function of these officers;

(c) how many officers were appointed to deliver this function;

(d) did such officers attend emergency incidents to among other things check the vaccination status of emergency responders and firefighters;

(e) if yes to (d), how many incidents were attended by such officers;

(f) of those incidents attended on how many occasions were personnel stood down from the incident;

(g) of those identified in (f), how many personnel were:

(i) career personnel; and

(ii) volunteer personnel; and

(h) are such officers still utilised by the Department?

Hon Stephen Dawson replied:

The Department of Fire and Emergency Services (DFES) advises:

(1) Yes – DFES deployed COVID-19 Safety Advisors.

(2) Ensured health, safety and hygiene protocols were maintained and provided support and advice to the Incident Management Team for the protection of the community and emergency response personnel at Level 2 and Level 3 incidents through the application of DFES COVID-19 Interim Operational Procedures, Safe Operation Guidelines and Department of Health advice, whilst ensuring compliance with the Emergency Management and Public Health Directions.

(3) Six.

(4) Yes.

(5) 10.

(6) Nil.

(7) (i)–(ii) Not applicable

(8) No.

CYCLONE SEROJA — STATE RECOVERY CONTROLLER VISITS

1243. Hon Martin Aldridge to the Minister for Emergency Services:

I refer the impact of Severe Tropical Cyclone (TC) Seroja on sixteen Local Government Area's in the Mid West, Gascoyne and Wheatbelt regions in April 2021, and I ask:

(a) on how many occasions has the TC Seroja State Recovery Controller visited the affected region; and

(b) of those identified in (a), please provide:

(i) the date of the visit;

(ii) the duration of the visit;

(iii) please table the itinerary and any briefing material for each relevant day; and

(iv) please identify what, (if any), Seroja related business was conducted during the travel?

Hon Stephen Dawson replied:

The Department of Fire and Emergency Services (DFES) advises that the information requested requires a significant amount of manual examination of data. It is not considered a reasonable or appropriate use of Government resources to compile this information. If the Hon Member has a particular question about a specific location, I will endeavour to answer it.

FIRE AND EMERGENCY SERVICES — ADMINISTRATIVE REGIONS

1244. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to the confusion being created by the Department of Fire and Emergency Services (DFES) by utilising references to DFES administrative regions when disseminating important public information, and I ask:

(a) why is DFES persisting with the use of their administrative regions when broadcasting information such as Total Fire Bans;

(b) does DFES understand and appreciate that their administrative regions are not well understood and may result in community confusion; and

(c) will DFES adopt, as was the case throughout the COVID-19 State Government response, regional boundaries as defined by the *Regional Development Commissions Act 1993*?

Hon Stephen Dawson replied:

The Department of Fire and Emergency Services (DFES) advises:

(a) The Emergency WA website displays Total Fire Bans without reference to DFES regions and is organised by local government authorities. However, DFES regions are mentioned in social media posts, on the 13 DFES (133 337) information line, and automatically generated emails that are sent to relevant stakeholders, such as media outlets, to inform them of Total Fire Ban declarations. This assists media and other stakeholders in effectively communicate Total Fire Bans to the appropriate regional audiences.

(b) Through the Next Generation Warnings Project, DFES is redesigning the Emergency WA platform to deliver faster, more targeted, and personalised emergency information to the community – the scope of which includes Total Fire Bans. Feedback on this aspect of the platform will be taken into account.

(c) DFES regions serve an important purpose for effective incident management. DFES is cognisant that members of the public are not always familiar with these regions. Through the Next Generation Warnings Project, DFES is moving towards a more localised and targeted approach which should see a reduction in the use of administrative boundaries for public information purposes.

PUBLIC TRANSPORT AUTHORITY — VEGETATION CLEARANCE

1255. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Transport:

How many hectares of vegetation did the Public Transport Authority clear in each financial year from 2011/12 to 2021/22, respectively?

Hon Sue Ellery replied:

Noting that vegetation cleared to facilitate construction of METRONET projects is not included: 3.50; nil; nil; nil; 2.40; 0.44; 0.22; nil; 0.00; 0.03; 0.05; nil.

MAIN ROADS — VEGETATION CLEARANCE

1256. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Transport:

How many hectares of vegetation did Main Roads WA clear in each financial year from 2011/12 to 2021/22, respectively?

Hon Sue Ellery replied:

This information is contained within Main Roads Western Australia's Annual Reports.

METRONET — VEGETATION CLEARANCE

1257. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Transport:

How many hectares of vegetation did METRONET clear in each financial year from its establishment to 2021/22, respectively?

Hon Sue Ellery replied:

Excluding the Forrestfield–Airport Link: nil; nil; 18.12; 153.1708; 159.0582.

PUBLIC TRANSPORT AUTHORITY — VEGETATION CLEARANCE

1258. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Transport:

How many hectares of vegetation did the Public Transport Authority clear in each financial year from 2011/12 to 2021/22, respectively?

Hon Sue Ellery replied:

Please refer to Legislative Council Question on Notice 1255.

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