



# Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT  
FIRST SESSION  
2024

LEGISLATIVE COUNCIL

Thursday, 28 November 2024



# Legislative Council

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

## BAUXITE MINING — NORTHERN JARRAH FOREST

### *Petition*

HON DR BRAD PETTITT (South Metropolitan) [10.02 am]: I present a petition containing 1 049 signatures and couched in the following terms —

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

We the undersigned strongly oppose the expansion of strip mining for bauxite in the Northern Jarrah Forest by South32. We ask the Legislative Council to call for a halt to further expansions until a full investigation of the negative environmental, social and greenhouse gas emission impacts already being felt by local communities from South32's current operations has been completed, including:

1. changes to local hydrology and drying farm bores;
2. damage to surrounding agricultural land and listed cultural heritage sites;
3. increasing dust levels;
4. failed rehabilitation;
5. loss of tourism opportunities; and
6. insisting on all ethnographic and archaeological studies be completed by correct indigenous elders throughout the expansion area.

We also urge the Legislative Council to call for a halt to all mining activity in the Quindanning Timber Reserve until a comprehensive Recovery Plan is in place to protect the endangered Quindanning Spider Orchid (*Caladenia hopperiana*) from the direct and indirect impacts of mining.

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

[See paper 3902.]

## PERTH CULTURAL CENTRE PRECINCT — WETLAND

### *Petition*

HON DR BRAD PETTITT (South Metropolitan) [10.03 am]: I present an e-petition containing 618 signatures and couched in the following terms —

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

support preserving the existing urban wetland in the Perth Cultural Centre redevelopment. The wetland was established in the Perth Cultural Centre in 2010. Children helped populate it with biodiversity as part of a 4-year fauna education program, and it is now home to multiple native frog species, aquatic invertebrates, pygmy perch, and dragonflies, as well as hosting shy wetland birds such as the Buff-Banded Rail and Little Grassbird. The wetland is an outdoor classroom, an entertainment venue, and a reflective meeting spot for tourists and residents. It is an environmental design success, with self-sustaining benefits in the social, visual, cultural, and ecological spheres. The State Government's 2022 Perth Cultural Centre Masterplan highlighted the importance of water and the Wagyl, and the redevelopment design philosophy incorporated wetland elements. However, that Masterplan was later scrapped, and in September 2024 Premier Roger Cook confirmed the Government's plan to demolish the wetland as part of the Perth Cultural Centre redevelopment. We therefore ask the Legislative Council to call on the State Government to:

1. Investigate options for retaining and incorporating the existing Wetland in the Perth Cultural Centre redevelopment plan; and
2. If the investigation supports the demolition of the Wetland, establish an equivalent or more substantial wetland green space as part of the Perth Cultural Centre redevelopment.

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

[See paper 3903.]

A similar petition was presented by Hon Dr Brad Pettitt (133 signatures).

[See paper [3904](#).]

**FIRST NATIONS LANGUAGES***Petition*

**HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary)** [10.05 am]: I present an e-petition containing 444 signatures and couched in the following terms —

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

humbly request that the 85 First Nation languages of Western Australia be enshrined and protected under State legislation to ensure their healthy continuation into the future. We request the Legislative Council to support the enactment of WA Aboriginal Languages Legislation. Many of WA's First Nations languages are now extinct, with a greater number under severe threat of loss, unless action is taken immediately to recognise and resource them to survive into the future. In WA, only eight languages are considered alive with speech communities of several hundred people, and with children speaking a language as a mother tongue. Each First Nations language is a library of knowledge and information. The languages carry medicinal, geographical, heritage, history, mapping and cultural information that is lost if the language dies. Language is identity, the mouth of culture, and the carrier of culture. To lose a language is like burning down a library; all that information and knowledge is gone forever. The First Nations languages of WA carry tens of thousands of years of knowledge and information about WA. They are State treasures that we would like to share and celebrate with all Western Australians. First Nations Western Australians have long called for their languages to be acknowledged, protected and resources for the future. First Nations peoples have identified that no significant improvement could be made to Close the Gap, until identity is acknowledged. Resources for family intergenerational language learning and transfer, are critical to the language's survival. The instigation of a First Nations Languages Trust, such as the one created under the NSW Aboriginal Languages Act 2017, would enact the legislation, and make large strides towards Closing the Gap. This call for legislation comes from a grass-roots, First Nations Language Centre in the Goldfields region, and from many registered allies across the State. This is an Aboriginal-led call. Please work with us to save and resource our languages through WA Aboriginal Languages Legislation.

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

[See paper 3905.]

**WELCOME TO COUNTRY***Petition*

**HON BEN DAWKINS (South West)** [10.08 am]: I present an e-petition containing 32 signatures and couched in the following terms —

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

Recognise that the present formulation of the “Welcome to Country” ceremonies: • may marginalise the majority of Australians, for whom Australia and Australian land are also their only sacred home; • can be seen as divisive; • have been co-opted by government, business and organisations to virtue signal; • may be seen as paying tokenism to Aboriginal and Torres Strait islander communities. Therefore, we request the Legislative Council to urge the Premier to consider promotion of an alternative such as the “Statement of Acknowledgement and Respect” that is provided below:

“Everyone is welcomed to today's (event/function/meeting). We pay our respects to those who have worked and lived in these lands, past and present, particularly those who have died fighting for our country; Australian service men and women, and others, including those aboriginal people who died in early conflicts with settlers. Lest we forget them all. Let us go forward together today with the Australian spirit of inclusion, equality, ingenuity and mateship, while cherishing the contributions of all Australians, particularly the fallen.”

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

[See paper 3906.]

**PAPERS TABLED**

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

**JOINT STANDING COMMITTEE ON THE CORRUPTION AND CRIME COMMISSION**

*Sixteenth Report — The Corruption and Crime Commission's management of its misconduct risks:*

*A follow up to the 'Going Rogue' report — Tabling*

**HON DR STEVE THOMAS (South West)** [10.09 am]: I am directed to present the sixteenth report of the Joint Standing Committee on the Corruption and Crime Commission, *The Corruption and Crime Commission's management of its misconduct risks: A follow up to the 'Going Rogue' report*.

[See paper [3907](#).]

**Hon Dr STEVE THOMAS:** This report informs the Parliament of the findings and recommendations of an independent review engaged by the Corruption and Crime Commission and commission action to minimise its misconduct risks. Members may recall that in March 2024, the committee's twelfth report, *Going rogue: Serious misconduct by a commission officer: Parliamentary inspector's report*, informed Parliament that between early 2020 and early 2023, the commission's human source coordinator corruptly used her position to obtain a personal benefit—namely, an extensive and intimate relationship with a human source, or informant. In my tabling statement for that report, I told the house —

... public agencies should be accountable and transparent in how they respond to misconduct events. The committee intends to apply this standard to the commission.

Two weeks ago in my tabling statement on the committee's fifteenth report into the state Ombudsman, I told the house —

The public increasingly expects greater accountability and transparency from agencies that expend public funds, including statutory office holders and their accountability and integrity agencies.

The investigation by the parliamentary inspector outlined the officer's deception and exposed serious weaknesses in how the commission managed its misconduct risks over more than four years. From 2018, the officer repeatedly breached the commission's policies and procedures, but the commission did not detect the misconduct. The commission unreservedly accepted that system failure contributed to a climate in which the officer's deception not only was possible, but also continued over many years, and it engaged an independent review. In the twelfth report, the committee said that it would evaluate the commission's response to the review and action taken to minimise its misconduct risks. We do so with this report.

This report attaches the commission's abridged version of the independent reviewer's report but not the full independent report, which the committee has read. The report exposes glaring deficiencies in the commission's risk management systems and culture over many years. The reviewer found that repeated breaches of the governance framework supporting the commission's use of human sources were ignored by managers and allowed to continue. Limited internal reporting requirements for the human source team meant that the commission's leadership had a poor understanding of how human sources were being managed and what risks the commission was exposed to through these operations.

The reviewer found that the culture of the commission's operations directorate at the time of the compromised relationship was one in which dissenting opinions were discouraged and a strict chain of command was enforced within the human source team, which prevented staff having their concerns about the actions of this officer addressed when raised on multiple occasions.

In the committee's view, the officer's managers, the commission's deficient systems and, importantly, its culture resulted in the inappropriate relationship not being detected for years. They enabled the officer to exploit the secrecy of human source work within the commission. The house should note that the committee's fifteenth report outlined the commission's report on the state Ombudsman, which said in relation to in-house reporting and accountability that independence can be assured only if there is appropriate accountability.

The reviewer's report makes 10 recommendations for action to minimise office-wide misconduct risks at the commission. The commission is responding to these recommendations, and the committee's report attaches the commission's response to each recommendation. As at 1 November 2024, the commission had taken steps towards or implemented four of the 10 recommendations addressing commission-wide risks, and the commission anticipates that it will implement recommendations within 12 months. It is clearly too early to evaluate the commission's actions.

The committee recommends that the Attorney General consider whether the law providing that staff of the commission not be appointed for a term exceeding five years is necessary or should be amended; that the Attorney General ensure that the commission is resourced to implement its response to the reviewer's report and improve internal governance and risk management; and that the Joint Standing Committee on the Corruption and Crime Commission of the forty-second Parliament follow up on the commission's implementation of recommendations in the reviewer's report and other actions to minimise its misconduct risks office-wide and on whether the commission decides to re-establish its human source operations and, if so, seek assurances that these operations are managed and governed in a way that minimises misconduct risks.

It is also important to examine whether the commission has indeed been held to the same standards that other agencies and departments within government are expected to meet. Had this level of corruption occurred in another agency, I suspect we would have seen a fuller and more complete disclosure of the issues that are not in this report as they concern operational issues. The question will be raised about whether a different standard has been applied in this case.

#### JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

##### *Sixth Report — Annual report 2024 — Tabling*

**HON LORNA HARPER (East Metropolitan)** [10.16 am]: I am directed to present the sixth report of the Joint Standing Committee on Delegated Legislation, *Annual report 2024*.

[See paper [3908](#).]

**Hon LORNA HARPER:** The report I have just tabled advises the house of the key activities of the committee for the period 1 January 2024 to 31 October 2024. The committee scrutinises instruments made under statutory delegation. It determines whether the instruments are within power of the authorising legislation or otherwise in breach of the committee’s terms of reference. The committee scrutinised 290 instruments, including 141 regulations and 57 local laws during the reporting period. Motions for the disallowance of delegated legislation usually do not proceed if the committee receives satisfactory undertakings. The committee recommends disallowance only as a last resort. During the reporting period, the committee received departmental undertakings covering one instrument and local government undertakings covering 20 local laws.

The committee worked with the Department of the Premier and Cabinet in updating appendix 2 of Premier’s Circular 2023/01, “Subsidiary Legislation—Explanatory Memoranda”. Appendix 2 of the circular, “Region Planning Scheme Statutory Procedures Checklist”, required amendment. This was to reflect recent legislative changes.

The committee scrutinised a large number of applied national legislative instruments referred to it by virtue of the commencement of the Therapeutic Goods Law Application Act 2024. That act applies therapeutic legislative instruments made under the commonwealth Therapeutic Goods Act 1989 as laws of Western Australia. All therapeutic legislative instruments made on or after 27 November 2023 are subject to disallowance and referred to the committee for consideration.

The committee has reported its position on cat local laws that were inconsistent with the Cat Act 2011 in every annual report in this Parliament. It identified further cat local laws of this type during the reporting period. It is disappointing that the same problematic clauses continue to appear in cat local laws. Committee time and local government resources are spent on avoidable issues, with many cat local laws being subject to undertakings for amendment.

The committee holds the view that Australian standards adopted into delegated legislation should be publicly and freely accessible. The committee investigated whether the Reader Room recently established by Standards Australia could be a useful method of accessing Australian standards that have been adopted by delegated legislation.

The committee trusts that the matters noted in this report will assist those making delegated legislation understand the committee’s processes and requirements.

I commend the report to the house.

*Seventh Report — Shire of Westonia Shipping and/or Sea Container Local Law 2024 — Tabling*

**HON LORNA HARPER (East Metropolitan)** [10.19 am]: I am directed to present the seventh report of the Joint Standing Committee on Delegated Legislation titled *Shire of Westonia Shipping and/or Sea Container Local Law 2024*.

[See paper [3909](#).]

**Hon LORNA HARPER:** The report that I have just tabled advises the house of the recommendation of the Joint Standing Committee on Delegated Legislation that item 9 of part 3 of the Shire of Westonia Shipping and/or Sea Container Local Law 2024 be disallowed, and the reasons for that recommendation.

On 18 May 2023, the Shire of Westonia made the Shire of Westonia Shipping and/or Sea Container Local Law 2023. It was published in the *Government Gazette* on 23 May 2023 and came before the committee for scrutiny on 9 August that year. The committee identified that the local law had not been properly made in accordance with the procedures set out in the Local Government Act 1995.

As is the committee’s custom and practice, instead of moving a motion to disallow the 2023 local law, the chair wrote to the Shire of Westonia on 9 August 2023 seeking undertakings to repeal the law and, when re-making it, correct a number of errors. One of those errors was that the law purported to operate retrospectively.

The replacement Shire of Westonia Shipping and/or Sea Container Local Law 2024 was made by the shire on 20 September 2024, and was published in the *Government Gazette* on 4 October 2024. It came into operation 14 days after gazettal. Although this law had been properly made on this occasion, item 9 of part 3 of that instrument still purports to make its conditions retrospective. As was explained to the shire in the committee’s letter of 9 August 2023, there is a general presumption against the retrospective operation of legislation. This derives from the common law principle that holds that such laws offend the general principle that legislation intended to regulate human conduct ought to deal with future actions; and they ought not to change the character of past transactions carried on upon the faith of the then existing law; and in the absence of an unambiguous contrary intention, such laws should be interpreted so as not to disturb principles of common law and equity.

Strong justification is required for legislation that retrospectively has an adverse effect on rights and liberties or imposes obligations; that justification is lacking in this instance. The committee is therefore of the view that item 9 of part 3 of the 2024 local law is invalid as not being within power of the Local Government Act 1995. It offends committee term of reference 10.6(a). There is no strong justification for retrospectivity and it would offend against

the rights of any individual or corporate entity that had placed a shipping and/or sea container within the township of Westonia prior to the 2024 local law coming into force. The committee is also of the view that item 9 of part 3 is severable without affecting the validity of the remainder of the instrument.

The committee requests that the house supports the motion to disallow item 9 of part 3 of the Shire of Westonia Shipping and/or Sea Container Local Law 2024.

I commend the report to the house.

### VISITORS — SWAN CHRISTIAN COLLEGE

*Statement by President*

**THE PRESIDENT (Hon Alanna Clohesy)** [10.23 am]: Good morning and welcome to the Legislative Council to Swan Christian College in the public gallery today.

### ADJOURNMENT OF THE HOUSE

*Special*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [10.24 am] — without notice: I move —

That the house at its rising adjourn until a date and time to be fixed by the President.

This is the standard motion that is moved at this point in the electoral cycle, so before Parliament is prorogued in the lead-up to a state election. This is the last scheduled sitting day, so the house gives the President the power to set our next sitting date.

Question put and passed.

**The PRESIDENT:** Members that takes us to non-government business. Hon Tjorn Sibma has the call.

Several members interjected.

**The PRESIDENT:** Order, members! Please allow the member to at least move the motion.

### FORTY-FIRST PARLIAMENT — LABOR GOVERNMENT

*Motion*

**HON TJORN SIBMA (North Metropolitan)** [10.25 am] — without notice: I move —

That, at the conclusion of the forty-first Parliament, this house acknowledges —

- (a) persistent and troubling Labor government failures in the delivery of critical services, notably in community safety, health and housing;
- (b) the Labor government's contempt for regional communities, through reducing their parliamentary representation, deprioritising their infrastructure needs and undermining their industry;
- (c) the Labor government's aversion to any meaningful demonstration of openness, transparency and accountability for its policies, programs and public expenditure; and
- (d) the Labor government's disregard for parliamentary conventions including its deliberate thwarting of the Legislative Council's role as the house of review.

Several members interjected.

**The PRESIDENT:** Members, order!

**Hon TJORN SIBMA:** President, thank you.

When I reflect on the business program for today, I note the digits "225" at the top of the page, which represent that it is the 225<sup>th</sup> sitting day of Legislative Council of the forty-first Parliament. If I may, I will reflect before I get into the substance of the motion before the house. To have lived through the four years of this parliamentary term as a non-government member and a member of the opposition alliance and the Liberal Party is not to have lived for four years but for four lifetimes, President. I think I have aged at a rate of 400 per cent, at least. I am older, greyer and, almost impossibly so, shorter as result of the pressure and burden that I, alongside my colleagues, have been forced to carry.

What is that pressure and burden? It is dealing with the onslaught of incompetence. It is the wall of noise—the daily demonstration of a vulgar display of power. If one were to attempt a diagnosis, one could accuse members of the government, particularly of the executive government, of embleomania—that is, a mania for holding public office. How has that been demonstrated over the last four years? I think it has been demonstrated over this term by the expansion of the position of parliamentary secretary. We have a front bench, a reserves bench and then some other bench. The only ethic of the government has been to express platitudes and slogans, and to hold on to power for power's sake. As a consequence, the government's responsibility to deliver services has not featured as even a second or third-order priority; I think it is right at the bottom of the government's list of priorities.

Who pays the price for that? It is the people of Western Australia—the people the government has purportedly been elected to serve. When I reflect on the style of this government, its methods and outcomes, I think we can sensibly divide the forty-first Parliament into two halves—mark 1 and mark 2. Mark 1 was led by ex-Premier Hon Mark McGowan. It demonstrated not only megalomania, but also, concerningly, a dictatorial approach to government. The paramount political chief of this state was Hon Mark McGowan, and all convention, proportion and propriety was thrown out the window, because the only thing that mattered to any Labor member was to comply with the dictates of the Premier. How was that manifested? It was an absolute perversion in the political extension of states of emergency—well beyond any public health justification.

This is a government that was elected in March 2017 on the slogan of “Keeping Western Australia safe and strong”. One might then reflect on the true nature of community safety at the moment in Western Australia, because if there has been a political promise that has been more egregiously breached, it is that commitment to community safety. We have seen horrendous rates of offending, a horrendous increase in the rate of violent assaults, particularly family-based offences. We have seen a deterioration of the standard of public health provided to the people of Western Australia; indeed, we have sadly borne witness to a number of tragedies—and tragedies involving children.

There are some things a government cannot be held responsible for, and it would never be my intention to put government at the cause of, or to blame it for, every tragedy that occurs in Western Australia, but one might reflect upon how tragedies occur. What is their genesis? Part of their genesis is when the views, perspectives and learned opinions of clinical practitioners are ignored. We are often enjoined in opposition to trust the experts.

We were enjoined throughout COVID-19 to trust public health experts; however, when public health experts told the government that the best place for a new maternity hospital is in Nedlands, that advice was wilfully disregarded for no obvious public policy benefit.

**Hon Stephen Pratt:** You can't build it there.

**Hon TJORN SIBMA:** Member, I do not know whether the government will be able to build it where it intends to build it!

It was not my intention to sour proceedings this morning. Indeed, my intention was not to seek the President's protection and to expose myself to a measure of risk and invective, because I think life is a lot more interesting when I do that. If I cannot win government right now, I may as well be entertained. I encourage some entertainment. I would not encourage any unruly interjection, but it is an opportunity to hold government to account for what it says it should be doing. If there is one thing that this government has not complied with—another thing, another core promise and ethic that it has not complied with—it is the commitment to be open, transparent and accountable. I remember the words that ex-Premier Hon Mark McGowan used in 2017 when the new cabinet was sworn in. That was one of the first principles to be breached—almost automatically. It does not matter where we look, every single minister is guilty of avoiding accountability, dismissing scrutiny and not being transparent when they can get away with it. We see it in the contemptuous answers provided to not only opposition members but also the crossbench over the last 224 days in this chamber. Questions have been wilfully gaslit, disregarded and responded to contemptuously. I think the standard of answers has deteriorated since Hon Dan Caddy entered this chamber. I knew he had responsibility for ensuring some measure of quality assurance and when the government was being sneaky in the last term, it did it a lot better. Now there is no hiding. There is no hiding—it is brazen and it is arrogant. There are brazen and arrogant responses to legitimate questions.

We would think sometimes, with all the power that it has, the size of the public service, the command of both houses, an inordinate benefit from iron ore booms—nothing that it has created but everything it has benefited from—it would at least have the capacity to answer very basic questions. For example, how many overseas workers are working on Metronet projects? What is the exact proportion of local content in the new railcars? Should I believe someone like Minister for Transport, Hon Rita Saffioti, when she tells me, “Just trust me; we're at more than 50 per cent”? When I ask for paperwork to justify that, she says, “No.” Why not? If the claim is made publicly and the decals on the trains say “locally manufactured”, surely she is able to table something that is quarantined or sanitised, so no commercial information is inadvertently let loose, to justify it. I know there is a panel. There is a public service group involving the Public Transport Authority and the Department of Jobs, Tourism, Science and Innovation, that is there to validate the claims of local content. Its intention is to increase local content in manufacturing and that is a very good public policy objective. But when I have asked repeatedly for the last 18 months, “Can you demonstrate this in some tangible way?”, forgive me for being slightly circumspect or cynical about government claims. Can the government demonstrate it to me? It should prove its case. Here is the opportunity. What does the Minister for Transport do? She does not provide that information.

I felt and heard the eye-rolling when this motion was distributed around the chamber yesterday—“Here he goes again, carrying on. No new news. When are they going to come up with something else?” My response to that is: “Why do you keep failing?” So long as the government keeps failing in community safety, public health and housing in particular, what are we to do? What else are we to do? It is our responsibility to bring those issues to the government's attention, to demand accountability and transparency—but we do not get it. There is an Albanese-like



approach to all matters of public policy. It is deflection, distraction and a lack of accountability—a focus on the trivial. There is never, ever any focus or any genuine attempt to get to grips with the issues that we as a chamber face, as a Parliament face and as a community face. It is to the detriment of the people of Western Australia.

This motion could have been crafted solely through the lens of the actions of Hon John Quigley. I reflect on a few points, because they are absolutely and utterly relevant, particularly as it relates to limb (b) of the motion. During the last election campaign, the ex-Premier denied that there were any plans to change the system of voting for the Legislative Council. He denied it seven times on one day, in one interview. All of a sudden, there was an abrupt policy change. It was the most pressing matter facing the re-elected Labor government—the dissolution and destruction of regional representation in the upper house. It was not the only abuse of the majority. We also bore witness to strange and troubling approaches to the appointment of very important statutory office holders. The most telling was the politicisation of the appointment of the Corruption and Crime Commissioner. If indeed there has been an egregious breach of process of propriety and a demonstration of misaligned priorities, it was that. That process was deliberately, mischievously and corrosively politicised by the Attorney General and the ex-Premier. I remember warning the government at the time that we had to sit through and deal with that outrageous legislation to be very careful what it wished for because the man it appointed would be considered the government's man—your man—and he might be compelled to investigate some very interesting things about the conduct that goes on inside Labor offices. Now we read a very interesting and deeply concerning tabling statement as to the way the CCC deals with its own internal problems and allegations of corruption, which I think is probably the most serious tabling statement that I have seen in some time.

The approach to governing has not improved, even with the departure of Hon Mark McGowan from the position of Premier. Members will recall the government's intransigent approach to the implementation of Aboriginal Cultural Heritage Act 2021 regulations in the very early stages of the new Premier's position. It was very clear at the time that the department and government were not in a position to explain how those regulations would impact everybody else, including pastoralists, explorers and ordinary private property owners. We encouraged the government to slow down its implementation of those regulations. That was a prudent and, in retrospect, prescient observation to make. However, how were members of the opposition dealt with when we made that sensible and reasonable assessment to slow down? We were called racists. We were likened to dogs returning to our vomit. But what then happened after the Rockingham by-election? The entire legislative framework was junked—repealed and dispatched. What a waste of effort. What a waste of preoccupation. All that political energy devoted into something that was ultimately futile and was thrown away. We have not forgotten that one.

While the government was distracted with that and with dispensing with regional representation, we were on the verge of another three changes to the Electoral Act 1907. The architect of those changes was Hon John Quigley. Changes to electoral law to benefit the Labor Party have been so egregiously obvious that I am surprised they have not attracted further impartial attention. It was very interesting listening to Hon Lorna Harper talking, quite rightly, about the problems of retrospective action. I think about what the Labor government and Hon John Quigley have just done to a political competitor in this state; again, this was priority business for this chamber. It was only priority business because it may have affected the electoral outcome in the upper house at the next election for the Labor Party. The great irony of ironies is that we will get a more pluralistic chamber next time because the quota has been depressed to an extraordinarily, almost impossibly low, level.

Hon Wilson Tucker was the whipping boy, or scapegoat, for those changes. The great irony will be that we will see a panoply of other minor single-issue parties enter this chamber for the forty-second Parliament because of the actions and the law written by Hon John Quigley. I suppose his legacy will live on in strange and unusual ways. However, the preoccupation with these issues, which are fringe issues at best that do not affect or improve the lives of Western Australians, means that problems keep going unaddressed. They go unaddressed because of the misuse of this chamber's time and a completely and utterly incoherent and mismanaged approach to the legislative program, which means that important legislation such as, for example, the Privacy and Responsible Information Sharing Bill 2024 and the Information Commissioner Bill 2024 cognate discussion will now be guillotined. That is important information that will have an enormous consequence on the way that personal information is utilised, permit unknown outcomes from automated decision-making, which is not —

*Point of Order*

**Hon DARREN WEST:** President, I draw your attention to the standing order regarding reflections on decisions of the house. We have sat here and listened to this Howard-esque speech about all things evil, such as democracy under threat, irresponsible spending, spending out-of-control —

**The PRESIDENT:** Order, member, can you please get to the point.

**Hon DARREN WEST:** Thank you, President. I certainly will get to the point. The point of order I am trying to make is that we now have two reflections on decisions made by this house. I think that is out of order and that the member should keep his speech to the motion as put to the house.

**The PRESIDENT:** Thank you for your attempt at a point of order, honourable member. I have not heard such reflections.

*Debate Resumed*

**Hon TJORN SIBMA:** Thank you, President. I admire the valiant attempt by Hon Darren West, but unfortunately there are some exceptionally important issues. I must say, there has been a trashing of convention. I am not the only member to have made that observation. It is absolutely emblematic of the Labor Party's approach to power that once you have it, you use it, and you absolutely thrash and beat everyone into submission. If you've got it, you use it, and you steamroll everything. The government does not care or even understand, largely, the content of its own bills. It has not given thought to the consequences and how they might affect us really in the long term, but if it can do it, it will do it. That approach to government will establish itself rock solidly as the framework for each and every single future Labor member who enters this Parliament. The standard you walk past is the standard you accept. It is my sad duty to reflect that over the course of the past four years, the standards the government has set in public discourse, parliamentary convention and policy priority have set the standard of public debate in Western Australia at the very lowest point. My fear is that all those who follow the government will emulate it and do even worse. It has been an absolutely shameful dirge. I am happy to have survived it, but I hope I do not see it again.

**HON PETER COLLIER (North Metropolitan — Leader of the Opposition)** [10.48 am]: I stand to support the motion emphatically. In my short amount of time, I will deal with two areas under my jurisdiction—corrective services and policing. I will speak on corrective services succinctly because I have dealt with this comprehensively on numerous occasions, as recently as Tuesday. The government has no authority with corrective services. Every single prison in Western Australia is understaffed, putting prison officers under pressure. Currently, 150 prisoners sleep on the floor. Juvenile justice in this state is an international embarrassment as a result of the way this government has dealt with it. I will leave this here, but I say, once again, that two young men have taken their own lives under the jurisdiction of this government. It should be ashamed. It has lost authority.

The second area is police. I say at the outset that, again, the government has no authority with policing. It promised 950 officers. It was a forlorn hope and the figures came nowhere near it. Western Australia now has fewer police officers per head of population than it did in 2017.

The minister woke up to that when I mentioned it a couple of times during estimates committee hearings. He kept saying that there are 300 or 400 more officers now compared with the number of officers in 2017. We also have 300 000 extra people in WA. We have fewer officers looking after the safety of Western Australians now than we did in 2017. In addition, crime is out of control. The crime rate in the regions is the highest on record in regional Western Australia.

We all stood on the steps of Parliament House on Tuesday to raise awareness of domestic violence, which was such a powerful image. There has been a 44 per cent increase in domestic violence cases compared with the five-year average. Why? There are fewer officers in the dedicated domestic violence units than there were three years ago. Go figure! The government has a great surplus, yet it has fewer officers in the domestic violence units.

Of course, there is an option, and that is to vote Liberal. Two weeks ago, I put out the Western Australian Liberal Party's law and order policy. I will quickly go through it. It is a comprehensive forensic assessment of where law and order and police are at the moment. I will then go through the policy framework. The entire framework is known as community policing. It aims to put more police back on the streets and look after the welfare of police officers. In order to do that, the first part of the plan is to have safer communities. Currently, officers above the twenty-sixth parallel work a 44-hour week. That is mandated and 11 smaller towns have it. It is not mandated below the twenty-sixth parallel. The Liberal Party will provide voluntary overtime for officers below the twenty-sixth parallel. That will immediately involve an additional 300 officers from day one, without employing another officer. The only reason this government has not done it is because it thinks it will cost too much. Well, we are going to pay for it.

We are going to put more officers back on the streets. We will have an additional 500 officers. That is just natural attrition, the natural rate of recruitment. It amounts to 125 officers a year. The current government had a figure of 950, but that was never going to be achieved; it was unachievable. We have committed to an additional 500 officers, which is 125 a year. Historical records show that that is what we get for 500. They will be used to fill the gaps, particularly in the regions where crime is out of control, more particularly in the north west, but also now in the south west, the goldfields and the midwest. Crime is out of control. We will fill those gaps. We will increase the number of officers in the domestic violence unit, which is absolutely imperative, in the meth task force, in the Road Traffic Authority and, as I said, in the regions. They are the exact areas where more officers are required.

We will also introduce school engagement officers, which means that 20 retiring officers will be able to transition to retirement. For three days a week, they will work with disengaged youth in the Department of Education regions to teach them about respect, relationships and the law to prevent them from getting involved with juvenile justice. It has been very well received, particularly by the union.

In career policing, we want to make sure that we retain our police officers in the force. At the moment, literally thousands of officers are resigning. We have the highest resignation rate on record, with 1 200 resigning in the last three years. That compares with a resignation rate of 150 per annum. The average rate over three years should

be 450. It is now over 1 200. Why are they walking away? It is because they are disillusioned. We had the patronising commentary of the minister over and over again, saying that the resignation rate was entirely attributable to other opportunities. I loved it when he said that because that really offended police. It is not entirely attributable to other opportunities. The police are disillusioned and disaffected. They need to feel loved. We will do that in two ways. At first, we will be doing it through career policing. When a police officer stays for another five years, we will provide an additional two per cent in superannuation. If they stay for 10 years, they will get another three per cent in superannuation. From a financial perspective, that additional five per cent in superannuation is an incentive to stay. If a 20-year-old recruit comes in and stays in the force for 40 years, that will mean an additional \$330 000 in superannuation. A 45-year-old police officer with \$150 000 in his superannuation will get an additional \$155 000 in superannuation. It is something that the police union has been calling for for decades. We will provide it. It is an incentive for police officers to stay in the force.

Also, with regard to retention, our healthier policing policy will fundamentally ensure that we look after the welfare of our officers. Thousands of officers are accessing mental health supports at the moment because they are dealing with so many complex issues within our community, much more complex than their predecessors. We will be increasing the number of psychologists, psychiatry services and chaplains and we will be introducing an expedited presumptive PTSD legislation, which was promised by the Premier and the Minister for Police 12 months ago at the WA Police Union. They were filthy when I visited two days ago and heard the Premier say, “We’re drafting it at the moment; it will be introduced in our next term of government.” I said, “You said that last year and you haven’t delivered.” I have always said that we will expedite that legislation. It has not happened under this government. It is a stain.

Finally, we will enhance policing. We will conduct a broad-ranging review of policing to look at what we are doing right and how we can improve. It has been done in other jurisdictions by an external consultant. It is a chance to do a bit of self-reflection and see how we can improve. Again, there is nothing to be afraid of. It will not target anyone. It will not target the Commissioner of Police or anyone else. It is about asking how we can improve. If we are losing 1 200 officers in three years, we need to improve; we need to do something. Practically, under our policy, we will provide police officers with more money and an incentive to stay in the force. We will provide police officers with mental health support and welfare in a much more comprehensive way than they have ever had. We have actually listened to what police officers want. The enhanced policing policy will definitely assist that process.

We have a disillusioned police force and we have out-of-control crime in Western Australia. Our policies will address both of those issues. Members should not take my word for it. They should look at the police union’s media release when I released the policy two weeks ago. I do not have time to read the whole media release, but I will read part of it. It came out on 17 November 2024, a couple of hours after I released the policy. It states —

#### **Liberal Party’s Law and Order Plan**

WA Police Union welcomes the Liberal Party’s plan to address law and order, thus recognising the welfare of our police officers.

The Liberal Party’s plan addresses retention and attrition of police officers, aligning with our upcoming conference theme of Retain + Reward = Respect. The Cook Government has failed in their commitment to legislate Presumptive PTSD for police officers given that commitment was given at WAPU’s 2023 Annual Conference, 12 months ago. Meanwhile the Liberals have addressed this as part of their plan.

Offering voluntary overtime to all regional officers, no matter their location will assist our Members with the cost of regional living regardless of where they police. ...

We welcome a ‘first time ever’ offer of increased superannuation over the standard federal rates, clearly supporting officers who work every day, year in-year out in such a difficult environment.

For the health and wellbeing of older officers, these increases will support officers considering retirement when they are still healthy and not based on financial needs.

I could go on, but I do not have time. Suffice to say, the police union supports our policy. It is a comprehensive policy. It deals with attracting police and, more importantly, it deals with retaining police and therefore overcoming crime on our streets.

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [10.58 am]: There is so much nonsense in this motion we are debating today. Members might note that my voice has gradually faded over the week. I am not sure whether it will last the distance today. I will tackle this motion on behalf of the government. I might not use my whole time but there are plenty of members on this side of the house who will stand if my voice decides to give way.

Every day we need to be reminded of what this government has achieved over the last eight years. We have the strongest economy and bills are more affordable. We are tackling the pressures in hospital emergency departments. We are protecting our GST. We are building Metronet. We are growing tourism. We are upgrading roads and schools across Western Australia. We are not just shipping our resources overseas but we are building things here. With respect to the regions, we are investing in diverse programs and projects across WA and expanding the stock

of human capital in our regions. We want people to live and work in our regions. We are rebuilding our agricultural research and development capability, nurturing innovative businesses that are resident in our regional towns and positioning our regions to take advantage of the global moves towards decarbonisation.

The Acting President would be well aware that today we are 100 days out from the next state election. If I were drafting a motion today to pick up some of the elements in the four limbs of the motion before us, which talk about persistent and troubling failures, contempt, aversion and disregard, I would say, at the conclusion of the forty-first Parliament, that this house should acknowledge the persistent and troubling Liberal Party failures to support its leader. Depending on who we believe, there are between one and four Liberals out of the 10 who voted this week for a leader outside of the Parliament. We know from public reports that a number of federal Liberal MPs had the polling that has been referred to. That is the polling that was skewed to favour the Liberal candidate for Churchlands and that was commissioned by someone who had an ongoing role with the Liberal candidate for Churchlands. What position did he hold? That is right! He is the campaign manager for the Liberal candidate for Churchlands. We know that there are state MPs who had it, but the guy whose campaign manager commissioned it says that he did not know anything about it. The second limb of that motion in fact should read that we take note of the Liberal and National Parties' contempt for each other. We have a sitting National MP defecting to the Liberal Party and running against her former leader in the midwest. Surely, coming off the base that the National and Liberal Parties had in 2021, one would be wanting—

An opposition member interjected.

**Hon SUE ELLERY:** Member, do not make me yell because my voice will not last for very long.

One would be wanting to grow the number of seats, not steal them from each other. One would want to maximise one's resources, not pit one's resources against each other.

**Hon Peter Collier:** After eight years, you are still talking about us.

**Hon SUE ELLERY:** Because you are the gift that keeps on giving! All you can do 100 days out from the election is draw attention to your own inadequacies and internal fighting. The Liberal and National Parties have candidates running against each other in the metropolitan seats of Bateman, Darling Range, Kalamunda and South Perth. You should be trying to add, not steal.

**Hon Peter Collier:** You are still talking about us.

**Hon SUE ELLERY:** Yes, I am because you keep giving me stuff to talk about. The third limb of the motion talks about aversion. The Liberal Party certainly has a clear aversion to unity and discipline. With only 100 days to go, who is the shadow Treasurer today? You do not have one! Let *Hansard* show that Hon Ben Dawkins has put up his hand. Go for it!

**Hon Donna Faragher:** He was one of yours.

**Hon SUE ELLERY:** And now he wants to be one of yours—you are welcome to him!

The Leader of the Liberal Party has lost the last three weeks of clear air while the Liberal candidate for Churchlands was plotting and organising his own polling against her.

The fourth limb of the motion talks about disregard. It is certainly the case that the Liberal Party has a disregard for the history of the Legislative Council. Many times its members come in here and put the argument that, somehow, the standards of the Legislative Council have been destroyed in—what is the expression used by the Leader of the Opposition?—the Ellery era. Let us talk about what has happened in the Legislative Council over the ages. The Liberal Party does not come to this debate with clean hands. If one has been around long enough in public policy in Western Australia, one could cast one's mind back to 1997. In 1997, there was a piece of highly contentious legislation put to the Parliament by the then Minister for Industrial Relations, Hon Graham Kierath, which generated much angst and concern —

**Hon Kyle McGinn:** He was on the backbench.

**Hon SUE ELLERY:** He was on the backbench. It caused much angst and concern amongst the community of Western Australia. What did the pure Liberal Party do with the Legislative Council in the dying days of when it had the numbers in the Legislative Council in May 1997? Against all conventions, it did not move to replace Hon Ross Lightfoot as he moved into the Senate. It did not move to replace him until it did what? Until it used the gag and the guillotine, which had never been used before, to curtail the debate so that they could ram through the most contentious industrial relations legislation ever. It gets worse. What did it do immediately? *Hansard* shows that immediately after the gag and the guillotine passed, the Liberal Party moved to amend the motion to replace Ross Lightfoot when he went into the Senate. It was immediate. Could there be a more cynical exercise of the numbers that it controlled in the dying days of the Parliament in 1997?

My point is this: the opposition does not come to this debate with clean hands, so stop trying to pretend that you do because you do not!

**Hon Peter Collier:** You are drilling from something from 25 years ago!

**Hon SUE ELLERY:** You are very agitated.

I have already set out for the Parliament the proposition that, somehow, Labor members' attempts to amend motions is somehow an abuse of the powers. I have already provided the evidence to the house, and I can do it again. When Hon Peter Collier was in my seat here, he moved and got his people to move amendments to motions. There was one which was fantastic. Hon Lynn MacLaren had a motion to note a scientific change in carbon emissions. She did not call on the government to do anything. What was the motion moved by the government, led by Hon Peter Collier? It was to completely change the content of that motion. Yet there is outrage that, somehow, we on this side have abused the provisions of the standing orders to change the Legislative Council forever and a day. That is not true. This is a nonsense motion. We stand proud on our record. If you want—

**Hon Peter Collier:** You have talked about us for the last 15 minutes.

**Hon SUE ELLERY:** Because you are the gift that keeps on giving! You do not get it, do you? You keep talking about yourselves, so you give us no option.

If Liberal Party members want to put a genuine alternative to the people of Western Australia, they need to lock in behind their leader—who is? It is not Basil. He tried to make it him, but he is not. We know several people in here tried to make it him, but he is not. Their leader is Libby Mettam. Members need to lock in behind her and act like they seriously want to be on the government benches, but that is not what they have done to date.

**HON DONNA FARAGHER (East Metropolitan)** [11.08 am]: I might just bring us back to some facts. I admit that last week, I thought it was going to be my last opportunity to raise a couple of matters that I think are really important, but today is another day. I have come to learn in this place—certainly over the last few years—that one has to repeat, repeat, repeat and repeat some more in the vain hope that this government might actually listen.

I will make a few points. I will particularly reference the first limb of the motion. Everywhere we turn and every time we speak to someone, clear issues are raised: the rising cost of living, the state of our health system, crime, the challenges that our community services sector is facing and housing. Everywhere we turn and with everyone we speak to, these are the issues that people are raising. The government will tell us everything is fine and that it has got it completely under control. Quite frankly, nothing could be further from the truth. Let me take the health system. Day after day, we see stories and hear from constituents about issues in respect of ambulance ramping. Day after day, we hear stories about people stuck in corridors in our hospitals for literally hours.

**Hon Stephen Dawson:** Tell us your policy!

**Hon DONNA FARAGHER:** Just listen to me for a minute.

Day after day we hear about patients being moved from room to room in hospitals, which is incredibly unsettling and upsetting for those patients, particularly our senior patients. If members opposite do not want to believe me, that is fine, but I could tell some stories from personal experience. Members opposite might like to listen to this letter to the editor in *The West Australian*, published on Tuesday, 19 November. It is titled “Please, Premier, hear my Dad’s story”. It states —

One of the hardest things you will ever have to do is to grieve the loss of a person who is still alive. This is the journey of Alzheimer’s. My elderly dad, 88, has been in cognitive decline for the past two years.

...

A few weeks ago, Dad inevitably had a minor fall which resulted in some lower back pain.

Being a Sunday, we joined the busy waiting room in Bunbury emergency department and waited patiently.

After CAT scans and blood tests, the doctors determined Dad had a small fracture in his back.

His Alzheimer’s symptoms were certainly heightened due to the noise, bright lights and steady stream of patients and staff. Despite Dad having private health insurance, the expertise in staff and facilities was not available at St John’s.

Fifteen hours later, Dad was admitted into a locked medical ward at the Bunbury Regional.

For someone suffering from Alzheimer’s, this environment could not have been more alarming.

Throughout Dad’s 10-day stay, he was forced to move rooms four times.

The rooms were shared with other elderly patients who were deemed a “flight risk” and young security guards sat in the room 24/7.

As the days increased, Dad became extremely confused, disorientated, overwhelmed and agitated — thinking that there were policemen in his room.

The ward was likened to a chess game, with beds becoming the commodity.

Our hospitals are full of aged patients in a system that is already overwhelmed and broken.

The number of people aged over 65 with Alzheimer’s is predicted to double by 2050.

Is this the very best we can offer our elderly loved ones?

She ends with this —

Don't get me started on the \$11.5 billion blow out on Perth's Metronet ...

While we are talking about health, once again, I am going to raise the issue of child development services for the last time in this term of Parliament; I know members opposite will delight in this. Let me give members some facts. There are 10 000 children in metropolitan Perth waiting to see a paediatrician; 2 050 primary school children waiting to see a clinical psychologist in metropolitan Perth; and wait for it: right now, today, in metropolitan Perth, never mind country WA, there are 4 083 primary school children waiting to see a speech pathologist. These are children in classrooms in the electorates of members opposite.

The government will say, "Donna, we've given \$39 million. What more do you want?" As I said last week, that is great, but the government is more than five years too late. It has been asleep at the wheel and, quite frankly, has been happy to give this matter zero priority for years. I have heard all the excuses in the world, but the facts remain the same. As the wait times skyrocketed, the government did nothing.

Let me give members some facts; members know I like to talk facts, and here they are. In 2020–21 funding to the metropolitan child development service was increased by only 2.5 per cent. In 2022–23 it was increased by only 2.3 per cent. In 2023–24 this Labor government increased that funding by a measly 0.8 per cent—or, to put it more bluntly, by only \$300 000. Apparently, \$300 000 is all the government could find amongst its multibillion-dollar surplus for these kids. Sure, the government has provided some funding now, but do members know what? If the government had provided some proper funding five years ago, how much better off would these children be today?

It is not as though the department was not asking for funding; it was asking for funding, consistently. Let me read a section from the Select Committee into Child Development Services' report *Child development services in Western Australia: Valuing our children and their needs* —

CAHS–CDS informed the Committee that it had on three occasions applied unsuccessfully for funding increases in 2021–22 and 2022–23.

It then references the two funding applications that were put in place in 2022–23 that were rejected by the government. I point to the one in 2023–24 for the state budget. It states —

... this funding submission addressed all —

I repeat, all —

of CAHS–CDS's needs 'going forward', including reducing waiting times for all disciplines.

But was it supported? No, it was not. The government's own department was ignored every year. Every year, families were ignored and children were ignored, but they were not ignored by the hardworking staff in child development services. They were ignored by two Premiers and ministers, and I count all ministers in that, because all ministers sit around the cabinet table, and all ministers have a say in where that money goes.

It is not only about child development services when it comes to children. A record 1 000 child protection cases do not have a dedicated caseworker. Last week I read from a WAtoday article some comments made by a child protection worker, and I am going to read some of them again today, because the government needs to hear this. The article states —

"I feel incredibly sad, not for me, I feel incredibly sad for children," she said.

"I feel incredibly sad for the little boy who was begging me to tell him that he wouldn't have to go home to dad today because he would get flogged again, and I couldn't tell him that wouldn't happen.

"That is appalling that a little child is sitting in an office terrified."

...

"We should be making it better, and we're making it worse, and that is appalling," she said.

"They are damaged further by the system they come into."

I agree with her 100 per cent; that is appalling. How in any way, shape or form is that acceptable? We also have challenges with our school dental services. According to answers provided to me during the budget estimates hearings this year, there are 1 270 children on the waitlist for ear, nose and throat surgery at Perth Children's Hospital, let alone the waitlists at other hospitals. The median wait time at PCH is 282 days. Members might have noticed that I have asked a couple of questions; I will have one more today about Swan View Primary School. Its in-term swimming program has been cut from two weeks to one week for not one or two years, but for three consecutive years. When I asked the minister whether the government would ensure that that would not happen next year, did I get a yes or no answer? No, I did not. He would not give a guarantee that that would not happen again next year.

There are challenges with our child health nurses. We simply do not have enough of them. The government is not doing anything proactively to try to change that. As a consequence, we have children on what the government likes to refer to as "standby lists". They are not standby lists; they are waitlists, which means that right now there are children waiting for a child health check.

**HON DR STEVE THOMAS (South West)** [11.18 am]: I rise to address this excellent motion moved by Hon Tjorn Sibma. The only problem with the motion before the house today is that there are so many opportunities and so little time to address them. Let us talk about the emblemania of the Labor Party in this state—its grand desire to take power and maintain power. I note that the second limb of the motion refers to the Labor Party’s contempt for regional communities.

**Hon Kyle McGinn** interjected.

**Hon Dr STEVE THOMAS:** It is good to hear Hon Kyle McGinn interjecting; I love to hear him interjecting. It is a pity that the Labor Party did not put him in a winnable spot. How did his preselection go?

Several members interjected.

**The ACTING PRESIDENT (Hon Steve Martin):** Members! I certainly cannot hear, so I assume Hansard also cannot. Please. Hon Dr Steve Thomas has the call.

**Hon Dr STEVE THOMAS:** Thank you for your protection, Acting President. I do like Hon Kyle McGinn and I will miss him, because the Labor Party did not put him in any winnable spots in its preselection. That is one more regional member of the Labor Party out the door! I am not sure about Hon Peter Foster’s position. I am sure that the powerbroker, the Deputy Leader of the House, is in a safe position. Of course, regional representation in the Labor Party has been pushed down the priority list. Why would it not, because the government changed the legislation to disenfranchise regional Western Australians?

**Hon Samantha Rowe** interjected.

**Hon Dr STEVE THOMAS:** I will get PFAS in there as well; do not worry! There will be plenty of opportunities.

The Labor Party has taken advantage. It gets into government, Albanese-like, and takes advantage. That is what the Labor Party does. That is exactly what it has done, at the expense of regional communities and regional industries. Paragraph (b) of the motion states —

the Labor government’s contempt for regional communities, —

Tick —

through reducing their parliamentary representation ...

I include Hon Kyle McGinn in that. Your getting shafted has reduced Labor’s regional representation—you poor fellow! I am sure there is another career for you in the Maritime Union of Australia. You will be okay; it will look after you.

**Hon Kyle McGinn** interjected.

**Hon Dr STEVE THOMAS:** I actually feel sympathy for you; you are actually reducing that.

The paragraph goes on —

deprioritising their infrastructure needs, and undermining their industry;

Members should have listened to my questions this week. Here is a port question for Hon Kyle McGinn. The port of Bunbury was going to have roll-on roll-off services. The local member, the member for Bunbury, has been talking about it for years—since 2017. When the Westport process came out, there was nothing for Bunbury.

**Hon Kyle McGinn** interjected.

**Hon Dr STEVE THOMAS:** Let us talk about the privatisation-by-stealth agenda of the Labor Party.

Several members interjected.

**The ACTING PRESIDENT:** Members! Thank you. Hon Dr Steve Thomas has the call.

**Hon Dr STEVE THOMAS:** Thank you, Acting President.

I am sorry that Hon Darren West is absent on urgent parliamentary business, but this government’s privatisation by stealth of energy and renewable energy resources is famous. We are in a competition for privatisation of the power sector. It is fantastic. Well done, Labor Party! It is privatising what it can. It is no wonder that Hon Kyle McGinn and the MUA are a bit sensitive about this. The Labor Party said that it would put roll-on roll-off services at Bunbury port because Bunbury got nothing out of the Westport review. Of the 23 recommendations, the port of Bunbury was in the last four. The review said that there would be no infrastructure for Bunbury. Thanks to questions that I have asked in the last sitting week of Parliament, we have found out that roll-on roll-off has gone. The government did three studies.

**Hon Kyle McGinn** interjected.

**Hon Dr STEVE THOMAS:** I have the member for Bunbury reported in the *South Western Times* in 2017 as saying that the government was looking at things like roll-on roll-off. It was in the media.

**Hon Stephen Dawson:** Let the cat out of the bag. Tell us about your policy.

**Hon Dr STEVE THOMAS:** For energy?

**Hon Stephen Dawson:** Policy graveyard.

**Hon Dr STEVE THOMAS:** I would love to tell the minister about the energy policy.

**Hon Stephen Dawson:** I know you're fighting the good fight, but not many others are.

**Hon Dr STEVE THOMAS:** Gas is the transition fuel that will get us to what the future looks like. The transition fuel is gas. Do members know what? My friend Hon Roger Cook, the Premier of this state, has come out and followed suit. It is nice to see that he is going in the right direction, but he had to follow my policy to get there—that is, more gas. He is just embarrassed at the moment. You guys will come out, probably after the election, and say that we need more gas, and someone will go, “Hang on a minute; the opposition’s energy policy written by Steve Thomas said exactly that. The government has just followed suit.” I should charge it a royalty fee, because that is exactly what it is going to do. Now all the ministers are running out there and going, “More gas is our policy. That is what we’re going to do—more gas.” The government will follow the opposition’s energy policy down to the future, which is great. I appreciate it. Imitation is the greatest form of flattery, so well done! As long as it pays a royalty fee, it can borrow my work! That is where it is going to end up.

The port of Bunbury is very interesting for the member currently interjecting. Three studies were conducted by the Southern Ports Authority into opportunities for roll-on roll-off at the port of Bunbury. If the government was not serious about it and was not talking about it, why would it do three studies? It was not one or two studies. We can count—one, two, three studies! Look at my questions. There have been three studies. This week the question was: what is happening? The answer was: “We are not doing it. It will stay in Fremantle.” Okay; give us the studies. Tell us what the decision was made on. This relates to one of my greatest passions in Parliament.

**Hon Tjorn Sibma:** PFAS!

**Hon Dr STEVE THOMAS:** Yes, that one, too!

**Hon Samantha Rowe:** I’ve been waiting for it.

**Hon Dr STEVE THOMAS:** It has been used a few times.

Paragraph (c) of the motion states —

the Labor government’s aversion to any meaningful demonstration of openness, transparency and accountability ...

We have to keep saying these things because it does not change. Here is an opportunity. What do the studies look like? What did they say? What did they tell the Minister for Ports for the minister to say, “We’re not going to do that anymore?”

**Hon Stephen Dawson:** Be assured that our policies are fully costed.

**Hon Dr STEVE THOMAS:** So is mine—ha, ha!

**Hon Peter Foster:** No, it isn’t.

**Hon Dr STEVE THOMAS:** It is. Do members know how my costings are right? Here is the funny thing. They are right because they come from the Economic Regulation Authority. That government authority did the work and provided the costings. It is right. I know my costings are right. I know they are accurate. There you go! It is costed and it is accurate. It absolutely works. Why not release the reports? They are not the only reports. Accountability and transparency—this government promised gold-standard transparency. It is not gold standard. We all like gold. The government does not like coal. This is coal-standard transparency!

**Hon Stephen Dawson:** I do think you are being a far-right reactionary.

**Hon Dr STEVE THOMAS:** I am a far-right reactionary on occasion; that is exactly true. Members might even accuse me of being Howard-esque, but I am definitely not Albanese-like.

**Hon Stephen Dawson:** Unlike your friend sitting next to you, I would not accuse you of Trump-ism.

**Hon Dr STEVE THOMAS:** On occasions, Hon Stephen Dawson!

There is another lack of transparency. How many times do I have to ask in this place where are the tier 3 rail line studies—an issue that I know is dear to the hearts of both Hon Colin de Grussa and Hon Steve Martin?

**Hon Stephen Dawson:** I can’t tell you about tier 3 rail lines, but I can tell you about the conga line.

**Hon Dr STEVE THOMAS:** I will tell you what: there is a conga line of lies in relation to tier 3! Where are the studies? The answer to one question says that the studies have been completed. All right; put them out there. I do not mind. If the studies have come back—I am sure Hon Colin de Grussa and Hon Steve Martin agree, not that I have asked them in advance—and said that it is not economic —

**Hon Kyle McGinn:** The alliance is strong.

**Hon Dr STEVE THOMAS:** The alliance is strong. We are all together.

If the studies say that this will not work economically, we are not going to argue with the government. If it said, “We promised the tier 3 lines, but it won’t work out; the economics do not add up. We’re going to have to back-pedal



on this promise”, I would probably say that it was a good call. But the government will not do that because it is not transparent. It would rather ignore the fact that all these studies have been done and come into Parliament and say that we might have them one day but not necessarily. The government ignores the data that the people of this state need to determine whether it is making the correct decision. It is the most opaque government I have ever seen. It is absolutely ridiculous. The reason for that is the government is frightened of accountability. Its spending is out of control. It is spending irresponsibly. As long as it is not being held accountable —

**Hon Stephen Dawson:** But we are not a policy graveyard.

**Hon Dr STEVE THOMAS:** No, but it might be a political graveyard. Its policies could be described as political peripatetic. Its policy will lead to its political graveyard. Lack of transparency is the government’s problem.

**HON LOUISE KINGSTON (South West)** [11.29 am]: I am glad I have been able to get up to support this amazing motion and to put my spin on the very short time that I have been in this place. Hopefully, I will find myself back here after the election in March.

**Hon Kyle McGinn:** For the National Party or someone else?

**Hon LOUISE KINGSTON:** That is to be revealed, Hon Kyle McGinn. We shall see where I end up! I might even form my own party, who knows?

Firstly, Hon Donna Faragher said that members on this side have to repeat, repeat and repeat requests to government. That is what I have found since I have been here. I have asked questions about a number of issues out in regional Western Australia. I see that Hon Sue Ellery is out of the chamber on urgent parliamentary business. She said that she supports regional WA. What a joke! The number of times I have raised issues that have been longstanding in regional Western Australia and received a glib answer or no answer is just astounding.

I am going to bring up the four Fs today: forestry, fishing, firearms and farming. There are four fails on those issues. For the last 18 months, during the time I have been here, I have raised the issue of the timber industry and forestry being in absolute turmoil. Since September 2021, when the industry was absolutely decimated, the government has been promising to provide a new-look industry with ecological thinning. I put on the record that I strongly support ecological thinning; it is an issue I have been raising in the industry for a very long time. In terms of providing timber to the industry, we now know that nearly 12 months into the government’s new forest management plan not a single, solitary, piece of timber has been delivered to the sawmillers or the furniture industry. I draw members’ attention to a media release put out by the WA Furniture Manufacturers Association recently that absolutely refutes statements made by the minister in this place. She said —

I spoke to furnituremakers and asked them to tell me which of them could not get timber. None of them could tell me that, but they were concerned about the future. I am here to assure them that the future will be fine because we are keeping all that timber in Western Australia.

In response, the WA Furniture Manufactures Association stated—this is a point I will make strongly—the dishonest statement by the minister is to be deplored and called on the minister to apologise and for the government to get its forestry supply chains working because, otherwise, the high-quality value-adding processing industry will be lost forever.

**Hon Jackie Jarvis:** Ask the City of Gosnells who was there. I answered their questions.

**Hon LOUISE KINGSTON:** That is the situation and those comments came from those members of the WA Furniture Manufactures Association who were actually there.

The situation is that we continue to have supplies of timber sitting in stockyards deteriorating, not being provided to industry. I asked a question yesterday about what has happened to the timber from mine site clearing and road clearing. I was told that the Forest Products Commission does not manage either of those processes and there is no process in place. On the back of promises made to the industry, this was the answer I received to another question —

As previously stated, any high value recovery log—sawlog—recovered from ecological thinning or mine site clearance will be made available to sawmills.

We know from the answer to a previous question that the FPC does not manage mine site clearing and road clearing. How can we as members of this establishment be convinced that those industry players are going to be provided with that timber? They are not at the moment; we know sawmills and furniture makers are not getting that resource.

I will move on to the firearms legislation, which I led in this place. Members on this side know from our interaction with law-abiding firearms owners how many issues there has been with the rollout of that legislation. Just recently, the State Administrative Tribunal overruled actions taken by the Western Australia Police Force. I ask the questions: Who is right? Where is the legal advice coming from? Many law-abiding firearms owners, many of whom have spent convictions or orders that were made against them 30 years ago, are having their firearms taken off them. In particular, I want to talk about a fellow in Albany I have been helping. He is an amazing young man. He did not have the best start in life, but he sorted himself out and started his own business. He worked at a firearms business down in Albany. Subsequently, he had all his firearms taken off him and ended up on the dole. How on earth is that a good

outcome for a piece of legislation that was supposed to make people's lives better? He was and is absolutely no threat to anybody. The poorly drafted legislation that was rushed through this place, like so many of the pieces of legislation I have seen since I have been here, failed to deliver a good outcome for him. He has now spent around \$80 000 taking his case to SAT. I am pleased to say that based on the recent SAT decision it looks like he may be able to get his firearms back and recommence living his life as he should.

When I joined this place, I was really humbled to be chosen to sit on the Legislation Committee. I thought we were going to do some really good work looking at legislation, but, as other members on this side have stated, that process has been totally and utterly disregarded. We could have done some fantastic work. I could go on because so many pieces of legislation should have gone to the Legislation Committee for better scrutiny and to make sure that it was fit and proper.

**Hon Kyle McGinn:** Fishing.

**Hon LOUISE KINGSTON:** Thank you, Hon Kyle McGinn. The lack of consultation with fishing industry players was the same as with the forestry and farming industries, and on the firearms legislation.

Several members interjected.

**The PRESIDENT:** Order!

**Hon LOUISE KINGSTON:** Thank you, President.

There was a lack of consultation with people involved in those industries about the legislation of, and decisions made by, this government. My grandmother had a very good saying that she used to say to me as I was growing up. Obviously, I have always been quite interested in being involved in decision-making. There are a couple of really good things she would say to me, but something she told me to keep in the back of my mind for the rest of my life was: power corrupts and absolute power corrupts absolutely. This government is a very good example of exactly that saying. As the people of Western Australia go to the next election, they should have their eyes wide open. This time, they will place their votes and choose their preferences to make sure that we do not see another government of any persuasion with as much power as this government has had and with which it had done so much damage, particularly to the four Fs. In closing, my score for this government is an F for fail.

**HON BEN DAWKINS (South West)** [11.38 am]: I think it is a very well worded motion. Hon Tjorn Sibma has used his excellent grasp of the English language here. I will start with limb (d). Yes, there has been a disregard for conventions by this Labor government. In a nutshell, I support the motion, but I have a couple of other things to say.

Several members interjected.

**The PRESIDENT:** Order, members! Please continue to make your contribution and ignore, as best you can, the interjections.

**Hon BEN DAWKINS:** I would agree that there has been an abuse of power. I think they were Hon Tjorn Sibma's words. A lot of the things that the Labor government has done on electoral reform, for example, have been completely self-serving. Abolishing the specific regional representation in the upper house after Hon Mark McGowan said six or so times that it was not on the agenda was in the Labor Party's self-interest and it was a self-serving change. That was dishonest of the government, so it was not a very good start.

On the issue of electoral reforms, I think there is a convention to consult. The government almost has to achieve bipartisanship on electoral reforms. I think that is the nature of the convention, but that certainly was not the case. However, the government probably did receive bipartisan support for the 100 per cent pay rise the major political parties gave to themselves in the electoral reforms. That was on the front page of *The West Australian*. It was a 100 per cent pay rise for the major political parties. The significance of that—people at home do not always grasp this—is the Labor Party got paid \$3.5 million, or something like that, to contest the last election, but by doubling the amount, it will be reimbursed for each vote from \$2-odd to \$4-odd, so the Labor Party has given itself a 100 per cent pay rise. Labor members can go to this election knowing that they have lined their own pockets and can spend up to \$6 million or \$7 million and have that money reimbursed by the taxpayer. That is a way that the Labor Party is trying to legislate itself into another term.

This is when I would say that the Liberal Party, the opposition, could have been more effective in holding the government to account on things like that. However, when I have had the opportunity to raise these things, even with the Liberal Party, it is not so keen to raise this matter because obviously it is also a beneficiary of that pay rise. However, it is more disgraceful for Labor to do this because it is the only unincorporated association that receives anywhere near that amount. Hon Sue Ellery, the Minister for Women's Interests, requires women's groups to incorporate before she gives them grants because it gives security over that money and security over how it might be spent because of the governance requirements of being an incorporation. However, the Labor Party can give itself double the amount—to \$6 million or \$7 million—and remain unincorporated and completely unregulated. We can see the self-interest and abuse of power.

On health—I think it is in paragraph (a) of the motion—the government has overlooked aspects of health and there has been a lack of attention to health generally. I will give members one example. I do not think members necessarily

know about this because it is an answer to question on notice 2231. I refer to statistics provided by the government on the number of people aged 40 and under who presented to emergency departments with chest pains. I will cut to the chase. In round figures, there were 8 000 presentations in 2019 and 2020 and 11 000 in 2021. That is 3 000 more presentations of people aged under 40 who presented to EDs with chest pain. That is a jump of 3 000. In 2022, there was a jump of 4 000. It went back to a jump of 2 000 in 2023. That is a 33 per cent increase in presentations of people aged under 40 with chest pains at EDs during the vaccination era, you might say. It does not say that here. There is nothing controversial. It is just raw stats. Hon Roger Cook was the Minister for Health at that time. Why can he not at least acknowledge that and address the 33 per cent increase in presentations to EDs of people aged under 40 with chest pain during that period when he was the health minister? I also asked him something very similar and uncontroversial. In a question without notice, I asked him to acknowledge things that had already been acknowledged but which he refused to, such as the \$33 million that was paid out under the vaccine injury compensation scheme federally, a portion of which would have been given to Western Australia. His answer about acknowledging those harms in the health portfolio while he was Minister for Health was no. N–O.

I would go to the current Liberal leader, Libby Mettam, the opposition spokesperson for health, and ask her to look at the stats that I have just read out about presentations to EDs and ask why she cannot put that to the government if she wants to win an election. Why cannot Libby Mettam start asking some hard questions and run a proper campaign? Unfortunately, Libby Mettam would not say boo to a goose —

Several members interjected.

**Hon BEN DAWKINS:** She is not fighting a campaign; she is trying to make a very small target. I would say to Libby Mettam, that she should either have some courage and do something or move aside.

Several members interjected.

**Hon BEN DAWKINS:** As Hon Dr Steve Thomas would like to hear, the other problem within the Liberal Party is that there is way too much cosiness between members of the Liberal Party and the Labor Party in social settings, let us say.

Several members interjected.

**Hon BEN DAWKINS:** I am not talking about you.

Several members interjected.

**The PRESIDENT:** Order! Honourable member, please direct your comments through the chair.

**Hon BEN DAWKINS:** Yes. I would never accuse Hon Neil Thomson, Hon Nick Goiran or Hon Peter Collier of that because they are fighters, but there are other people in the Liberal Party who are choosing to make friends across the aisle. It is too cosy because they want to get favours next time.

Several members interjected.

**The PRESIDENT:** Order, members!

**Hon Ben Dawkins** interjected.

**The PRESIDENT:** Order, member! I am speaking and require the attention of the chamber, including you.

Motion lapsed, pursuant to standing orders.

#### **PRIVACY AND RESPONSIBLE INFORMATION SHARING BILL 2024 INFORMATION COMMISSIONER BILL 2024**

##### *Declaration as Urgent*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Innovation and the Digital Economy)** [11.48 am]: I declare the Privacy and Responsible Information Sharing Bill 2024 and the Information Commissioner Bill 2024 to be urgent bills, pursuant to standing order 125A.

##### *Remaining Stages — Time Limits — Motion*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Innovation and the Digital Economy)** [11.48 am]: I move without notice —

That pursuant to standing order 125A, the following maximum time limits apply to the following stages of the cognate bills: Committee of the Whole, Privacy and Responsible Information Sharing Bill 2024 and Information Commissioner Bill 2024, 60 minutes; and third reading, 10 minutes.

**HON NICK GOIRAN (South Metropolitan)** [11.49 am]: I will not detain the house too long for this because the amount of time that we take now to debate this will eat into the very limited time we have to scrutinise these bills. However, I am not letting this opportunity pass without saying this: 36 of us here have a responsibility on behalf of Western Australians to scrutinise legislation as part of the house of review. I draw to members' attention the sheer size of the bills the minister has just declared urgent that he now wants agreement from the house we will have 60 minutes in Committee of the Whole House to consider. The first of those two bills is the Privacy and Responsible Information Sharing Bill 2024. I suspect that not every member is aware that this is a 247-clause bill,

and the minister has just said we will have 60 minutes to consider it. Members might also not be aware that we are currently considering clause 23. The notice paper contains a number of amendments and—get this, President—the Cook Labor government has amendments to move on this matter. I was told yesterday, and offered a briefing, about another range of amendments it will put forward with regard to this. We are supposed to do all that in 60 minutes. It gets better than that, because as soon as we do that, according to the Cook Labor government we will then consider the Information Commissioner Bill 2024. Admittedly, it is not as massive as the previous bill, but it is still a 72-clause bill. It is a 72-clause bill and we are being given 60 minutes to ask questions on it. I have not had the opportunity to ask a single question—not one—on the Information Commissioner Bill 2024. No opportunity has been provided by the Cook Labor government in the whole forty-first Parliament to ask a single question about the Information Commissioner Bill 2024. But today is the last day because the Cook Labor government says it is the last day, and on the last day it wants us to have 60 minutes to consider the Information Commissioner Bill 2024.

I will conclude on this point: let us remember that this was the mob who said they would adhere to a gold standard of transparency. Would one not think the Information Commissioner might be a vital role in transparency? Of all the agencies and departments of government and officers of Parliament that might have a role with respect to gold standard transparency, perhaps the Information Commissioner might be one of those. But no, according to the arrogant, contemptuous Cook Labor government, we will have 60 minutes to deal with this. How funny it must be for members opposite that that is what we are going to do today. How hilarious it must be that as a legislator in the house of review, on the final day of sitting we are going to ram through in 60 minutes this bill that deals with transparency. The irony is not lost on me that this is hot on the heels of Hon Louise Kingston only a few minutes ago drawing to our attention the fact that the Standing Committee on Legislation has not been used during the duration of this Parliament. Members have heard many times the Leader of the Opposition talk about the conventions being trashed during this forty-first Parliament. We need look no further than this example right now and the motion that is about to be passed.

**HON WILSON TUCKER (Mining and Pastoral)** [11.53 am]: I share a lot of the concerns that were raised by Hon Nick Goiran about the time we have to debate the Privacy and Responsible Information Sharing Bill 2024. It is extremely complex legislation. It has been sitting on the Attorney General's desk for at least eight years. The need for this legislation was raised over a decade ago by a Chief Scientist and we are now debating this in the dying embers of the forty-first Parliament. We have had three hours, or thereabouts, in Committee of the Whole for the bills cognately. The first bill, the Privacy and Responsible Information Sharing Bill 2024, is 215 pages long, and the Information Commissioner Bill 2024 is 44 pages, and we have 60 minutes left to debate them.

I have spent three and a half years calling for this bill. I have asked multiple questions of the Attorney General about when we can expect it. This motion speaks to the priority of this government. The Cook Labor government has prioritised bills that shut down its opposition and are politically advantageous rather than putting forward complex legislation and debating it properly to provide rights and better data privacy laws for the people of Western Australia.

There have been some behind-the-scenes discussions on this. I am happy to work with the government. There was a level of goodwill in the past few weeks around amendments. I was not going to stand up here and delay the bill. I take the line that the good is better than the perfect in this case because we know that when we come back in about six months, in around May, if this side of the chamber comes back, the members will have different priorities. I do not think we will see this legislation again for close to two years. The people of Western Australia have worn an opportunity cost by this bill not having been prioritised. I was happy to work with the government on this, but it is disgraceful that we have 60 minutes to deal with very complex legislation—indeed, two bills cognately. I will vote against this motion.

#### *Division*

Question put and a division taken with the following result —

Ayes (18)

Hon Klara Andric  
Hon Dan Caddy  
Hon Sandra Carr  
Hon Stephen Dawson  
Hon Sue Ellery

Hon Lorna Harper  
Hon Jackie Jarvis  
Hon Ayor Makur Chuot  
Hon Kyle McGinn  
Hon Shelley Payne

Hon Stephen Pratt  
Hon Martin Pritchard  
Hon Samantha Rowe  
Hon Matthew Swinbourn  
Hon Dr Sally Talbot

Hon Darren West  
Hon Pierre Yang  
Hon Peter Foster (*Teller*)

Noes (12)

Hon Peter Collier  
Hon Ben Dawkins  
Hon Donna Faragher

Hon Nick Goiran  
Hon Louise Kingston  
Hon Steve Martin

Hon Sophia Moermond  
Hon Tjorn Sibma  
Hon Dr Steve Thomas

Hon Wilson Tucker  
Hon Dr Brian Walker  
Hon Colin de Grussa (*Teller*)

#### *Pairs*

Hon Kate Doust  
Hon Rosie Sahanna

Hon Martin Aldridge  
Hon Neil Thomson

Question thus passed.

**PRIVACY AND RESPONSIBLE INFORMATION SHARING BILL 2024***Committee*

Resumed from 7 November. The Deputy Chair of Committees (Hon Dr Sally Talbot) in the chair; Hon Stephen Dawson (Minister for Innovation and the Digital Economy) in charge of the bill.

**Clause 23: Exception: law enforcement functions —**

Progress was reported on the following amendments moved by Hon Wilson Tucker —

Page 27, line 14 — To insert after “IPP 1.10,” —

IPP 1.13,

Page 27, line 20 — To insert after “IPP 1.10,” —

IPP 1.13,

Page 27, lines 25 and 26 — To delete “IPP 1.8 or IPP 1.10” and insert —

IPP 1.8, IPP 1.10 or IPP 1.13

Page 28, lines 2 and 3 — To delete “IPP 1.8 or IPP 1.10” and insert —

IPP 1.8, IPP 1.10 or IPP 1.13

Page 33, line 5 — To insert after “IPP 1.10,” —

IPP 1.13,

Page 33, line 8 — To insert after “IPP 1.10,” —

IPP 1.13,

Page 33, line 25 — To delete “IPP 1.8 or IPP 1.10; or” and insert —

IPP 1.8, IPP 1.10 or IPP 1.13; or

Page 33, line 26 — To delete “IPP 1.8 or IPP 1.10” and insert —

IPP 1.8, IPP 1.10 or IPP 1.13

Schedule 1 —

Page 196, after line 30 — To insert —

1.13 If an IPP entity has collected personal information that relates to an individual, the IPP entity must, on request by the individual, inform the individual of —

(a) whether the IPP entity has disclosed the personal information to any person or body; and

(b) if so, each person or body to which the personal information was disclosed.

1.14 Subclause 1.13 does not apply to the extent that giving or making the individual aware of that information would pose —

(a) a serious threat to the life, health, safety or welfare of any individual; or

(b) a threat to the life, health, safety or welfare of any individual due to family violence.

**Hon NICK GOIRAN:** It has been a while since we dealt with this matter. Deputy chair, I am grateful for you drawing to our attention the fact that we are dealing with the group of amendments moved by Hon Wilson Tucker. I know that time is now of the essence. Dealing with a group of amendments is difficult at the best of times, let alone after a great lapse of time. It would be useful if the government could reiterate its position on this group of amendments.

**Hon STEPHEN DAWSON:** Ordinarily, honourable member, I would not do this because I have done it previously, but given you have asked, hopefully it means that this legislation will have a speedier passage this afternoon.

I indicated that we would oppose the group of amendments moved at clause 23. The commonwealth *Privacy Act review report* released last year proposed the introduction of new rights for individuals in the Privacy Act 1988 in relation to personal information about them. Such rights are not currently included in privacy legislation in other Australian jurisdictions or the PRIS bill. The government considers that a consistent national approach to developing such rights is preferable. The commonwealth has agreed, in principle, that individuals should have greater transparency of and control over their personal information through the creation of new individual rights based on those in the EU’s General Data Protection Regulation. We are awaiting the federal government’s next steps in response to the commonwealth Privacy Act review on these matters. It is worth noting that this is not dealt with in the commonwealth Privacy and Other Legislation Amendment Bill, which marks the first tranche of amendments in response to the Privacy Act review.

Further, the government considers that the privacy provisions of the PRIS bill already contain accountability and transparency mechanisms by which such information may be provided to individuals.

**Amendments put and negatived.**

**Clause put and passed.**

**The DEPUTY CHAIR:** I will provide some clarification for members. It is my understanding that the following amendments have now fallen away: 5/24, 6/25, 7/26, 8/33, 9/33, 10/33, 11/33 and 16/S1.

**Clauses 24 to 39 put and passed.**

**Clause 40: Request for access under IPP 6.1 or approved privacy code of practice —**

**Hon WILSON TUCKER:** By way of explanation, I have a group of amendments on the supplementary notice paper. I will move them en bloc. I do not intend to take too much time on this.

**The DEPUTY CHAIR:** Member, you will have to seek leave to move them.

**Hon WILSON TUCKER:** Sure. I will give a bit of an explanation of the amendments and then I will seek leave.

The amendments that I will move en bloc start with a simple amendment to clause 40. I am seeking to bring the right to request information in line with the GDPR by allowing for requests to be made orally. Currently, the bill allows for requests to be made only in writing. I understand there are some technical difficulties around aligning this bill with the Freedom of Information Act. I will look for an explanation from the minister before I move the amendments en bloc about some of the technical considerations when we talk about two different acts in this space. I would not say it is a complete blocker. If the government has a will, there is a way.

As well as aligning the legislation with more contemporary privacy laws, I am seeking to extend the means by which someone can request information. They currently have to do so in writing. We know that not everyone in Western Australia speaks English as a first language and not everyone can write. The 2022 report from a federal inquiry, titled *Don't take it as read: Inquiry into adult literacy and its importance*, found that 87 per cent of Australians with low literacy come from English-speaking households. It is estimated that 43 per cent of adult Australians have literacy levels below what is required for daily life and work tasks. It also found that 40 per cent of Aboriginal and Torres Strait Islander adults have minimal English literacy, especially those in remote communities, and this can get as high as 70 per cent. The federal government is really trying to extend the means by which someone can request more information and make it more inclusive.

I look to the minister to provide an explanation of why the government cannot agree to this amendment.

**Hon STEPHEN DAWSON:** I will say at the outset that we oppose the amendments. The honourable member has proposed that clause 40 be amended to provide that a request for access to personal information under IPP 6.1 may be made to the IPP entity orally or in writing and to delete subclause (2)(a), which requires that a request for access to personal information be given to the IPP entity in writing. The current drafting of the PRIS bill is consistent with the position under the Freedom of Information Act 1992 for the making of applications to access documents under that act. As such, amendments of the kind proposed by the honourable member would result in inconsistency between the PRIS bill and the FOI act. I refer the honourable member to clause 42 of the PRIS bill, which provides that if the circumstances require it, an IPP entity must take reasonable steps to help the individual in making a request for access.

I understand from media reporting, and indeed from what the member said today, that one of the reasons he is seeking the amendment is to increase accessibility for non-native English speakers. Clause 42 would help achieve this. There are also critical privacy and safety reasons for requiring a request to be in writing. IPP entities need to be able to verify that requests for access to personal information are being made by the individual to whom the personal information relates. IPP entities will not be able to accurately verify oral requests if they are permitted to be made. It is standard practice under the FOI act that when an applicant seeks access to personal information about themselves, they are asked to provide documentary proof to establish their identity as part of the application. Finally, I do not think the requirement for an application to be in writing is onerous. No special form is required. Although entities may have a pro forma template that can be used, as is often the case under the FOI act, a simple email or letter is sufficient to satisfy the requirement.

**Hon WILSON TUCKER:** The minister mentioned documentary proof as part of the request to verify someone to then provide information. I do not think that precludes the fact that someone should be able to make that request orally, and I can get into that when I move my amendments en bloc. Could the minister please elaborate on the point he made about clause 42 and providing assistance in making that request? What sort of assistance will be given? If someone verifies themselves with this documentary proof and makes a request in writing, can that be transcribed at the time? What will the assistance look like?

**Hon STEPHEN DAWSON:** Clause 42 states that reasonable steps must be taken, so helping someone transcribe their wish to access the data could be a reasonable step.

**Hon WILSON TUCKER:** The minister said “could”. That is an acknowledgement that the government could potentially help somebody in that circumstance. I am trying to codify that in the legislation to ensure that is the case. The minister says it could potentially happen, but I am trying to make sure that it actually does happen. Time is short; I do not think we will reach an agreement.

**The DEPUTY CHAIR:** Hon Wilson Tucker.

**Hon WILSON TUCKER** — by leave: I move —

Page 37, after line 22 — To insert —

- (1A) A request for access to personal information under IPP 6.1 or an applicable approved privacy code of practice may be made to the IPP entity orally or in writing.

Page 37, line 25 — To delete the line.

Page 38, after line 9 — To insert —

- (1A) A request for correction under IPP 6.5 or an applicable approved privacy code of practice may be made to the IPP entity orally or in writing.

Page 38, line 12 — To delete the line.

I move these amendments for the reasons I outlined previously. I have spoken about literacy levels and trying to ensure the environment in which these requests are made is more inclusive. Time is short and there are a few more amendments to move, so I will leave it there and look for a government explanation about why this cannot be achieved.

**Hon STEPHEN DAWSON:** We will not support the amendments for the reasons I gave earlier.

#### *Division*

Amendments put and a division taken, the Deputy Chair (Hon Dr Sally Talbot) casting her vote with the noes, with the following result —

#### Ayes (12)

Hon Peter Collier	Hon Nick Goiran	Hon Dr Brad Pettitt	Hon Wilson Tucker
Hon Ben Dawkins	Hon Steve Martin	Hon Tjorn Sibma	Hon Dr Brian Walker
Hon Donna Faragher	Hon Sophia Moermond	Hon Dr Steve Thomas	Hon Colin de Grussa ( <i>Teller</i> )

#### Noes (18)

Hon Klara Andric	Hon Lorna Harper	Hon Stephen Pratt	Hon Darren West
Hon Dan Caddy	Hon Jackie Jarvis	Hon Martin Pritchard	Hon Pierre Yang
Hon Sandra Carr	Hon Ayor Makur Chuot	Hon Samantha Rowe	Hon Peter Foster ( <i>Teller</i> )
Hon Stephen Dawson	Hon Kyle McGinn	Hon Matthew Swinbourn	
Hon Sue Ellery	Hon Shelley Payne	Hon Dr Sally Talbot	

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#### Pairs

Hon Neil Thomson	Hon Rosie Sahanna
Hon Martin Aldridge	Hon Kate Doust

**Amendments thus negated.**

**Clause put and passed.**

**Clause 41: Request for correction under IPP 6.5 or approved privacy code of practice —**

**Hon STEPHEN DAWSON:** I move —

Page 38, line 26 — To delete “application” and insert —

request

This amendment is minor and technical in nature and is an amendment to the chapeau in clause 41(3). This amendment will replace the word “application” with the word “request” as the surrounding provisions in this clause in part 2, division 4 of the bill all refer to a request for correction of personal information as opposed to an application. I ask for the chamber’s support for this amendment.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 42 to 56 put and passed.**

**Clause 57: Notifiable information breaches —**

**Hon NICK GOIRAN:** Clause 57 is the first of a series of sections in proposed division six entitled “Notifiable information breaches” and is the first of four clauses in the first subdivision entitled “Preliminary”. As I understand it, division 6 of part 2 of the Privacy and Responsible Information Sharing Bill 2024 will establish a mandatory information breach notification scheme that is said to be broadly consistent with schemes in the commonwealth, New South Wales and Queensland jurisdictions. What are the material differences between the approach to mandatory information breach notification schemes under division 6 of this legislation and those of the other three jurisdictions I referred to?

**Hon STEPHEN DAWSON:** I am advised that the Information Commissioner will have the ability to require mandatory notifications of a breach that does not meet the seriousness thresholds. That is the difference between this legislation and that of the commonwealth and New South Wales jurisdictions. This legislation will potentially capture more breaches.

**Hon NICK GOIRAN:** The minister says that the model proposed under this legislation will capture more breaches than the models under the legislation of the other three jurisdictions. Was some form of analysis done of that? Was this a subject of expert advice to government to verify whether the government’s intention to capture more breaches would indeed occur?

**Hon STEPHEN DAWSON:** I am told it aligns with the discussion at paragraph 28.1.4 of the commonwealth government’s *Privacy Act review report 2022* in which a trend is noted towards giving the commonwealth Information Commissioner more power to oversee when a breach may or may not have occurred.

**Clause put and passed.**

**Clause 58 put and passed.**

**Clause 59: Whether serious harm is likely to result from access, disclosure or loss —**

**Hon NICK GOIRAN:** Can examples be provided of serious harm or examples of situations in which a breach would not cause serious harm?

**Hon STEPHEN DAWSON:** In respect of how serious harm will be determined, whether an information breach is likely to result in serious harm will be assessed on a case-by-case basis, considering matters such as the nature of the information; the persons or kinds of persons who have obtained the information; the likelihood of those persons having the intention of causing harm; and the nature of the harm that has resulted or may result. Privacy guidelines are expected to be issued in relation to this matter. Consistent with other jurisdictions that have similar schemes, it is anticipated that harm could manifest as physical, psychological, emotional, financial or reputational.

**Hon NICK GOIRAN:** The minister said that the test for serious harm will be assessed on a case-by-case basis. Will that be an objective or subjective test?

**Hon STEPHEN DAWSON:** It will be objective because clause 59 states —

... whether a reasonable person would conclude ...

**Clause put and passed.**

**Clauses 60 to 78 put and passed.**

**Clause 79: Privacy impact assessment relating to high privacy impact function or activity —**

**Hon COLIN de GRUSSA:** This is the first clause in the legislation that relates to privacy impact assessments. Clause 80 also relates to privacy impact assessments. I will talk about both clauses at once for the sake of expediency. Clause 79 will require an IPP entity to produce a privacy impact assessment when a function or activity is a high privacy impact function or activity. Privacy impact assessments were defined under clause 4 as —

- (a) an assessment of a function or activity of an IPP entity conducted under section 79 or in compliance with a direction under section 80; or
- (b) an assessment of a relevant activity to be carried out under a proposed information sharing agreement conducted under section 176;

I would like to know where the privacy impact assessments will apply and the circumstances under which they will apply. Basically, I seek an understanding of how they will apply and to which aspects of work that an IPP entity might be doing. Also, how will they apply to automated decision-making processes?

**Hon STEPHEN DAWSON:** The Information Commissioner will be expected to issue guidelines setting out matters to be taken into account in determining whether the performance of a function or an activity is likely to have a significant impact on the privacy of individuals. Discussion in the commonwealth government’s *Privacy Act review report 2022* suggests that functions or activities that may have a significant impact on the privacy of individuals might include the collection, use or disclosure of sensitive information on a large scale; the collection, use or disclosure of children’s personal information on a large scale; ongoing or real-time tracking of an individual’s



geolocation; the use of biometric templates or biometric information for identity verification or when collected in publicly accessible spaces; and the collection, use or disclosure of personal information for the purposes of automated decision-making with legal or significant effects. This is consistent with the comments made in the commonwealth *Privacy Act review report 2022* and is also consistent with the European Union's General Data Protection Regulation, under which data protection assessments are required prior to undertaking a range of activities. The Information Commissioner may also issue guidelines that may set out matters to be taken into account for the purposes of determining whether an activity is likely to have a significant impact on the privacy of individuals under clause 81.

**Hon COLIN de GRUSSA:** In accordance with this provision, a written report will be prepared. Will that report be made public? What will happen with that report?

**Hon STEPHEN DAWSON:** There will be no statutory requirement for privacy impact assessments to be made publicly available. However, IPP entities will be required to make privacy impact assessments available to the Information Commissioner upon request, and this position is consistent with that of other jurisdictions. Given that privacy impact assessments are required to be undertaken for functions or activities likely to have a significant impact on the privacy of individuals, there may well be other privacy and security implications of publishing a privacy impact assessment report. Publication may, in fact, increase risk, as it could reveal identified risks and weaknesses in the processes and means by which an IPP entity proposes to address them. A privacy impact assessment report could also contain privileged or confidential information.

**Hon COLIN de GRUSSA:** Is there a provision or a way an individual can request to see a copy of a privacy impact assessment if it affects them?

**Hon STEPHEN DAWSON:** They could FOI it.

**Hon COLIN de GRUSSA:** The only way they could see that is through an FOI? They cannot approach the Information Commissioner and ask for a copy of a report even if it is wholly and solely about them?

**Hon STEPHEN DAWSON:** They could, and the commissioner could then request it.

**Hon COLIN de GRUSSA:** I go back to my original question about automated decision-making processes. Would all automated decision-making processes require a privacy impact assessment to be prepared?

**Hon STEPHEN DAWSON:** If automated decision-making had significant impact on people, then yes. That will all be dealt with in the guidelines that the Information Commissioner will issue.

**Hon COLIN de GRUSSA:** Just to be clear, is there a provision in this bill that specifically requires that, or is that at the discretion of the commissioner?

**Hon STEPHEN DAWSON:** They are required to do an assessment under IPP 10. As well as that, under clause 80, they can be directed by the Information Commissioner to do a privacy impact assessment.

**Hon COLIN de GRUSSA:** That was going to be my next question. Are there any other provisions of the bill that require impact assessments to be done? I think the minister mentioned that IPP 10 requires an assessment to be done. Is that assessment done in the same way as a privacy impact assessment in that it is written and presented to the commissioner et cetera?

**Hon STEPHEN DAWSON:** Under IPP 10, there is a requirement to do the work. It is not required that it is done in writing, but it is expected that it is done in writing.

**Hon COLIN de GRUSSA:** How will that expectation be upheld?

**Hon STEPHEN DAWSON:** I am told the Information Commissioner will issue guidance on this matter.

**Hon NICK GOIRAN:** Clause 79 is the first provision under division 8 "Privacy impact assessments". Does the bill provide for different types of impact assessments?

**Hon STEPHEN DAWSON:** Privacy impact assessments under the privacy provisions are generally the same as a privacy impact assessment undertaken under the responsible information sharing provisions under clause 176.

**Hon NICK GOIRAN:** To be clear, the minister is saying that there are two types of impact assessments provided for in the bill?

**Hon STEPHEN DAWSON:** As well as the ones at IPP 10.

**Hon NICK GOIRAN:** So there are three impact assessments. There is this one under division 8, and then the second type is under clause 176, and the third one is information privacy principle 10. I think the minister said—I am not quoting the minister—that the assessment in clause 79 was broadly consistent with the impact assessment process undertaken under clause 176, or words to that effect, and that, essentially, the way in which that impact assessment is undertaken is much of a muchness. I have no reason to dispute that with the minister. Can the same be said about the impact assessment for information privacy principle 10?

**Hon STEPHEN DAWSON:** There are different assessments. Under clause 79(3), the privacy assessment must include those things that are set out in (a), (b), (c) and (d). IPP 10.1(a) lays out how an assessment is undertaken under IPP 10.

**Hon NICK GOIRAN:** This bill provides for three types of assessments. The first type under division 8 and the second type under clause 176 are broadly the same in terms of how the assessment is undertaken. For example, it requires it to be done in written form and must meet specified requirements and the like. It sounds like the impact assessment undertaken at principle 10 is different. Is there an explanation of the difference or the arguable inconsistency?

**Hon STEPHEN DAWSON:** I am told there will likely be overlap. Information privacy principle 10.1 is specific to automated decision-making.

**Hon NICK GOIRAN:** There will be some overlap, which implies that there will be some differences. What are the differences and what justifies the necessity for the differences? As I mentioned earlier, it seems that assessments under clause 79 and clause 176 both have to be in written form in a written report. It appears that that might not be the case for principle 10. It does not seem like it needs to meet the same level of requirements. It is not apparent that it needs to be provided to the Information Commissioner and so forth. If there is overlap, that is good, but rather than concerning ourselves with the overlap, I am looking for consistency between the three types of assessments. We have already satisfied that the first two are consistent; let us try to make sure that the third is consistent. Let us not spend time on any overlap, given that the shot clock is still going. What are the differences and why are they justified?

**Hon STEPHEN DAWSON:** I draw the honourable member's attention to page 205 of the bill and information privacy principle 10, which states that individuals must —

- (a) conduct an assessment of the impact of the automated decision-making process on those individuals, having regard to —
  - (i) the elimination or minimisation of harm, bias and discrimination; and
  - (ii) whether there is a process by which individuals about whom decisions are made can request human intervention; and
  - (iii) whether the handling of personal information in the process complies with any applicable requirements under this Act;

The provisions at clause 79 and indeed clause 176 are slightly different considerations.

**Hon NICK GOIRAN:** I agree with the minister that there are different considerations. My question is: what justifies the different considerations?

**Hon STEPHEN DAWSON:** It is because it involves personal information and it is automated decision-making.

**Hon NICK GOIRAN:** In regard to the first two types of impact assessments, particularly the one under proposed division 8, will it be required to be provided to the Information Commissioner?

**Hon STEPHEN DAWSON:** No, it is not. It will be provided only when the Information Commissioner requests that it be provided.

**Hon NICK GOIRAN:** I take it then that it will be the same for an impact assessment under clause 176. Will that be done only on request by the Information Commissioner and it will not be mandatory to provide it to him or her?

**Hon STEPHEN DAWSON:** It would be different under clause 176, which is the responsible information sharing provision of the bill; that is why it would not go to the Information Commissioner.

**Hon NICK GOIRAN:** But it goes to somebody, minister. It is provided to the public if requested. Is that right?

**Hon STEPHEN DAWSON:** The bill will not require privacy impact assessments undertaken under clauses 79 and 80 to be made publicly available; however, they may be required to be provided to the Information Commissioner. Guidelines to be issued by the Information Commissioner may also recommend privacy impact assessments be made available in particular circumstances. This is consistent with the commonwealth legislation, which has no requirement to publish privacy impact assessments.

The regulators in New South Wales and Victoria encourage agencies to undertake privacy impact assessments, and they are not legislative requirements in those jurisdictions. Guidance in those jurisdictions helpfully states that while publication of an assessment can demonstrate compliance and good privacy practices and help enhance the public's and other stakeholders' trust and confidence, it could also introduce risks to privacy and security. The principle requires that a privacy impact assessment be conducted only for the purposes of information sharing agreements in defined circumstances. A privacy impact assessment is considered necessary in those particular circumstances to give the public confidence that personal information is being appropriately handled when government information is shared. It is therefore considered important that those privacy impact assessments are made available to the public for transparency and accountability purposes.

**Hon NICK GOIRAN:** Is the translation of that then, minister, that a privacy impact assessment done under the provisions at division 8 must be a written report and must be provided on request of the Information Commissioner?

To compare and contrast that with a privacy impact assessment done under the provision at clause 176, that also must be a written report, but in that particular instance rather than going to the Information Commissioner on request, it must be provided to the public. Is that the distinction between those two?

**Hon Stephen Dawson:** Yes.

**Hon NICK GOIRAN:** Is the third type, which is under information privacy principle 10, consistent with the other two? Would it be required to be manifested in a written report that is then provided to a third party, whether that be the Information Commissioner or the public?

**Hon STEPHEN DAWSON:** The answer is no. As I mentioned earlier, there may well be adverse implications of publishing such a report. Publication may reveal personal information, sensitive personal information or indeed commercial-in-confidence information. It could reveal identifiable risks and weaknesses in process and the security or remedial measures by which an IPP entity proposed to address that.

**Hon NICK GOIRAN:** Has this difference in approach on the three impact assessments we have spoken about this afternoon been the subject of specific consultation by government?

**Hon STEPHEN DAWSON:** They have all been considered, honourable member. Where we have landed is a policy decision. There are stakeholders who do not agree with elements, probably, but we have landed where we have.

**Hon WILSON TUCKER:** Clause 79(1)(a) mentions the handling of personal information, which triggers the privacy impact assessment. My understanding is that when personal information is de-identified, it stops being personal information. The minister will be well aware of the case in New South Wales, in which Flinders University conducted some research that combined a federal dataset and then re-identified that information, which was considered at the time to be de-identified and anonymised. My concern is with the entities themselves that undertake the de-identification work. That lowers the bar for the criticality of risk associated with personal information. How can the entities be sure that the de-identified information will remain de-identified and will not be re-identified?

**Hon STEPHEN DAWSON:** The intention is to de-identify data to such a degree that it cannot be re-identified. IPP 11 arose out of the proposals in the commonwealth's *Privacy Act review report*. De-identified information currently falls outside the scope of that act because, if properly de-identified, an individual is not identifiable from it and the information is therefore not personal information. However, there is a risk that de-identified information can be re-identified and linked to other information. The *Privacy Act review report* therefore proposed to extend some of the protections in the Privacy Act to manage the risks of re-identification. These matters are picked up by IPP 11 in the PRIS bill. In recognising the risk that de-identified information can be re-identified when linked to other information, IPP 11 puts in place additional protections for de-identified information requiring IPP entities to ensure that it is protected from misuse, loss and unauthorised re-identification access, modification or disclosure, as well as re-identification, unless limited exceptions can be satisfied.

**Hon WILSON TUCKER:** That sounds good on paper, although I think it is quite broad and does not give much confidence about the ability of an entity to de-identify that information. The minister mentioned looking at other potential publicly available datasets that could be combined and somebody potentially being identified either in a physical sense or an online-profile sense. Will any resourcing be given, or will any centralisation of resources be provided, to entities to ensure that they can technically comply with the de-identification process, or will it be up to each fiefdom or each entity to ensure that they are at least trying to comply with principle 11?

**Hon STEPHEN DAWSON:** The government is working on a policy for how we might do this and give that assistance to agencies.

**Hon WILSON TUCKER:** When does the minister think that policy will be in place? Will it be prior to the implementation or the regulations of the bill?

**Hon STEPHEN DAWSON:** That will be dealt with prior to the implementation of the bill.

**Hon WILSON TUCKER:** I think the minister would agree that there are a lot of technical considerations for entities, certainly around de-identification and ensuring that the information, as we mentioned, continues to be de-identified. The minister mentioned that it is government policy. Has a dollar amount been attributed behind the scenes to ensure that technical considerations will be given to this, or will there be a technical centralisation of resources available to entities as they jump through the hurdles of complying with the principles?

**Hon STEPHEN DAWSON:** Upon passage of the legislation, it will be open to agencies to seek funding from the Expenditure Review Committee of cabinet to enable them to do what they need to do based on the requirements of the legislation.

**Hon WILSON TUCKER:** I refer to the privacy impact assessment. Clause 79(2) states that before an IPP entity first performs a high privacy impact function or activity, it must conduct a privacy impact assessment. In the interests of time, looking at the information agreement that will be put in place as part of this bill, will the same apply with the information sharing agreement? Can two entities share information prior to creating that agreement?

**Hon STEPHEN DAWSON:** Clause 176(1) states —

This section applies to a proposed information sharing agreement if —

- (a) the relevant activity under the agreement —
  - (i) is likely to have a significant impact on the privacy of individuals; or
  - (ii) involves data integration or data linkage;

or

- (b) any of the proposed recipients is an external entity.

**Hon WILSON TUCKER:** Is anything around the retention of information included as part of an information sharing agreement, given that a life span is attributed to the data that will be shared under that agreement? Is there anything around data retention?

**Hon STEPHEN DAWSON:** Under clause 170, the agreement has to include provisions about how the disclosed information will be treated when the agreement ceases to be in force or if a party withdraws from the agreement.

**Hon WILSON TUCKER:** Is there a stipulated time for how long the information sharing agreements can last? Will they expire or will they last in perpetuity?

**Hon STEPHEN DAWSON:** They can last for only up to five years.

**Hon WILSON TUCKER:** What will happen to the data when it expires after five years? Does the retention period attributed to the data that is shared under the information sharing agreement have to be less than the information sharing agreement; and, if not, what will be the outcome of that information? Will it be considered orphaned or will it live on the server of the entity that it was shared with?

**Hon STEPHEN DAWSON:** How long that information will be held will be dealt with in the agreement itself.

**Hon WILSON TUCKER:** To clarify, does the information that is shared as part of the agreement have a life span that is less than the agreement?

**Hon Stephen Dawson:** The agreement can be in place for only five years. For some reason, it might be appropriate for the data to be kept for 20 years. That will be stipulated in the agreement. Whatever is in the agreement will dictate how long the data can be kept.

**Hon WILSON TUCKER:** What would happen if the agreement expired and the lifetime of the data was longer than that and there was basically no agreement in place?

**Hon STEPHEN DAWSON:** I am told that the provisions in the agreement will survive even though the maximum five-year timeframe will be over.

*Sitting suspended from 1.00 to 2.00 pm*

**The CHAIR:** We return to Committee of the Whole and before I introduce the bill, I welcome the boys and girls from Swan Christian College to the Legislative Council. Welcome.

Members, we are dealing with the Privacy and Responsible Information Sharing Bill 2024 and the question is that clause 79 stand as printed.

**Hon WILSON TUCKER:** Before we were rudely interrupted by a very delicious lunch, I believe we were talking about privacy impact assessments. Regarding the impact assessment, I am curious whether law enforcement will be exempt from having to create a privacy impact assessment. Is that true?

**Hon STEPHEN DAWSON:** No, they are not exempt under clause 79.

**Hon WILSON TUCKER:** Are they exempt under any other clause in the bill?

**Hon STEPHEN DAWSON:** Yes, they are. We dealt with that at clause 1. I do not have the information before me now and do not propose to use up time again, but they are under other provisions.

**Hon WILSON TUCKER:** I believe we discussed the exemption by law enforcement for the information sharing agreement. I was not clear that that extended to the privacy impact assessment. The minister just confirmed that. Staying on the law enforcement example, is there anything around retention of information regarding law enforcement in this bill? Can the law enforcement agency retain personal information indefinitely?

**Hon STEPHEN DAWSON:** They are not exempt from IPP 4. IPP 4.2 states —

An IPP entity must take reasonable steps to destroy or permanently de-identify personal information if it is no longer needed for any purpose, unless the IPP entity is expressly required or authorised to retain the information by or under another law.

**Hon WILSON TUCKER:** Just in the dying seconds, I know the minister has an amendment on the notice paper around any purpose, which we will deal with at a later stage.

**The CHAIR:** Pursuant to standing order 125A(3), the maximum time for consideration of this bill in the Committee of the Whole House stage has now expired. I am required to interrupt the debate and put to vote all

questions as are necessary for the bill to complete this stage, including all amendments standing on the supplementary notice paper. Unless there is a dissenting voice at the appropriate time, it is my intention to put a number of clauses as one question in cases in which there are no amendments proposed on the supplementary notice paper.

With regard to the amendments on the supplementary notice paper, the practice of the chamber is that members are invited to move their amendments but are not compelled to do so. At the appropriate time, I will seek the intent of the mover of the amendments and invite the member to move them or indicate a contrary intention.

**Clause put and passed.**

**The CHAIR:** Members, the next amendment indicated on the supplementary notice paper is at clause 155. Unless there is a dissenting voice, I propose to put clauses 80 to 154.

**Clauses 80 to 154 put and passed.**

**Clause 155: Review of privacy provisions of Act —**

**Hon STEPHEN DAWSON —** by leave: I move —

Page 122, line 14 — To delete “5<sup>th</sup>” and insert —  
3<sup>rd</sup>

Page 122, line 19 — To delete “5<sup>th</sup>” and insert —  
3<sup>rd</sup>

**Amendments put and passed.**

**Clause, as amended, put and passed.**

**The CHAIR:** Members, the next amendments stand at clause 214. Unless there is a dissenting voice, I propose to put clauses 156 to 213.

**Clauses 156 to 213 put and passed.**

**Clause 214: Review of information sharing provisions of Act —**

**Hon TJORN SIBMA —** by leave: I move —

Page 172, line 16 — To delete “5<sup>th</sup> anniversary” and insert —  
3<sup>rd</sup> anniversary

Page 172, line 22 — To delete “5<sup>th</sup> anniversary or the expiry of the period of 5 years,” and insert —  
3<sup>rd</sup> anniversary or the expiry of the period of 3 years,

**Amendments put and negated.**

**Hon STEPHEN DAWSON —** by leave: I move —

Page 172, line 16 — To delete “5<sup>th</sup>” and insert —  
3<sup>rd</sup>

Page 172, line 22 — To delete “5<sup>th</sup>” and insert —  
3<sup>rd</sup>

**Hon TJORN SIBMA:** Chair, this might be inopportune, but I see no substantive difference between the amendments I have just moved and these ones.

**The CHAIR:** Order! Unless a member is raising a point of order, there is no opportunity to further debate the clauses and amendments before us.

**Amendments put and passed.**

**Clause, as amended, put and passed.**

**The CHAIR:** Members, there are further amendments at clause 234. Unless there is a dissenting voice, I propose to put clauses 215 through to 233.

**Clauses 215 to 233 put and passed.**

**Clause 234: Section 32 amended —**

**Hon STEPHEN DAWSON:** I move —

Page 184, lines 13 to 15 — To delete the lines and insert —

(2) In section 32(3):

(a) delete “party, or the closest relative of a dead third party,” and insert:  
party

- (b) delete “subsection (2).” and insert:  
subsection (2)(a).

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**The CHAIR:** Members, the next amendment listed on the supplementary notice paper appears at schedule 1. Unless there is a dissenting voice, I propose to put clauses 235 through to 247.

**Clauses 235 to 247 put and passed.**

**Schedule 1: Information privacy principles —**

**Hon WILSON TUCKER:** I would like to move my amendment 16/S1.

**The CHAIR:** The advice that I have is that the amendment was previously moved and negatived by the Council so it cannot be moved again under the same question. That has been resolved. There are further amendments to schedule 1 that are available, commencing at 18/S1 on the supplementary notice paper.

**Hon WILSON TUCKER:** I will skip that one.

**The CHAIR:** Will you move any of them?

**Hon WILSON TUCKER:** I will move the rest of them, but not that one.

**Hon STEPHEN DAWSON:** I move —

Page 200, line 7 — To delete “purpose,” and insert —  
purpose for which it may be used or disclosed under this Schedule,

**Amendment put and passed.**

**Hon WILSON TUCKER:** I move —

Page 200, after line 8 — To insert —

- 4.3 An IPP entity must, on request by an individual, destroy personal information held by the IPP entity that relates to the individual unless —
- (a) the information is needed for —
    - (i) the particular purpose for which it was collected; or
    - (ii) use or disclosure in a manner permitted by IPP 2.1(d), (e), (f) or (g);
 or
  - (b) the information is needed to enable the IPP entity to perform any of its functions or activities effectively; or
  - (c) the IPP entity is expressly required or authorised to retain the information by or under another law.

*Division*

Amendment put and a division taken, the Chair casting his vote with the ayes, with the following result —

Ayes (14)

Hon Martin Aldridge  
Hon Peter Collier  
Hon Ben Dawkins  
Hon Donna Faragher

Hon Nick Goiran  
Hon Louise Kingston  
Hon Steve Martin  
Hon Sophia Moermond

Hon Dr Brad Pettitt  
Hon Tjorn Sibma  
Hon Dr Steve Thomas  
Hon Wilson Tucker

Hon Dr Brian Walker  
Hon Colin de Grussa (*Teller*)

Noes (19)

Hon Klara Andric  
Hon Dan Caddy  
Hon Sandra Carr  
Hon Stephen Dawson  
Hon Kate Doust

Hon Sue Ellery  
Hon Lorna Harper  
Hon Jackie Jarvis  
Hon Ayor Makur Chuot  
Hon Kyle McGinn

Hon Shelley Payne  
Hon Stephen Pratt  
Hon Martin Pritchard  
Hon Samantha Rowe  
Hon Matthew Swinbourn

Hon Dr Sally Talbot  
Hon Darren West  
Hon Pierre Yang  
Hon Peter Foster (*Teller*)

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Pair

Hon Neil Thomson

Hon Rosie Sahanna

**Amendment thus negatived.**

**Hon WILSON TUCKER:** I move —

Page 200, after line 23 — To insert —

- 5.4 If an IPP entity holds personal information that relates to an individual, the IPP entity must, on request by the individual, inform the individual of the period for which the information will continue to be held by the IPP entity or the criteria or other means by which that period will be determined.

**Amendment put and negatived.**

**Hon COLIN de GRUSSA** — by leave: I move —

Page 205, after line 14 — To insert —

10.1AA An IPP entity must, before employing an automated decision-making process involving the use of personal information in making significant decisions about individuals —

- (a) conduct an assessment of the likely impact of the proposed automated decision-making process on those individuals, having regard to —
  - (i) the elimination or minimisation of harm, bias and discrimination; and
  - (ii) whether the process for human intervention to be provided in relation to that automated decision-making process will be meaningful; and
  - (iii) whether the handling of personal information in the process complies with any applicable requirements under this Act;
- and
- (b) prepare and make publicly available a written report in accordance with subclause 10.1A; and
- (c) be satisfied that adequate measures have been or will be taken to minimise the impact of the proposed automated decision-making process on those individuals, having regard to the matters referred to in paragraph (a)(i) to (iii).

Page 205, lines 18 to 29 — To delete the lines.

Page 205, line 31 — To delete “process; and” and insert —

process, including by reference to any records of complaints, deficiencies or failures relating to the process; and

Page 205, line 32 — To delete “paragraph (a)” and insert —

subclause 10.1AA(a)

Page 205, after line 33 — To insert —

- (d) as soon as practicable after conducting the evaluation or reassessment, prepare and make publicly available a written report in accordance with subclause 10.1A; and
- (e) to the extent that it is reasonably practicable to do so — implement the recommendations of the report in relation to the automated decision-making process.

Page 205, after line 33 — To insert —

10.1A A report prepared by an IPP entity under subclause 10.1AA(b) or 10.1(d) must —

- (a) set out an assessment of the likelihood that employing or continuing to employ the automated decision-making process will result in an interference with the privacy of any individual; and
- (b) identify the impact that employing or continuing to employ the automated decision-making process might have on the privacy of individuals; and
- (c) set out recommendations for managing, minimising or eliminating that impact; and
- (d) include any other information that the IPP entity considers is relevant.

Page 206, lines 6 to 8 — To delete the lines and insert —

- (b) on request, give the individual information about —
  - (i) the automated system that has been used to make the decision; and
  - (ii) how personal information is used in the system; and
  - (iii) how the automated decision-making process is employed in making decisions; and
  - (iv) the reasoning underlying the decision that has been made;

Page 206, line 9 — To insert after “request —  
meaningful

*Division*

Amendments put and a division taken, the Chair casting his vote with the ayes, with the following result —

Ayes (14)

Hon Martin Aldridge	Hon Nick Goiran	Hon Dr Brad Pettitt	Hon Dr Brian Walker
Hon Peter Collier	Hon Louise Kingston	Hon Tjorn Sibma	Hon Colin de Grussa ( <i>Teller</i> )
Hon Ben Dawkins	Hon Steve Martin	Hon Dr Steve Thomas	
Hon Donna Faragher	Hon Sophia Moermond	Hon Wilson Tucker	

Noes (19)

Hon Klara Andric	Hon Sue Ellery	Hon Shelley Payne	Hon Dr Sally Talbot
Hon Dan Caddy	Hon Lorna Harper	Hon Stephen Pratt	Hon Darren West
Hon Sandra Carr	Hon Jackie Jarvis	Hon Martin Pritchard	Hon Pierre Yang
Hon Stephen Dawson	Hon Ayor Makur Chuot	Hon Samantha Rowe	Hon Peter Foster ( <i>Teller</i> )
Hon Kate Doust	Hon Kyle McGinn	Hon Matthew Swinbourn	

Pair

Hon Neil Thomson

Hon Rosie Sahanna

**Amendments thus negated.**

**Hon WILSON TUCKER:** I move —

Page 206, after line 18 — To insert —

10.5 An individual may notify an IPP entity that the individual does not consent to the IPP entity using personal information that relates to the individual in any automated decision-making process employed by the IPP entity in making significant decisions about individuals.

10.6 If an individual has notified an IPP entity under subclause 10.5, the IPP entity must not employ an automated decision-making process involving the use of personal information about the individual in making a significant decision about the individual.

**Amendment put and negated.**

**Schedule 1, as amended, put and passed.**

**Schedule 2 put and passed.**

**Title put and passed.**

**INFORMATION COMMISSIONER BILL 2024**

*Committee*

The Chair of Committees (Hon Martin Aldridge) in the chair; Hon Stephen Dawson, (Minister for Innovation and the Digital Economy) in charge of the bill.

**Clause 1: Short title —**

**Hon NICK GOIRAN:** I rise as we now consider the Information Commissioner Bill 2024. It is nearly 2.25 pm on 28 November 2024, and for the record there is less than 60 minutes for the Legislative Council to consider this Information Commissioner Bill 2024. I note that the bill consists of 72 clauses. We will do the best that we can in the time the government has determined will be provided to the house of review to fulfil its job. I note that we do this moments after the Committee of the Whole House has considered the Privacy and Responsible Information Sharing Bill 2024, and with some disturbance I also note that that bill had its consideration guillotined after 79 of the 247 clauses had been considered, that being 32 per cent of the bill receiving some scrutiny and some opportunity for questions to be put to the minister with an expectation that he would respond to them. There was also consideration of amendments that had been moved up to that time. I also note that what then transpired afterwards was nothing more than a legislative farce, and I can only hope that that will not be the case with the Information Commissioner Bill 2024. With those introductory remarks, let us get into it.

In drafting this bill, did the government give any consideration to the Monash University report *The culture of implementing freedom of information in Australia*; and, if so what consideration?

**Hon STEPHEN DAWSON:** My advisers tell me that no, they are not aware of the report.



**Hon NICK GOIRAN:** The first recommendation in that report from Monash University says that when drafting freedom of information laws, it is important to look at improving the culture of FOI administration. Specifically, it says —

**Making explicit that proactive information release should operate as the default rather than the use of FOI applications as a means for providing access to information.**

Has the government considered the need for more adequate funding and resourcing in the FOI sector that would impact the culture of FOI administration?

**Hon STEPHEN DAWSON:** I will make the point that this legislation is not the Freedom of Information Act; this bill will create a new Information Commissioner and deputies under them. As the member is aware, the Information Commissioner is independent of executive government. They report directly to Parliament, not to a government minister, so accordingly decisions about how the office allocates its resources and prioritises its workloads are matters for the commissioner, an independent officer appointed by the Governor under the FOI act. However, as advised by the Attorney General in the other place, as part of the 2023–24 budget the government approved an additional \$1.7 million over two years for the Office of the Information Commissioner, which included \$828 000 to fund temporary positions to reduce the backlog of external reviews under the FOI act. The additional funding is assisting the OIC to make inroads into reducing the backlog. A further \$1.4 million of funding was also provided to the office for integrated case management and an electronic document records management system. The government anticipates that these additional resources will help the OIC to build efficiencies to address workload pressures. In addition, the privacy and responsible information sharing legislation will amend the FOI act to enable appointments of staff to be made by the Information Commissioner, replacing the current requirement for the Governor to appoint staff, which will provide a more expeditious process to fill vacancies when they arise.

**Hon NICK GOIRAN:** An amount of \$1.7 million has been allocated by government over a two-year period so there can be a hiring of temporary staff to get through the backlog. What is the current backlog that the temporary staff are working through?

**Hon STEPHEN DAWSON:** We have not asked the Information Commissioner because it is not directly related to this bill. Turning to the Monash report, I understand that it came out after the drafting of this legislation.

**Hon NICK GOIRAN:** Well, minister, if it comes out after the drafting of the legislation, let us not worry about it. Over the journey I have been involved in plenty of debates during which the government has said that it is an iterative process. If new information comes to the attention of the government, it should be obliged to look at it. The minister said that the backlog issue is not directly relevant to the bill at hand. Will the bill before us create the role of Information Commissioner in statutory form and will one of the duties of the Information Commissioner be to oversee the backlog of matters before it?

**Hon STEPHEN DAWSON:** The answer is yes.

**Hon NICK GOIRAN:** Going back to my question about the \$1.7 million that has been allocated over two years, what is the backlog that temporary staff are working their way through?

**Hon STEPHEN DAWSON:** Going back to my answer, I do not have that information. I do not have Information Commissioner staff with me at the table; I have different government staff. I am not aware of the backlog, but if it helps the member, I can ask for that information and provide it to the chamber. Noting that we will not sit until next year, I am happy to take that on board and see whether I can get the honourable member an answer next week.

**Hon NICK GOIRAN:** To be clear, we are dealing the Information Commissioner Bill 2024. One of the things that this bill will do is create the role of Information Commissioner, but the minister does not have advice available at this time about the work of the Information Commissioner. I want to get that clear because in the remaining 50 minutes that we have left in which to ask questions, it is not necessarily clear to me what we are able to ask. I would have thought that the work undertaken by the Information Commissioner is routine matters that can be considered by the house of review at this time. To help us determine the scope of this, if the minister does not have available to him advice about the Information Commissioner and the Information Commissioner's functions, work, backlog and the like, what advice does he readily have before him that will assist us in scrutinising the bill?

**Hon STEPHEN DAWSON:** The member obviously has the bill and the explanatory memorandum to help him examine the bill before us. As I indicated, extra money has been provided to reduce the backlog of external reviews that are required under the Freedom of Information Act. As to the number of those, I do not have that information at hand, and as to what they might be, I do not have that information at hand either.

**Hon NICK GOIRAN:** In terms of the freedom of information reviews that are undertaken, there are internal and external reviews. Is the \$1.7 million over two years for external reviews, not internal reviews, or is it for a bit of both?

**Hon STEPHEN DAWSON:** Internal reviews are done at agency level. The external reviews are done by the IOC.

**Hon NICK GOIRAN:** Will the \$1.7 million address those external reviews?

**Hon STEPHEN DAWSON:** Yes, it is for the external reviews.

**Hon NICK GOIRAN:** The government acknowledges that the backlog is significant enough to warrant an extra appropriation of money to hire temporary staff to work through it, but the minister does not have information about the quantum of that backlog. Looking at the intersection between this bill and the Freedom of Information Act, there is a timeframe in which agencies need to respond. Will this bill change the timeframe; and, if not, what is the timeframe?

**Hon STEPHEN DAWSON:** No, it will not change it. I understand that the timeframe is 45 days.

**Hon NICK GOIRAN:** Can the 45-day timeframe be extended?

**Hon STEPHEN DAWSON:** Yes, it can be extended by agreement.

**Hon NICK GOIRAN:** Is it only by agreement?

**Hon STEPHEN DAWSON:** I am told that if it is not met, it is a deemed refusal.

**Hon NICK GOIRAN:** It is reasonable to expect that a person who applies for access to information will receive that information within 45 days, but the agency can seek an extension by consent, as the minister indicated. Is there a limit to how long the extension can be?

**Hon STEPHEN DAWSON:** No, I do not think so because it is by agreement. I draw the honourable member's attention to the OIC annual report for 2023–24, which indicated that it had 186 external review applications on hand at that date.

**Hon NICK GOIRAN:** I take it that goes back to my earlier point. It is reasonable for us to say that in and around that time, the backlog comprised 186 external reviews. I appreciate that the minister does not know the current status, but it is useful for us to have a starting reference point. Is it expected that the bill presently before us will facilitate in any way the expediting of those external reviews?

**Hon STEPHEN DAWSON:** No, not the previous ones, honourable member.

**Hon NICK GOIRAN:** The previous ones are sufficiently long that they have justified the government investing extra taxpayer funds to employ temporary staff to get through the backlog. Is it expected that this scheme will help expedite new matters of external review that come before the Information Commissioner?

**Hon STEPHEN DAWSON:** The bill will add another person to exercise decision-making under the FOI act. It will provide for a deputy commissioner, which means that an extra person can make decisions and there will be quicker decision-making.

**Hon NICK GOIRAN:** At the moment there is no deputy commissioner. This bill will create a deputy, and it is hoped that, as a result, this person with sufficient seniority and authority might help to expedite the backlog of external reviews. Is that fair?

**Hon Stephen Dawson:** That is correct.

**Hon NICK GOIRAN:** In the first instance, an agency has 45 days to respond or an agreed period and as the minister indicated to the chamber, there is no limit to how long the agreed period can be—the point being that it is subject to agreement. Can the minister provide any information to the chamber about the frequency of requests for extensions of time?

**Hon STEPHEN DAWSON:** We do not because they are made on an agency-by-agency level.

**Hon NICK GOIRAN:** Presently—before the laws change with the creation of the Information Commissioner role and the deputy and so forth—if an agency, by agreement, has the period of time extended, is the Information Commissioner advised of the existence of that extension?

**Hon STEPHEN DAWSON:** No, I do not think they are.

**Hon NICK GOIRAN:** Will that change as a result of this regime?

**Hon STEPHEN DAWSON:** No, it will not.

**Hon NICK GOIRAN:** The current situation whereby a person seeking information might feel that they are being held somewhat as a hostage to the agency in the sense that the agency says that either they agree with the extension of time that it is asking for or they will get nothing will continue moving forward. Therefore, the average person feels that they have no choice other than to simply agree; otherwise, we are going to create more of a backlog to the Information Commissioner. Has the resourcing that has led to the frequent extensions of time been considered by government?

**Hon STEPHEN DAWSON:** Not as part of this bill, no.

**Hon NICK GOIRAN:** Not as part of this bill. It is not clear to me whether it was not considered at all or just not as part of this bill. We identified earlier that this bill will, amongst other things, create an Information Access Deputy Commissioner. It is hoped that, as a result of that, a person with sufficient seniority and authority will help with

the backlog. Nobody wants a backlog. No-one wants to spend more taxpayers' money investing in temporary staff to get through the backlog. The last thing we want is a structural or systemic problem that leads to a backlog in the first place. When the minister says that it has not been specifically considered as part of this bill, has it been considered at all?

**Hon STEPHEN DAWSON:** The reason we are dealing with freedom of information is that it was deemed appropriate for privacy and information sharing to be dealt with in one agency. We are not making wholesale changes to the Freedom of Information Act, but we are adding a new deputy commissioner role. The deputy commissioner's role will not be focused solely on dealing with backlogs, albeit I said that the extra pair of hands, if I can put it that way, will be enabled to exercise decision-making under the FOI act, so it could lead to that.

**Hon NICK GOIRAN:** In terms of the role of the Information Access Deputy Commissioner and their function of considering external reviews, will any element of the external review process that happens at the moment change once this bill comes into effect?

**Hon STEPHEN DAWSON:** No. Processes have not changed in that regard.

**Hon NICK GOIRAN:** What a spectacular missed opportunity that is. I note that the Information Commissioner Bill 2024, the second of the bills that we are dealing with cognately, has been sitting in the Legislative Council for more than two months, gathering dust. Literally nothing has happened with this bill at all.

**Hon Stephen Dawson:** We last debated it on 7 November.

**Hon NICK GOIRAN:** I think that was the Privacy and Responsible Information Sharing Bill 2024. We were dealing with the first one in the Committee of the Whole House stage, but this bill has been sitting here doing nothing for more than two months. I make the observation that that is a real missed opportunity, rather than the situation that we are in now, in which there is less than 40 minutes for us to consider the rest of this bill for the first time. Again, it is literally the first time in more than two months that the house of review has had the opportunity to consider any of these clauses. The bill could have been with the Standing Committee on Legislation. A report could have been provided to us when we last sat and we could now be dealing with the bill in an expedited fashion. What would have been lost as a result of that? Nothing. This is not a contentious bill. Certainly, the opposition does not oppose the bill and, to my knowledge, no member of the crossbench has expressed that they want to oppose the Information Commissioner Bill. We have a piece of legislation that is important and significant and a standing committee that is doing nothing and could have looked at these particular issues.

In particular, as the minister has just informed the chamber, there will be no change whatsoever to the external review process undertaken by the Office of the Information Commissioner as a result of this bill. This large and significant piece of legislation is not going to make one difference. I asked whether any element was going to change, and the answer was no. There is a big problem with that, because the internal reviews are currently being held hostage by agencies through the extension of time provisions. Meanwhile, there is a backlog of external review cases going through to the Information Commissioner. There has been no consideration whatsoever of the Monash report and the need for a change of culture, particularly the need for there to be a willingness to provide information in the first instance, rather than information being provided only as part of an application process.

One of the things that concerns me about this is that there are matters that were considered by the Standing Committee on Public Administration. Given what the minister has just said, it does not seem that any consideration has been given to that. I might have two questions for the minister at this point. Given that we have already identified that it was not the Monash report that informed the bill that is presently before the chamber—that is already clear; as the minister said, it came out after the bill was drafted—did any elements of the thirty-fourth report of the Standing Committee on Public Administration in the fortieth Parliament, tabled in November 2020, inform the bill before us?

**Hon STEPHEN DAWSON:** I will say at the outset that the recommendations in the thirty-fourth report of the Standing Committee on Public Administration concerned very specific FOI considerations and the PRIS bill is not intended to replace or rewrite the FOI act. It will make some consequential amendments and will draw the complementary functions of privacy and information sharing together, but it will not displace the substantive provisions of the FOI act.

I am not aware that the Attorney General is doing some separate work on that or is responding to that. I am not in a position to say. As I indicated, specific changes are being made to the FOI act based on this. It is not a wholesale review of the FOI act.

**Hon NICK GOIRAN:** Let us note that we are talking about a report that is now four years old. It was tabled at the very tail end of the fortieth Parliament. The chair of the committee was Hon Adele Farina and the report was tabled in November 2020. Four years ago, this report, titled *Consultation with statutory office holders*, was tabled. Chapter 3 is titled "Information Commissioner". I draw the minister and honourable members' attention to the four recommendations found in chapter 3 of that report from four years ago. Four years ago, Hon Adele Farina was joined by Hon Darren West and Hon Kyle McGinn, being WA Labor Party members who made up three of the five members of the Standing Committee on Public Administration, to serve on that committee and table this report with these four recommendations.

The first of those four recommendations is recommendation 2, which states —

The Information Commissioner detail in the External Review Procedure the circumstances in which the Office of the Information Commissioner would consider an exchange of submissions to be appropriate.

That is an important recommendation and I wish I had more time for us to interrogate it this afternoon, but we simply do not. I make the observation that the minister has already said that the external review process and procedure will not change as a result of this bill. This bill will not address the second recommendation, which states that the Information Commissioner detail in the external review procedure the circumstances in which the commissioner would consider an exchange of submissions to be appropriate, nor do we have advice available to the minister at the present time to assist us in determining whether that information has been detailed. Four years on from that report, as we deal now with a bill that will expressly create the role of the Information Commissioner, the house of review does not know the outcome of recommendation 2.

The next recommendation is recommendation 3, which states —

The Office of the Information Commissioner develop guidelines to assist agencies in developing submissions that are able to be shared.

For the same reasons, we will not be able to take that any further this afternoon because the minister does not have information available to him. He does not have advisers available to him who can assist with respect to the Office of the Information Commissioner despite the fact that we are dealing with a bill titled Information Commissioner Bill 2024. We do not know whether the Information Commissioner has developed such guidelines to assist agencies in developing submissions that are able to be shared.

Before I move on to the other two recommendations, I will briefly explain to members why this is fundamentally important. If a person is seeking information and they do not get that information from the agency, whether within the 45-day statutory period timeframe or another agreed extended timeframe, or do not get all of the information because it has been redacted, for example, they will have the right to an internal review at the end of the process. The agency, as the minister has said, will then conduct an internal review. A different officer will consider whether the first officer has made the right decision and whether more information can be provided. After that, the person who is still aggrieved will have the opportunity to have an external review and that is where the Information Commissioner will come in. The Information Commissioner will then give consideration to whether the agency at the first instance, or at the internal review stage, got it right or wrong.

There is a fundamental systemic problem at the moment, which, sadly, the minister has now informed me will not be addressed by this bill. The problem is that we have agencies that provide submissions to the Information Commissioner on why they should not provide the information that the person is seeking, but that submission is kept secret. The implication is that the aggrieved person will be asked to respond to the Information Commissioner as part of the external review process but is required to do so with a blindfold on because they do not know what the agency's submissions are, as they are being kept secret. This is all in the space of transparency in the provision of information. We are not even talking about the information being sought as being kept secret; we are talking about the reasons for the agency wanting to keep it secret being kept secret from the person who is accessing it. Then the Information Commissioner will make a decision on the external review process. The applicant will then have one other option available to them, which is to make an application to the Supreme Court of Western Australia. Who in their right mind makes an application to the Supreme Court when they do not even know what information the agency has provided to the Information Commissioner? This is a fundamental breakdown in the process and what was identified in the thirty-fourth report by the Standing Committee on Public Administration, chaired by Hon Adele Farina and supported wholeheartedly—because there is no minority report here—by Hon Darren West and Hon Kyle McGinn. Those three amigos all agreed that this would be a good recommendation and they were supported by two honourable members as well. As it so happens, I agree with them. But here we have the Information Commissioner Bill 2024 before us and the honourable minister tells us he is not going to do a single thing about any of those matters.

I turn next to recommendation 4. It states —

The Attorney General undertake a review of the *Freedom of Information Act 1992*, with public consultation, with a report to be tabled in the Parliament of Western Australia before the end of 2023.

I know that the minister has indicated that he obviously does not ordinarily represent the Attorney General. As I understand it, each bill is allocated by Parliamentary Counsel to a particular portfolio. Will the bill that will become the Information Commissioner Act 2024 be one that falls under the minister's portfolio or one for the Attorney General?

**Hon STEPHEN DAWSON:** It will be the Attorney General.

**Hon NICK GOIRAN:** We have a bill before us at the moment. The Parliamentary Secretary to the Attorney General is absent on urgent parliamentary business. Another senior minister is here representing and has to take responsibility on behalf of government for this bill, which admittedly is not his portfolio area. I think it is fair to say—I invite the minister if he disagrees with me to say so—that he is the Attorney General's representative for this bill here

today. However, we do not have advice that will assist us with the Information Commissioner. I take it, as a natural consequence, that means that we do not have advisers from the Department of Justice who can assist the minister with this line of questioning. We can see why. I suspect that if the roles were reversed, one member might get agitated about that set of circumstances. We have here again a recommendation from the Standing Committee on Public Administration stating that the Attorney General undertake a review of the Freedom of Information Act 1992, with public consultation, with a report to be tabled in the Parliament of Western Australia before the end of 2023, and here we are nearly 12 months later—certainly 11 months later—and to the best of my knowledge, no such review has been conducted. No such review or report has been tabled in the Parliament of Western Australia. Again, if that is wrong, there is plenty of time this afternoon for someone within government to correct the record and say, “Look, honourable member, you are wrong, actually. There has been this Freedom of Information Act review undertaken and here is the report.” If that is the case, I invite members of the government to have the record corrected in the remaining time that we have. I will not hold my breath.

I now move to the last of those recommendations contained in this thirty-fourth report, which has seemingly been utterly ignored by government in the preparation of this new scheme. Recommendation 5 states —

The review of the *Freedom of Information Act 1992* specifically consider the Information Commissioner’s recommendations regarding private contractors who provide public patient services.

For the same reasons I have just provided, we will not be in any position to find out from the government what the situation is on the fifth recommendation. Because it was not able to answer any of the previous ones, it is certainly not going to be in a position to do that.

The minister will have seen that the final two recommendations centre around a review of the Freedom of Information Act 1992. Is the bill that is before us, the Information Commissioner Bill 2024, which will become the Information Commissioner Act 2024, going to be reviewed?

**Hon Stephen Dawson:** Nick, I am hopeful it will anyway.

**Hon NICK GOIRAN:** Yes. That is right. The honourable Deputy Leader of the House has ensured that is the case. Earlier today, I would say he outrageously—but he would say quite reasonably—declared this bill as urgent, making a mockery of the legislative process, particularly when we consider that this bill has been gathering dust for more than two months. I find it astonishing to have the temerity to now call it urgent. The minister was acting in accordance with his privileges and powers under the standing orders.

Will the Information Commissioner Bill 2024 be subject to a statutory review? If it will, will that statutory review ensure that the role of the Information Commissioner as contained in this bill considers all the issues pertinent to it with respect to the Freedom of Information Act?

**Hon STEPHEN DAWSON:** This bill is not about the substantive way in which they will operate. My advisers tell me that the Attorney General is certainly interested in doing a review of the FOI Act 1992 because we are aware of conversations that have taken place with him. As for the status of that, I cannot tell the member, but a review of this bill would not do what the member is asking.

**Hon NICK GOIRAN:** Will this bill be reviewed?

**Hon STEPHEN DAWSON:** There will be no statutory review.

**Hon NICK GOIRAN:** We have a bill that is about to pass the Parliament to become a new act that will not be subject to statutory review. We have another piece of legislation that is inherently relevant to the role of the Information Commissioner, because one of the prime roles for he or she is to be involved with the Freedom of Information Act. This act remains stagnant and is not subject to any movement whatsoever within government. The Farina report from four years ago said that this should be reviewed—not overnight. Actually, I reiterate that the honourable members Hon Darren West and Hon Kyle McGinn gave full-throated support to this four years ago. They gave the Attorney General plenty of time to deal with this. They did not say that they expected it to be done in six months or 12 months; they said three years.

This was drawn to the attention of government by government members four years ago. A very generous period of time of three years was given for the government to do this and the government did nothing. In actual fact, the extent that I say that the government has done nothing may need to be qualified. We have new information at the table today that says that the Attorney General is interested in doing a review. Is that not tremendous? Everybody knows Hon John Quigley is retiring. I do not know if he has given a valedictory speech or not.

**Hon Stephen Dawson:** Yesterday.

**Hon NICK GOIRAN:** Yesterday he gave his valedictory speech. That is how close he is to retirement.

We are told that the Cook Labor government’s first law officer is interested in a review. Is that not fantastic? Hopefully Hansard will somehow be able to transcribe that in a way to ensure that my sarcasm is duly noted. Is it not fantastic that the retiring Attorney General, as we were told by his representative here today, the day after his

valedictory speech, is interested in a review of the freedom of information laws even though three of his members in a five-member committee unanimously said four years ago that the review should be done and generously asked that it would be done in three years' time? Now we are asking questions about it a full 12 or certainly 11 months later and nothing has happened. Nothing has happened other than to be told that the Attorney General is interested in a review.

To compound the situation, we are now being told by the honourable minister that the bill presently before us will not have any statutory review at all. It will not be reviewed, and we have a retiring Attorney General saying that he is interested in a review of the associated act. That is all the while the Standing Committee on Public Administration undertook its work four years ago identifying areas of concern, but nothing has been done. It is perhaps no wonder then that the culture of parliamentary committees is not what it ought to be. Why would a hardworking legislator invest a lot of time and energy on parliamentary committees when this is the contempt with which recommendations are taken by government? Hours and hours were invested into this by five members four years ago and the best we have four years later is the retiring Attorney General saying, "I am interested in a review." This is really tremendous stuff on behalf of the Cook Labor government on the final sitting day of the forty-first Parliament.

I take the minister to what I understand are the four positions that are to be created by force of statute as a result of the bill before us: the Information Commissioner, the Information Access Deputy Commissioner, the Privacy Deputy Commissioner and the chief data officer. Can the minister inform the house of the fundamental differences between the Information Commissioner, Information Access Deputy Commissioner and the Privacy Deputy Commissioner?

**Hon STEPHEN DAWSON:** The Information Commissioner is the head commissioner and the officer that has overall responsibility for privacy and freedom of information matters. The Information Access Deputy Commissioner will be a deputy of the Information Commissioner and will be responsible for freedom of information matters. The Privacy Deputy Commissioner will be a deputy of the Information Commissioner and will be responsible for privacy matters.

**Hon NICK GOIRAN:** Will the Information Access Deputy Commissioner and the Privacy Deputy Commissioner both be subordinate to the Information Commissioner?

**Hon STEPHEN DAWSON:** They will be.

**Hon NICK GOIRAN:** Are any of their duties, that is, the duties that are to be undertaken by those deputies, currently performed by the Information Commissioner?

**Hon STEPHEN DAWSON:** The Privacy Deputy Commissioner role does not exist at the moment, so that is obviously not undertaken by the Information Commissioner but the work of the deputy would be covered by the existing Information Commissioner.

**Hon NICK GOIRAN:** Is there nothing that the new Privacy Deputy Commissioner will do into the future that is currently being done by the Information Commissioner?

**Hon STEPHEN DAWSON:** I am advised that is correct.

**Hon NICK GOIRAN:** Is it the case that all existing functions and work being done by the current Information Commissioner will be undertaken by the Information Access Deputy Commissioner?

**Hon STEPHEN DAWSON:** No. The head commissioner will be responsible for the administration of the office but will retain the overall power to make decisions on FOI.

**Hon NICK GOIRAN:** At the moment, the workload being undertaken by the current Information Commissioner is, let us call it, 100 per cent. What proportion of that work will be shifted to the Information Access Deputy Commissioner?

**Hon STEPHEN DAWSON:** I do not have that information. But the new deputy commissioner will be able to be directed by the head Information Commissioner about the performance of their functions. Any of the deputy commissioner's functions can equally be performed by the head Information Commissioner, but the deputy will have those powers in their own right. As to what the demarcation might be, I am not aware, indeed I am not even sure that the Information Commissioner may well have worked that out.

**Hon NICK GOIRAN:** Well —

**Hon Stephen Dawson:** It might be frustrating for you, but it has not been —

**Hon NICK GOIRAN:** I am not that frustrated, but I find it ridiculous. I am trying to be as charitable as possible about this. If the minister says to me, as he has, "Look, I don't have Attorney General advisers with me here today", okay. I do not know why that is the case, incidentally, because one of the two bills we are dealing with will fall within —

**Hon Stephen Dawson:** I did not say I have not got Attorney General advisers. I do not have FOI advisers.

**Hon NICK GOIRAN:** I asked about the Attorney General one later.

**Hon Stephen Dawson:** I missed that; apologies.

**Hon NICK GOIRAN:** That is all right. That is good to know. That is perhaps why the minister has been able to inform the house that the Attorney General was interested in a review, for example.

**Hon Stephen Dawson:** I think you asked about Department of Justice advisers. I do not have Department of Justice advisers, but I have Attorney General advisers.

**Hon NICK GOIRAN:** That is crystal clear. In respect of this matter here, we are dealing with the Information Commissioner Bill 2024. It will create the role of Information Commissioner, we could say a new role of Information Commissioner, albeit it we acknowledge there is an existing Information Commissioner. We are uplifting it from its currently statutory home in the Freedom of Information Act and will now house it in this new act. We are creating a new Information Access Deputy Commissioner, but the minister does not have information for the chamber about what proportion of the work currently being done by the Information Commissioner will go to the Information Access Deputy Commissioner.

**Hon Stephen Dawson:** We have not recruited a new Information Commissioner role yet. That is still to come, and I think once that position is appointed, we will recruit the two deputies. The Information Commissioner, in association with the deputies, will work out the workload or indeed the demarcation.

**Hon NICK GOIRAN:** Is it the case that the current Information Commissioner will be the Information Access Deputy Commissioner?

**Hon STEPHEN DAWSON:** That office will transition to the role under the act.

**Hon NICK GOIRAN:** The office that is there at the moment will transition into this Information Access Deputy Commissioner role. Is it then not 100 per cent of the current work being done by that person in that role transitioning into the deputy role?

**Hon STEPHEN DAWSON:** No, because it is an appointment. That person will move across. There will be a new person above them. In terms of who does what element of the workload, we cannot at this stage say whether it is 80 per cent, 20 per cent or 10 per cent. That is still to be worked out.

**Hon NICK GOIRAN:** It begs the question: Why create the deputy commissioner role at all? Why not simply have an information access commissioner and a privacy commissioner?

**Hon STEPHEN DAWSON:** Honourable member, in developing this legislation we talked to other jurisdictions across Australia, including the commonwealth, Queensland and New South Wales. Those jurisdictions also have variations on the three-commissioner model. The policy team met with information commissioners in Queensland, New South Wales and Victoria to learn about the structure of their offices and how it helps manage their functions. The structure adopted in the bill reflects that information and also the insights that were gathered through that consultation process. I also note the helpful submission from the Office of the Information Commissioner Queensland to the government's 2019 discussion paper which states that having privacy and freedom of information oversight sit within the same office is a proven model in national and international jurisdictions. They include Queensland, Victoria, New South Wales, the commonwealth, Canada, British Columbia, the United Kingdom and New Zealand. There will be synergy between all functions of the Information Commissioner, as the activities of one function support and complement the work of the other. For example, improving the quality of agency practice and the collection and handling of personal information is recognised as helping to minimise demand for freedom of information external review and privacy complaint services. It was determined that the proposed model was the most appropriate for Western Australia. I am advised that it will provide greater clarity and certainty and has the potential to ensure greater accountability of both privacy and freedom of information matters in Western Australia. It will also enable the commissioners to present strong consistent messaging to the public sector about the interaction between privacy and FOI. It will also ensure that there is a commissioner who is focused on privacy and a commissioner who is focused on freedom of information at all times.

**Hon NICK GOIRAN:** This current Office of the Information Commissioner will transition into the Information Access Deputy Commissioner. I take it that means all the full-time equivalent positions that currently exist within the Office of the Information Commissioner will also transfer across. If so, how many people are we talking about?

**Hon STEPHEN DAWSON:** The current Information Commissioner has 11 permanent positions and seven contract positions for a total of 18 positions. It is intended that those positions will transfer across to the new office.

**Hon NICK GOIRAN:** There are 18 in total, if we include the contractors. Are all 18 expected to fall to the Information Access Deputy Commissioner or just the 11?

**Hon STEPHEN DAWSON:** No, they will transfer across to the office. The new Information Commissioner, along with the deputies, will work out where they might sit. Some of those might be doing administrative functions.

**Hon Nick Goiran:** For the Information Commissioner?

**Hon STEPHEN DAWSON:** For the Information Commissioner. All the positions will go across, but as to who they might report to in the new structure, that is not clear to me or the advisers.

**Hon NICK GOIRAN:** Is it intended that any new FTEs would come on board as a result of this?

**Hon STEPHEN DAWSON:** Yes, there will be. I do not think we have information of how many at hand. Certainly, there has been a budget allocation for new resources for that new position. Let me see what I can find. If that has been announced previously, I am happy to provide it to the member if I can get it.

**Hon NICK GOIRAN:** This is interesting, because I asked the minister earlier whether there would be any change whatsoever to the external review process as a result of all this, and the minister was very categorical about the fact that there will be no change whatsoever. He also made it clear that the office currently housed as the Office of the Information Commissioner will transition into the Information Access Deputy Commissioner. Interestingly, that will consist of 11 full-time equivalent positions, with another seven contractors, and they will transition across but be spread between the Information Commissioner and Information Access Deputy Commissioner, to be worked out subject to consultation between them in due course.

When did it suddenly become necessary to employ more people? We are not changing anything here with regard to the external review process, so what is the trigger that will justify the extra expenditure?

**Hon STEPHEN DAWSON:** It is the new privacy provisions, in the main. I advise the member that the decision on the allocation of new resources is going through the budget process at the moment. It was deemed prudent to wait for the passage of the legislation before Treasury supported or recommended an allocation of new resources.

**Hon NICK GOIRAN:** If there are going to be any new FTEs, will they be for the functions being undertaken by the Privacy Deputy Commissioner?

**Hon Stephen Dawson:** Not necessarily, because we have created a new structure. There were previously 18. We will need to put more in. Those FTE could be placed under the Information Commissioner at the top, or under one of those two limbs.

**Hon NICK GOIRAN:** I do not think it is difficult to appreciate that we do not want anyone doing any empire building. We have seen how that has worked in the Ombudsman's office. I have been saying this with regard to the Ombudsman's office for years, including during this term of government, yet the Attorney General and others ignored that. It kept loading up that office with more and more functions. Look at what ended up happening. I do not want a repeat of that with the Information Commissioner. The minister is saying that the government will create a new structure and three people will be involved. At the moment, there is only one. Soon there will be three. In fairness, a substantive new role of Privacy Deputy Commissioner will come into force because of the bill we dealt with earlier this afternoon. One can well understand why extra resources are being provided for those functions. It is not clear why any extra resources will be provided for the work of the Information Commissioner.

Is the minister able to confirm whether any extra resourcing will be provided at this time for the role of the Information Commissioner or the Information Access Deputy Commissioner, that subset, as distinct from the functions being carried out by the Privacy Deputy Commissioner?

**Hon STEPHEN DAWSON:** I am not in a position to comment on that. As I indicated, we need to go through the budget process.

**Hon NICK GOIRAN:** The other statutory role that we touched on was the chief data officer. What is the intended staffing allocation for that officer?

**Hon STEPHEN DAWSON:** That was under the privacy and responsible information sharing legislation, which we have already dealt with. We do have a chief data officer. That position was created a couple of years ago. The intention is to keep that position going. As to what extra resources that position will have, I am not at liberty to say this afternoon. It is intended that that role will be there. That role will sit in the Department of the Premier and Cabinet.

**Hon NICK GOIRAN:** We have only a minute in this pretence of scrutiny that we are going through this afternoon. In the limited time we have, I draw the minister's attention to clause 2 and the commencement provisions. When is all this intended to commence?

**Hon STEPHEN DAWSON:** As the honourable member is aware, we are just about to go into an election year and go into a caretaker period, so that will obviously impact the bill. It is intended to create the new positions and for them to commence in the middle of next year. The roles and responsibilities of the positions and rollouts of various elements will take place in 2026.

**The DEPUTY CHAIR (Hon Steve Martin):** Members, pursuant to standing order 125A(3), the maximum time for consideration of this bill in the Committee of the Whole House stage has now expired. I am required to interrupt the debate and put to the vote all questions as are necessary for the bill to complete this stage, including all amendments standing on the supplementary notice paper. Unless there is a dissenting voice at the appropriate time, it is my intention to put a number of clauses as one question. The question is that clause 1 do stand as printed.

**Clause put and passed.**

**Clauses 2 to 72 put and passed.**

**Title put and passed.**



**PRIVACY AND RESPONSIBLE INFORMATION SHARING BILL 2024  
INFORMATION COMMISSIONER BILL 2024**

*Report*

Bill (Privacy and Responsible Information Sharing Bill 2024) reported, with amendments.

Bill (Information Commissioner Bill 2024) reported, without amendments.

By leave, reports of committees adopted.

**PRIVACY AND RESPONSIBLE INFORMATION SHARING BILL 2024**

*As to Third Reading — Standing Orders Suspension — Motion*

On motion without notice by **Hon Stephen Dawson (Minister for Innovation and the Digital Economy)**, resolved with an absolute majority —

That so much of standing orders be suspended so as to enable the Privacy and Responsible Information Sharing Bill 2024 to be read a third time forthwith.

*Third Reading — Cognate Debate*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Innovation and the Digital Economy)** [3.27 pm]: I move —

That the bills be now read a third time.

**HON NICK GOIRAN (South Metropolitan)** [3.27 pm]: I will be brief because I know that we have a ridiculous 10 minutes in which to deal with this legislation, and Hon Wilson Tucker has some important remarks to make.

I will simply say this: what a farce this afternoon has been. We are now cognately considering two bills. The Privacy and Responsible Information Sharing Bill 2024 is a massive 247-clause bill of which the Committee of the Whole House, I report to you, Acting President, considered a mere 79 clauses. Thirty-two per cent of that bill was considered by the Legislative Council, which is supposed to be the house of review. Sixty-eight per cent of it was rammed through by force because of the attitude of the government.

After that ridiculous affair, we then had the Information Commissioner Bill 2024. I report to you, Acting President, that the Committee of the Whole House considered one clause out of 72. The government rammed through this bill in circumstances in which it had allowed it to languish on the Legislative Council notice paper for month after month. It could have been sent to the Standing Committee on Legislation, which has had nothing to do. I apologise, Acting President, it had one thing to do in four years. That bill has been sitting here, languishing, doing nothing.

On the final sitting day of the forty-first Parliament, the government rams through a bill. Fancy that! We debated one clause out of 72 clauses, with respect to the second bill, and with respect to the first one, a mere 79 clauses out of 247 clauses. I distance myself entirely from this charade that masquerades as some kind of lawmaking scrutiny. That is absolutely not what has happened today. To think that in a third reading speech, we were told by the government in its typical arrogant, dictatorial, contemptuous fashion that 36 members of the Legislative Council will have no more than 10 minutes in which to consider these bills cognately—what an absolute farce.

**HON WILSON TUCKER (Mining and Pastoral)** [3.29 pm]: I put on the record my deep disappointment about how this debate unfolded. This bill was prioritised, then de-prioritised, came on and then came off. We have seen what the Attorney General can accomplish to ram a bill through if he is politically motivated—we saw that with electoral reform. We are in the dying embers of the forty-first Parliament and we are dealing with an extremely complex piece of legislation in record time. This might be a record for the government. We have dealt with some legislation at lightning speeds in the last three-and-a-half years. This might set a record. When we debated the bill in the first instance, we went from clause 1 on the Privacy and Responsible Information Sharing Bill 2024 to, I think, clause 27 in around three hours. Given the complexity of this bill and the fact that the Attorney General has been sitting on it for close to a decade, I expect that level of pace for something as complex and important as this bill. We rushed through the remainder of the bill in one hour. As Hon Nick Goiran mentioned, we did not finish the first clause of the Information Commissioner Bill 2024. This is deeply frustrating. In the very short amount of time I have remaining, I will put on the record an explanation of the amendments that I did not have an opportunity to move. To paraphrase, these amendments tried to incorporate more contemporary privacy laws that other jurisdictions around the world have implemented.

Western Australia had the benefit—and it was a missed opportunity of this government and certainly this Parliament—of looking at other jurisdictions, learning the lessons and incorporating them into a robust piece of legislation. That has not happened. I have previously gone on the record to say that this bill is very heavy on information sharing and very light on privacy. My amendments tried to tip the scales in favour of privacy. I think they were quite modest and they were trying to achieve what a lot of experts in the field have said should happen in WA. A very small silver lining is the three-year review period that has been incorporated. I hope there is an opportunity in the future to look at some of the amendments that I proposed, and the feedback and consultation from experts in this area, and incorporate them into the bill in the future. When the federal review on information

and data sharing comes on, hopefully we can move the needle and incorporate elements of general data protection regulation, which can then hopefully put pressure on WA to incorporate some of those elements. I think if service providers—the entities prescribed in the bill—have to comply with two regimes, it can become cumbersome and difficult. I hope in three years there will be feedback to the government in that area.

I will walk through some of the amendments I had on the notice paper, which were obviously not successful. First, was the right to request when personal information has been disclosed to others. I know there are disclosure requirements in this bill, but they are ad hoc and there are quite a few exemptions from entities. This tries to achieve a single point of reference for people to make that request. It would essentially be a front door to government, similar to the GDPR laws, rather than a disparate, ad hoc process that this bill creates. It is not user-friendly and is not friendly to the Western Australian public.

I had an opportunity to speak to the amendment about the request for access and correction to be made orally or in writing. I put my thoughts on the record. It is about making the process more inclusive and trying to widen it for people whose first language may not be English and who may not read or write in English. The other amendment was about retention rights. A bit has been said about this. I believe the minister is on the record saying that there is nothing in this bill about data retention. Each entity is still a fiefdom upon themselves with a data-retention policy. There is nothing in this bill that will compel those entities to create a data-retention policy. I understand the government has a high bar to pry the private sector when it comes to retaining information. This amendment tried to incorporate some of those aspects. I do not think we can say that every entity and every government agency has a right over personal information in perpetuity. There is some information that would be considered non-essential. That is what the amendment was trying to rectify.

The other amendment was the right to request information about how long personal information will be stored. This goes back to data retention. I think that shaming some entities into creating a data-retention policy is sometimes the only way to get them to put one in place. This amendment would create an accountability and transparency mechanism to return the retention policy period back to the Western Australian public in the hope that all agencies would then put a data-retention policy in place.

The last amendment I had on the notice paper was the right to opt out of automatic decision-making. A bit has been said about this. UWA Professor Julia Powles has been vocal about this section. The right to opt out of automated decision-making in the bill that just passed through this place in lightning speed does not exist. It is in the hands of a bureaucrat. It is within the four walls of the public sector. That is contrary to more contemporary data privacy laws such as GDPR, in which the individual has the right to request that their information is not used as part of an automated decision-making process and is not fed into a machine-learning model. I think most people would be happy for their information to serve a greater good, but we do risk disenfranchising a section of the population who want to have greater control and autonomy over their information.

Those are all the amendments I had. I hope the government reviews this when it said it will and that it looks around the world at other jurisdictions and tries to incorporate more data privacy and responsible information sharing provisions. I hope it does not just bow down to what the public sector wants and listens to the Western Australian people.

Questions put and passed.

Privacy and Responsible Information Sharing Bill 2024 read a third time and returned to the Assembly with amendments.

Information Commissioner Bill 2024 read a third time and passed.

## **GAMBLING LEGISLATION AMENDMENT BILL 2024**

### *Second Reading*

Resumed from 5 November.

**HON DR STEVE THOMAS (South West)** [3.38 pm]: It is the final day of the forty-first Parliament. It is another day of democracy under threat. Once again, we see this government push stuff through. I am not sure who to blame; I am not sure who the dictator is who is pushing these things through but, as we come to the end of the forty-first Parliament, it is once again an issue of shame that we are not having a significant debate on a number of these bills. These are significant bills and, once again, we are not treating them with the respect they deserve.

The Gambling Legislation Amendment Bill 2024 is 58 pages long and contains 77 clauses. Members need to be reminded that this bill came out of the Perth Casino Royal Commission. In case members have forgotten exactly how big that report is, this is the report. It comes in two volumes; it is a pretty substantial exercise. To gloss through it is a bit painful, but that is where we are going to get to. Even the government's response to the report is a fairly massive and a meaty document.

The bill before the house is the second tranche of responses to this set of tomes that represent the Perth Casino Royal Commission. I will not spend a lot of time going over the original issues. I will remind members briefly as to why we are here with this second tranche of amendments.

I refer to the overview on page 9 of volume 1 of this investigation—it is the smaller volume, with only 300-odd pages; volume 2 is bigger—which states —

We have concluded that the legislation by which Perth Casino is regulated is not fit for purpose and requires replacement with a modern regulatory framework.

It further states —

The Gaming and Wagering Commission has not been assisted by over time being given more duties and functions without a corresponding or sufficient increase in expertise, numbers and funding. Neither has it been helped by the legislative framework failing to establish with clarity the relationship between it and the Department. This has resulted in neither organisation having an adequate or accurate understanding of its role in casino regulation.

The foreword on page 10 identifies some of the major problems at Perth Casino —

- a. facilitating money laundering through the Riverbank accounts;
- b. failing to have an effective anti-money laundering program to ensure that financial transactions which were suspicious of money laundering were detected, reversed and reported to relevant authorities;
- c. permitting junkets with links to criminals to operate at Perth Casino;
- d. failing to minimise casino gambling-related harm in many ways including by seeking changes to the speed of play of electronic gaming machines without adequate investigation of its effect on harm; and
- e. failing to be open and accountable in communications with the Gaming and Wagering Commission about various matters, including allegations made in the media about the arrest in 2016 of China-based staff.

That is the (a) to (e) of the summary of findings of the Perth Casino Royal Commission. It was fairly detailed when it went through the entire report. Paragraph (e) refers to failing to be open and accountable; that is something that we debated this morning and with which this government has a little bit of form.

I probably should make mention that the opposition will be supporting the bill just in case there is question about whether we will oppose it. I do not intend to take us to Committee of the Whole, minister. I have only a couple of questions that need to be asked that were not asked in that other place. Moreover, if we took a vote or division on this, it would simply be a donkey vote. To be honest, I am not here to anthropomorphise. I will move on to the substantive part of this bill that comprises a couple of components.

The most obvious component of the bill is the provision of significant increase in penalties for breaches. Penalties for the casino will go up significantly to a maximum of \$100 million. The fine that the minister can impose on Racing and Wagering Western Australia will increase from \$100 000 to \$1 million. They are significant fines. I am not entirely certain how those amounts were calculated. I managed the debate for the opposition during the first tranche of amendments, during which I asked why those amounts were selected. Perhaps in his brief reply to the second reading debate, the minister can indicate whether there was a reason that those amounts were picked versus others. One hundred million dollars is a round number. I will have to get a lottery ticket in Powerball next week and give that a shot.

**Hon Stephen Dawson:** It's tonight.

**Hon Dr STEVE THOMAS:** It is tonight? If I win that money in its entirety, I would be able to pay the proposed maximum breach fine.

A government member interjected.

**Hon Dr STEVE THOMAS:** I will not necessarily go into that level of detail.

I refer to what is explained in the explanatory memorandum about the Governor being able to make regulations under various acts, such as the Gaming and Wagering Act, the Casino Control Act, the Betting Control Act and the Racing and Wagering Western Australia Act. Once again, this government has something of a penchant of giving itself the capacity to make regulations some time in the future. It has a bit of a habit and history of making regulations that are not all that good. In his run-down, I ask the minister to provide an indication of what sort of regulation-making power might be exerted and whether we should be concerned about that particular component. That would be useful.

The third thing on which I ask the minister to make a brief comment relates to providing the Gaming and Wagering Commission the power to give directions regarding all the operations of the casino and the provisions of Racing and Wagering Western Australia. In the first tranche of new legislation that we debated—I cannot remember when it was, it was so long ago now; perhaps the beginning of this year or late last year—we talked about extending those powers. I presume that it will be fairly much an open-power book; that is, the commission will effectively be able to give a direction on any component relating to either Perth Casino or RWWA. I ask the minister to provide a few notes about what that might look like.

I will not go into a significant amount of detail on the bill—I want to leave time for the minister to respond—but there are a couple of other things I want to talk about. Paragraph (d) of the royal commission findings referred to failing to minimise casino gambling-related harm. For those who have spent any time over east and have seen those people who sit in, not so much casinos—it does happen there—but sporting clubs, RSLs et cetera, it is the most amazing thing to see. When I studied veterinary science in Queensland, there were no pokies in Queensland; it was like going to a normal pub, which I occasionally did. But when I go back there now, I see people sitting on these damn machines and they look like robots. They sit there and feed the coins in—choonk, choonk, choonk. To be honest, the clubs bus in pensioners to sit in front of these machines and pump in their pension money. Fair dinkum, they look like robots.

**Hon Matthew Swinbourn:** Are you saying that is spending out of control?

**Hon Dr STEVE THOMAS:** It is activity out of control. Spending out of control is something this government does here; that is slightly different. They have people who run around and encourage people to get involved. They encourage people to gamble away their wealth. Casinos have staff who wander around—they are what I call useful idiots—who encourage people to spend, and they get excited. The clubs et cetera also have the group of people who disturb us all. They go crazy. They fight over whose machine it is. Some of it is sleazy. I have been in clubs and seen all sorts of weird sleazy stuff that is going on—even frottage.

A government member interjected.

**Hon Dr STEVE THOMAS:** Exactly; that is the last one. Thank you, very much.

All these things are going on. The damage done by this type of gambling is significant. To be honest, I am not convinced that the bill before the house really will address the issue of problem gambling. That is an enormous issue for all of us, because, in effect, with all the work that we do on this, we are talking about government-endorsed gambling. That is what the casino ultimately is. Western Australia has limited government-endorsed gambling to, effectively, the casino and the odd two-up game on Anzac Day. I have seen one at the Mumballup tavern, which I do not think happens any more, but the odd two-up game probably still gets a licence every now and again. Hon Dan Caddy might be aware of that. We keep it in one spot. We do not have pubs and clubs all over the state doing it. I have always enjoyed the fact that that is a bipartisan position that we have always adopted.

There might be people around, and even members in this chamber, who think that we should not talk to each other and have a cooperative approach. Funnily enough, a cooperative approach is what people in the community expect of us. People hate question time, when we throw rocks at each other, and they like the fact that we tell them that, for the most part, we try to work together. When we say that we have a bipartisan approach to something, I do not know how we could do that without talking to each other. Someone is a useful idiot only if they can meet both those requirements, and there are plenty of people who are only half-qualified! I like the fact that we, on both sides of the house, have a uniform approach to that.

I am keen for the minister to answer some of those questions. I know that we have a very limited timeframe. I obviously do not have time today to do justice to 800 or 1 000 pages of the Perth Casino Royal Commission report. I do not have time to do justice to the government response. I do not have time to go through the bill in detail in any significant way. Those are the key questions, bearing in mind that the opposition supports the bill. I think that we all agree that minimising gambling without becoming a nanny state is important. Dealing with the effects of problem gambling is yet to be addressed, and that is something that the forty-second Parliament might like to address.

With that, I support the bill. I can only finish this contribution with the single word: bingo.

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [3.52 pm] — in reply: I appreciate Hon Dr Steve Thomas for his exhilarating and stimulating contribution this afternoon and, indeed, for fighting the good fight. I am very happy to answer the questions that he has brought to my attention.

In relation to penalties, clause 65 will increase to \$1 million the maximum penalty that can be imposed on Racing and Wagering Western Australia following the inquiry into the affairs, or into particular affairs, of RWWA or related matters. The equivalent penalty applicable to the casino under the Casino Control Act was amended to \$100 million by the Casino Legislation Amendment (Burswood Casino) Act in 2022. This penalty increase represents a maximum penalty amount of one one-hundredth of the Casino Control Act equivalent. We need high penalties to act as a deterrent to offending and, if necessary, an appropriate punishment commensurate with the severity of the noncompliance.

The direction powers issued by the Gaming and Wagering Commission will be amended to provide the Gaming and Wagering Commission with consistent powers of direction across both the gaming and wagering sectors. The amended direction powers relate to the wagering activities of RWWA and will not extend to directing RWWA in its role as the principal racing authority of WA. The GWC's ability to direct RWWA in its role in operating the state's TAB is an important one. It is appropriate that the penalties for breaching directions are set at a level sufficient to act as a deterrent to noncompliance or as a suitable punishment for severe offences.

The regulation-making powers are to enable compliance with national policies and frameworks the government has entered into as they relate to gambling legislation. There is a power. The power is narrow and limited. It allows

regulations to be made amending the act that relate only to the regulation of bookmakers for the purpose of dealing with the interaction between the regulation of betting platforms and bookmakers and to specify that sections of the act apply as is or in a modified way and do not apply to the operation of particular kinds of regulated interactive gambling services.

Obviously, regulations are disallowable. Any regulations that will be made in the future in relation to this act will be disallowable and the Parliament will get an opportunity to —

**Hon Dr Steve Thomas:** I might have to table them after the election!

**Hon STEPHEN DAWSON:** Parliament will be able to debate them at the appropriate time.

This is an important piece of legislation. The amendments will support the uplifted program of regulatory activity for gambling operations to apply an appropriate level of oversight across the sector and implement the findings and recommendations of the Perth Casino Royal Commission.

I want to extend my thanks to all involved in the preparation of the bill, including the State Solicitor's Office, Parliamentary Counsel and the staff and advisers from the Department of Local Government, Sport and Cultural Industries. I acknowledge and thank Hon Dr Steve Thomas for his contribution and support of the bill. It is an important piece of legislation. I am very pleased to commend the bill to the house.

Question put and passed.

Bill read a second time.

[Leave granted to proceed forthwith to third reading.]

#### *Third Reading*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [3.55 pm]: I move —

That the bill be now read a third time.

**HON DR STEVE THOMAS (South West)** [3.55 pm]: I thank the minister for the assistance and the various briefings that have been held on this bill and I thank the staff. There is a lot of watching to be done on this yet. This is not the finish of what we need to do with the gambling industry in Western Australia, which, thank heavens, is small and contained—and may it ever be so, just quietly. As long as we can maintain that bipartisan position, we will be really pleased. Obviously, the impacts of problem gambling are now internet-based. Somehow we will have to find a way to address all those things into the future. I look forward to getting into a significant and much larger debate on that in the forty-second and plus Parliaments.

Question put and passed.

Bill read a third time and passed.

### **METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1404/41 — DISALLOWANCE**

#### *Motion*

Pursuant to standing order 67(3), the following motion by Hon Dr Brad Pettitt was moved pro forma on 17 September —

That the Metropolitan Region Scheme Major Amendment 1404/41 — Roe 8 Remainder and Roe 9 (Removal of Primary Regional Roads Reservation) published in the *Government Gazette* on 10 June 2024 and tabled in the Legislative Council on 11 June 2024 under the Planning and Development Act 2005, be and is hereby disallowed.

**HON DR BRAD PETTITT (South Metropolitan)** [3.57 pm]: When I was asked by the community to move this disallowance motion in September this year, it was put forward as an option of last resort. The community strongly supports the removal of this primary regional roads reservation, as do I, but it is very concerned that the government has no planning for what might replace this road reservation, and that is a concern that I share. At the heart of what I want to say today is expressing the community's frustration with the lack of proactive planning around this major amendment to the metropolitan region scheme.

There are a couple of different bits. The Roe 8 part of it, which is to the east of Stock Road, is largely good. Pretty much all of that will become regional park. In fact, there probably is an interesting and logical argument for making a small part of that not a regional park, but that is a minor point. That certainly is not the focus of this motion today.

The Roe 9 side is certainly at the heart of this disallowance and it is why I moved the motion in September. There is something important to understand here. At the end of this debate, when this disallowance is inevitably voted down and the removal of the primary regional roads reservation goes through, most of Roe 9 is going to be zoned urban. About two-thirds of the reservation will be zoned for urban land and small patches of it will be zoned for regional park. About one-third will be for regional park and two-thirds will be for urban land. That means that, as of

tomorrow, this land could be used for large-scale residential, commercial or industrial developments, because that is what is allowed under the broad urban zoning system in Western Australia. That is the reason the community was so keen for this disallowance motion to be moved; it was not to stop it but to allow time for the WA Labor government, the Department of Planning, Lands and Heritage and the City of Cockburn to get on with doing some of the planning so that it would not be open slather in the future. The parallel process is absolutely possible.

I refer to the WA government's own planning fact sheet "Section 126—Zoning amended by regional planning schemes". The state government as the landowner and the local government could have worked together in a parallel planning process to amend the local planning schemes or include a special control area. The fact sheet states —

Although the local amendment cannot be finalised until the region scheme amendment is finalised, provided there is a sufficient liaison with the WAPC, both amendments can be processed in a corresponding manner.

That really valuable and important bit of work could have been done over the last almost two years that we have been talking about this issue. I am interested to hear the government's response on that. Instead, the government chose to pause any planning for the corridor whilst this disallowance was in place. Unfortunately, we are now back where we were in September, or June, whereby no planning has happened around some of the fine-grain stuff. That should happen after this disallowance motion is ultimately voted down. It is both disappointing and concerning, and I will explain why.

The community has done some amazing work on this issue. What does the community want to see here? The Cockburn Community Wildlife Corridor website clearly and beautifully states what the community wants —

A conserved and enhanced bushland and wildlife corridor that connects the Beeliam Wetlands with the Indian Ocean.

What a wonderful and inspiring idea that is. Do you know what? For the first time in a generation, for the first time ever, that is possible. What we have before us has never happened before—or certainly not in our lifetimes—and it will not happen again. Taking a major road reserve and opening it up to a range of different uses rarely happens. It is the rarest and the best of all opportunities to do something extraordinary here. I am not talking about just a nature and people link, which is certainly what is at the heart of the Cockburn community wildlife corridor; it is also about doing housing, ovals, schools and all those other things, and planning them so that there is a continuous link between them. The community is absolutely on board with that idea. I want to thank the community. I note there are a couple of members in the public gallery today. Thank you for coming down. Literally hundreds of people have backed this vision over a long time. In fact, I think the wetlands to waves idea that is now part of the City of Cockburn's motto is more than 30 years old.

In 2017, the WA Labor government came to power and did the right thing by getting rid of Roe 8—we are forever thankful for that—and there was a real sense that there was an amazing opportunity to do something great and that we could make it happen. Since then, the community has worked hard. It commissioned reports and held endless round tables and meetings. Then we saw the Department of Planning, Lands and Heritage's initial concept plan, which it is fair to say underwhelmed everybody. As I said, it was mostly urban and did not explicitly entertain the opportunity of a green corridor despite a strong community preference for one. In fact, it just left open most of the corridor to be carved up for housing.

The community got back to work. In early 2023, there was a packed-out community gathering of over 100 people at the Hamilton Hill Memorial Hall at which some experts from Curtin University ran a really fantastic collaborative planning session on the issue. The extraordinary consensus that came out of that process was amazing. A report was submitted to DPLH that stated people were basically happy with housing but wanted a continuous corridor. The submission went to DPLH along with another 409 submissions. I understand that there have been more individual unique submissions on this issue than on any other metropolitan region scheme amendment. There was huge community interest in and passion for this issue. Over 50 per cent of the submissions explicitly mentioned support for a wildlife corridor and an incredible 75 per cent expressed support for protecting the environment. I think that that shows how strongly the community supports the idea of a nature corridor.

On the back of the feedback, DPLH put out an amended plan. It had some improvements. An additional nine hectares were to be zoned for parks and recreation, including bits of the Blackwood Avenue remnant bushland and the open space adjacent to the heritage-listed Randwick stables. That was a good move in the right direction. Although it was better, it missed the bigger picture and for some unknown reason the plan still did not incorporate the idea of a corridor. In response, more community events were held. The CCWC invited NatureLink Perth and the University of Western Australia landscape design department to hold a session to unpack what a Cockburn community wildlife corridor might look like. Again, there was consensus at the August meeting.

This issue has gone on and on and there is now strong consensus and growing support for a green corridor. Unfortunately, the land will still be zoned urban. I appreciate the argument that the planning for a green corridor and local parks sits at the next level down. I totally understand that. Returning to where I started, we should have had a parallel planning process or at least a concept plan incorporating a green corridor at that stage rather than the

plan that DPLH gave us. The DPLH's indicative plan still has far more zones for development and residential than for local parks and recreation. The way it is currently designed is fragmented and does not allow the opportunity to have a continuous corridor that the community rightfully, and I think powerfully, has called for.

There is another part to this issue that I think is worth bringing to everyone's attention—that is, the land around the intersection of Stock and Forrest Roads has been taken out of the re-zoning. There are concerns around that, too. I know many submissions asked for the bushland on all four sides of the intersection of Stock and Forrest Roads to be included in this because there is a well-placed fear that we will see Stock Road widened by two lanes to be six lanes in total, with a flyover and other things. That bit of bushland contains some of the best banksia and tuart in the area—in fact, the environmental assessment study conducted by DPLH rates the ecological value of much of the bushland in this section as high. There is a danger we could see that bushland reduced and become part of the Roe 8 and 9 corridor and lost. I think we will need to resolve that sooner rather than later because it, too, should be part of the corridor.

In conclusion, everyone except the state government and the government agencies seem to support this disallowance. It is not even clear to me that the state government and government agencies do not support it; there has just been a strange silence around it. The community wants it. The Fremantle council has come out in support of it. The Cockburn council has moved a motion asking for a corridor and wants a special control area with ecological linkages. The local governments want it. The community wants it. Hopefully, the state government can back it in, too.

The only argument I have heard against a corridor is that we are in a housing crisis and we need to use some of this land for more housing. That is a legitimate argument, so I will briefly respond to it. In response to this argument, the community did some really good work and commissioned Dr Daniel Martin from the UWA design school to look at some options for housing and how it could work with a green link. It had some really compelling and really interesting results. A development of medium-density houses, townhouses and apartments overlooking an urban nature corridor—high-value and high-liveability housing—could yield between 680 and 830 dwellings.

Business as usual, which is what everyone fears will happen, would involve largely carving up this land into lots around it. That is what has been talked about so far by the Department of Planning, Lands and Heritage—single-lot residential housing in the R20 to R40 range. We would see only 290 dwellings if that were to happen. That would be less than half the dwellings for worse amenity. It is what we will get if we do not plan. This is at the heart of why this disallowance was moved. We could have done good planning and got really good outcomes, leaving an amazing legacy that we could all be really proud of. It is not too late to do it. This disallowance was put in place to slow us down, but it can still happen, and I really hope that it does. Maybe I will be surprised. When the new Perth and Peel greening strategy comes out, which I am sure is any day now, maybe it will be one of the key elements. I hope we are all surprised in that way, but there is a real danger that if we do not plan, we get the worst of both worlds—less greening and less housing and a loss of a once-in-a-generation opportunity.

In conclusion, this disallowance has been moved because the community was concerned around the lack of more detailed planning. I know that the City of Cockburn is ready to go. However, the City of Cockburn cannot, of course, proceed with planning on land that it does not own. The state government needs to initiate this planning. It is their land. When I was a mayor, the City of Fremantle did not create a structure plan over somebody else's land; the landowner brings a structure plan idea to the council. That is just the way that it works, and it is the way that it works in this case as well. I do not quite understand why the government has sat on its hands for the last two years and did not start that planning with the City of Cockburn, because I know that Cockburn is ready. It has a clear resolution around that, which I think is fantastic. I really hope that we can get that done as quickly as possible, because this disallowance will be voted down shortly. I will be voting against the disallowance; I am going to support the government on this. However, I get up now to actually beg that we get on and do the planning because, as of tomorrow, there are no planning controls over this land and there is a real danger that it will happen in a way that does not work. I will finish with a quote from a Murdoch University study into this, which I think captures it really nicely. The study states —

Remnant native vegetation within the CCWC is highly valued by the community and Whadjuk traditional owners; it contains federally listed Threatened Ecological Communities (Banksia Woodlands and Tuart Woodlands) and roosting sites for endangered Carnaby's Black Cockatoos and vulnerable Forest Red-Tailed Black Cockatoos ...

The CCWC has the potential to be a 'naturelink', an ecological linkage that promotes connectivity between bushland and wetlands sustaining biodiversity and providing multifunctional green spaces that promote human connection with nature. This would facilitate wildlife movement along the original Roe 9 road reserve despite its fragmentation. However, the CCWC currently has no statutory protection or even a definitive, agreed upon spatial footprint to guide management.

That is from a Murdoch University study that I think is spot on. I encourage the government to get on and do this work. Today should be the day that these changes are made and I hope we can get on and do that as this disallowance falls away.

**HON JACKIE JARVIS (South West — Minister for Agriculture and Food)** [4.13 pm]: I rise to put the government's position. I am somewhat confused because I think I heard the honourable member just say that he was going to vote against his own motion. Nevertheless, I rise to put the government's position.

This government undertook a significant engagement program to inform the planning study and preliminary concept plan for the Roe 8 and Roe 9 corridor. Feedback received during this consultation informed the preparation of an amendment to the metropolitan region scheme, which was to facilitate conservation of areas considered to have significant environmental and/or cultural heritage values, and create opportunities for urban land uses to be considered for less constrained portions of the site through the local planning framework. Removal of the primary regional road reservation and application of the parks and recreation reservation to those areas exhibiting significant environmental cultural or heritage value provides a level of certainty to the local community, which, as we know, has been advocating for the protection of this corridor for many years. The areas of the corridor that present significant environmental, cultural or heritage values were protected by reservation in the MRS. Other areas of the corridor presented opportunities for urban land uses such as housing and commercial development, complemented by local open space. Zones in the MRS are broad and identify the high-level intent of a certain area. An area identified as urban can ultimately be used for a multitude of uses such as residential, mixed-use, commercial, retail and, again, as I said, local open space. It is not the role of this MRS amendment process to go into the finer level of detail that guides future outcomes within urban areas or set specific planning guidelines. This more detailed planning occurs through the subsequent stages of the planning process, which in this instance will include an amendment to the relevant local planning scheme to facilitate a detailed structure planning exercise. Concern was expressed that developments may proceed during the period between the MRS amendment being finalised and more detailed planning for a particular section. I can advise that, as is the case for all development applications, it would need to be assessed against the relevant state and local planning framework in force at the time of a decision. This includes a decision-maker giving due regard to any planning instrument that is at a point at which it is seriously entertained. Another process that is pending finalisation of the MRS amendment is the future transfer disposal of land within the corridor. The land within the corridor is highly fragmented in terms of its ownership, with various state and local governments owning land. There are also several schools and other private landowners. Some of that land that is no longer required for its intended purpose will become parks and recreation reserve and some land will be transferred to the South West Native Title Settlement, reflecting its significant environmental cultural or heritage values. Finalisation of this MRS amendment is a significant milestone for this government as it marks the completion of our commitment made in 2017 to not proceed with the construction of the Roe 8 and Roe 9 freight link.

With that, I note that the government does not support the motion.

**HON NEIL THOMSON (Mining and Pastoral)** [4.16 pm]: I will speak very briefly on this. This is just a typical act of planning vandalism from this government and is absolutely the same plan that it had for the Fremantle eastern bypass. I spoke about this when we debated the bill to establish the reserve. I said, "Mark my words, we will end up with a major metropolitan region scheme amendment coming through the Parliament in order to use urbanisation to thwart any future government or Parliament of Western Australia making a decision to restore Roe 8 or Roe 9." The government's approach to this is an absolute disgrace. This is pure, blatant urbanisation. The issue here is that we have some protection of the section from North Lake Road, I believe, through to Stock Road, but there is a section where it is going to be urbanised. That is not what was brought to this place when that bill was brought in to protect the Beeliar wetlands. That was not what was brought forward. I agree with the honourable Greens member, who has brought forth this disallowance motion—probably for different reasons. There is reason for strategic planning in Western Australia. There is a reason why the Stevenson–Hepburn plan was put in place. The reason for preserving land for corridors is to remove traffic congestion in Western Australia in order to protect lives in Western Australia. This government has its own conscience to stand by. We know that because of the failure to progress on Roe 8 and Roe 9 there continues to be serious traffic accidents on the congested roads in Western Australia, and now we are having to fast-track a Kwinana port. This government stands condemned and, as I predicted, this government should be ashamed of this amendment.

**The DEPUTY PRESIDENT:** Members, the question is the motion be agreed. All those of that opinion say aye. To the contrary, no. I think the noes have it.

**Hon NEIL THOMSON:** Divide.

Several members interjected.

**The DEPUTY PRESIDENT:** Members, I draw your attention to standing order 77. It states —

- (1) A question being put shall be resolved in the affirmative or negative by the majority of voices 'Aye' or 'No', upon which the President shall declare an opinion whether the 'Ayes' or 'Noes' have it.
- (2) The question shall be resolved in accordance with the President's opinion unless a division is called for immediately.

A division has been called for. Ring the bells.



*Division*

Question put and a division taken, the Deputy President casting his vote with the ayes, with the following result —

## Ayes (12)

Hon Martin Aldridge	Hon Donna Faragher	Hon Steve Martin	Hon Wilson Tucker
Hon Peter Collier	Hon Nick Goiran	Hon Tjorn Sibma	Hon Dr Brian Walker
Hon Ben Dawkins	Hon Louise Kingston	Hon Neil Thomson	Hon Colin de Grussa ( <i>Teller</i> )

## Noes (20)

Hon Klara Andric	Hon Sue Ellery	Hon Shelley Payne	Hon Matthew Swinbourn
Hon Dan Caddy	Hon Lorna Harper	Hon Dr Brad Pettitt	Hon Dr Sally Talbot
Hon Sandra Carr	Hon Jackie Jarvis	Hon Stephen Pratt	Hon Darren West
Hon Stephen Dawson	Hon Ayor Makur Chuot	Hon Martin Pritchard	Hon Pierre Yang
Hon Kate Doust	Hon Kyle McGinn	Hon Samantha Rowe	Hon Peter Foster ( <i>Teller</i> )

## Pair

Hon Dr Steve Thomas

Hon Rosie Sahanna

Question thus negatived.

**PRIVACY AND RESPONSIBLE INFORMATION SHARING BILL 2024***Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

**MAMANG MAAMBAKOORT MARINE PARK ORDER 2024 — DISALLOWANCE***Motion*

Pursuant to standing order 67(3), the following motion by Hon Neil Thomson was moved pro forma on 27 November —

That the Mamang Maambakoort Marine Park Order 2024 published in the *Government Gazette* on 5 November 2024 and tabled in the Legislative Council on 12 November 2024 under the Conservation and Land Management Act 1984, be and is hereby disallowed.

**HON NEIL THOMSON (Mining and Pastoral)** [4.23 pm]: Can I seek a clarification? I offered to the Parliament to deal with all these disallowance motions together, if that was a procedural matter. If that is possible, given the time, I am happy to do them as a group.

**The DEPUTY PRESIDENT:** The advice I have is because of the variety of the disallowances, the question has to be put one by one. I understand that the member effectively intends to speak his principal argument to order of the day 2 and then we will vote accordingly on the subsequent orders of the day.

**Hon NEIL THOMSON:** Sorry, Deputy President. I will just clarify this. There are two disallowances that relate to the extension of parks in the Kimberley. I will speak on those in general terms first. Then there are four that relate to the South Coast Marine Park. I am willing to speak collectively on those for the sake of speeding this process up.

**The DEPUTY PRESIDENT:** Hon Neil Thomson, I will allow some latitude with respect to you making a contribution, but my ruling is that the questions need to be put separately.

**Hon NEIL THOMSON:** I will speak generally on both the Kimberley Marine Park expansions and then we will have the questions put.

In general, the reason I brought these disallowance motions forward is because I believe the government has lost the trust of the community in relation to the development of marine parks. We have seen a consistent approach when it comes to marine parks across our state under the auspices of this government. We have sadly seen local people being pushed away from their traditional use of those waters, particularly recreational fishing. These waters have been utilised the generations by people in those regional towns—like the town of Derby in this case.

I have met with people who have lived in these towns. These are difficult towns to live in in the best of times. We are talking about the remotest parts of Australia. Now we have the sad case in Derby where some people can visit certain parts of the waters and other people are being excluded from areas where they have gone for many years and fished in in a very responsible way. The sad fact is that this is what has occurred.

We have seen the Department of Biodiversity, Conservation and Attractions operate in quite a capricious way in the development of these plans. It has operated secretly behind the scenes, done deals and then came out with a plan to present to the people of Western Australia. It did some sort of half-baked consultation and is simply losing the trust of the community.

We know about the expansion of marine parks, particularly in the Kimberley. The Liberal Party has had a long proud history in Western Australia of developing marine parks and it has never had the kind of pushback from the community that we have seen here to Labor's efforts on these matters. I am going to speak very briefly because of the time, noting that we have so much to do before the time we finish and rise.

Debate interrupted, pursuant to standing orders.

[Continued on page 6790.]

### QUESTIONS WITHOUT NOTICE

#### FLOREAT SHOOTINGS — POLICE INVESTIGATION

**1583. Hon PETER COLLIER to the minister representing the Minister for Police:**

I refer to the internal report into the tragic Floreat shootings.

- (1) Has the report been completed?
- (2) If yes to (1), will it be made public; and if not, why not?
- (3) If no to (1), when is it anticipated that it will be completed?

**Hon STEPHEN DAWSON replied:**

I thank the Leader of the Opposition for some notice of the question. The Western Australia Police Force advise the following.

- (1) No.
- (2)–(3) The WA Police Force do not release reports directly to the public in relation to fatal shooting incidents. The Commissioner of Police is considering publicly releasing the findings and recommendations—not the full report—in relation to the internal investigation. The decision will be based on consultation with the State Coroner, the Corruption and Crime Commission, the Ombudsman WA, and the Petelczyc and Bombara families. Consultation with the above stakeholders is currently underway.

#### ASHLEIGH REBECCA HUNTER — CORONER'S REPORT

**1584. Hon PETER COLLIER to the parliamentary secretary representing the Minister for Health:**

I refer to the recommendations of the coroner's report into the inquest into the death of Ashleigh Rebecca Hunter delivered on 13 December 2023.

- (1) Which recommendations have been fully implemented?
- (2) What has been the progress of recommendation 4?

**Hon PIERRE YANG replied:**

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

- (1)–(2) All recommendations accepted by the Department of Health are in progress, including recommendation 4.

#### SOUTH COAST MARINE PARK

**1585. Hon COLIN de GRUSSA to the parliamentary secretary representing the Minister for Environment:**

I refer to the South Coast Marine Park. To date, what has been the total government expenditure on advertising and promotion in relation to the SCMP?

**Hon DARREN WEST replied:**

I thank the honourable member for some notice of the question. On behalf of the Minister for Environment, I provide the following answer.

The advertising, which includes digital, print, out of home and radio, has been rolled out as part of a public education initiative to raise awareness of South Coast Marine Park zones, including where zoning maps can be found. The total advertising expenditure to 28 November 2024 for the South Coast Marine Park is \$63 445.

#### METRONET — ARMADALE RAIL LINE — ELEVATED

**1586. Hon TJORN SIBMA to the minister representing the Minister for Transport:**

I refer to works on the elevated section of the Metronet Armadale line.

- (1) Is there any foundation to claims made on social media that cracks in the "L" beams that support the elevated rail have been detected?
- (2) If the claims set out in (1) are true, how many such structural failures have been detected?
- (3) What remediation or replacement works have been undertaken in response?
- (4) What impact will this have on the reopening of full services on the Armadale line, which is promised for May 2025?

**Hon STEPHEN DAWSON replied:**

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

- (1) No.
- (2)–(4) Not applicable.

## SWAN VIEW PRIMARY SCHOOL — IN-TERM SWIMMING PROGRAM

**1587. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Education:**

I refer to the answer to question without notice 1557 asked yesterday regarding Swan View Primary School's participation in the in-term swimming program, which confirms that the school has had its program reduced from two weeks to one week in the 2022, 2023 and 2024 school years.

- (1) How many other schools have had their program reduced to one week for those three consecutive school years?
- (2) Of the schools referred to in (1), will the minister list the schools?
- (3) Will the minister confirm that Swan View Primary School will be prioritised in 2025?

**Hon SUE ELLERY replied:**

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

- (1) One school has had its program reduced.
- (2) It is West Northam Primary School.
- (3) Yes.

The Minister for Education wishes to correct the record, which will be of interest to the honourable member for several reasons, for question without notice 1557, which also relates to in-term swimming at Swan View Primary School. It was 42 schools, not 41. Inglewood Primary School was accidentally left off. I should apologise for the error.

## SYNERGY — OUTAGE — COLLIE

**1588. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Energy:**

I refer to my question without notice 855 of 16 August 2023 on the use of diesel generators in the south west interconnected system relating to a lack of reserve. For the period 16 August 2023 to 26 November 2024 inclusive, I ask the following.

- (1) How many times have diesel generators been fired up for power supply generation and continuity to the south west interconnected system?
- (2) On what dates and what time frames and in what locations were the diesel generators utilised?
- (3) What generation capacity directives/dispatch advisories has the Australian Energy Market Operator issued in relation to the south west interconnected system?

**Hon DARREN WEST replied:**

I thank the honourable member for some notice of the question. On behalf of the Minister for Energy, I provide the following answer.

- (1) There have been 189 days on which diesel generation facilities have generated electricity between 16 August 2023 and 25 November 2024. I note that the answer to this question is accurate as of Tuesday, 26 November. Data is not available for the full day of Tuesday, 26 November.
- (2) Table 1 indicates the facility name, location and generation in megawatt hours. I seek leave to have the information, which is in tabular form, incorporated into *Hansard*.

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

TABLE 1							
Date	NAMKKN_MERR_SG1	TESLA_GER_ALDTON_G1	TESLA_KEM_ERTON_G1	TESLA_NO_RTHAM_G1	TESLA_PIC_TON_G1	WEST_KAL_GOORLIE_GT2	WEST_KAL_GOORLIE_GT3
20/08/2023						6	
22/08/2023							12
14/09/2023							
06/10/2023				15			
12/10/2023		14					
16/10/2023	26	25	25	26	26		
22/10/2023							

23/10/2023				9	8		
26/10/2023	25						
29/10/2023	31			16	15		
01/11/2023							
02/11/2023							
09/11/2023							10
21/11/2023	89	47	37	14	48		
22/11/2023	175	43	43	45	45		
23/11/2023	355	48	57	78	75	104	54
24/11/2023	6	2		5	5		
28/11/2023		1		4	3		
29/11/2023							
30/11/2023				4	4		
01/12/2023	5						
02/12/2023							
05/12/2023				2	2		
06/12/2023		15	21	23	23	9	15
11/12/2023					1		
13/12/2023					4		
16/12/2023		11	3	3	22		
18/12/2023					2		
20/12/2023		7	7	27	25		
22/12/2023		5	4	10	11		
30/12/2023		17	14	18	19		
06/01/2024		2	3	7	4		
08/01/2024	3						
10/01/2024			1	2			
11/01/2024				6	5		
12/01/2024			4	7	6		
13/01/2024	181	26	30	39	37	20	29
14/01/2024	32	2		35	44		
15/01/2024			4				
16/01/2024		5		9	7		
17/01/2024							23
18/01/2024						8	
19/01/2024						410	88
20/01/2024						467	288
21/01/2024						553	288
22/01/2024						560	288
23/01/2024						554	288
24/01/2024						576	288
25/01/2024						576	288
26/01/2024						575	288
27/01/2024		5	6	14	14	431	217
30/01/2024	26	11	15	14	15		
31/01/2024	287						
01/02/2024	82	21	25	27	25		
04/02/2024						10	15
05/02/2024				2	1		
06/02/2024	2	9	15	16	15		
07/02/2024		2	2	2	2		
08/02/2024		52	52	50	52		

09/02/2024		12	11	11	10		
10/02/2024	27		9	10	10		
11/02/2024	99		18	24	16		
12/02/2024		19					
13/02/2024		84					
14/02/2024			22	22	21		
15/02/2024	156	55	55	56	52		
17/02/2024				1			
18/02/2024	129	62	67	71	70		
19/02/2024	345	31	35	29	30	16	
20/02/2024	94	58	58	58	58		
24/02/2024	10			9			
02/03/2024							
03/03/2024							
05/03/2024				1	1		
06/03/2024		29	29	34	31		
07/03/2024	329	72	74	74	73		
12/03/2024		2	5				
13/03/2024		18	19		19		
14/03/2024		16	15	16	15		
15/03/2024		16	19	22	18		
16/03/2024				8			
19/03/2024							
20/03/2024		69	6	9	7		
21/03/2024		29					
22/03/2024		6					
24/03/2024		5	5	5	9		
26/03/2024		3	3	4	2	6	
27/03/2024			2	3	2		
28/03/2024							7
29/03/2024		3	4	5	3		
31/03/2024				2	1		
01/04/2024		1	3	5	3		
02/04/2024			1	6	3		
05/04/2024		15	23	24	24		
06/04/2024		2	2	2	1		
07/04/2024		2	5	7	5		
09/04/2024			1				
11/04/2024				2			
18/04/2024			4	8			
19/04/2024		4	8	11			
21/04/2024		2	3	6			
23/04/2024				1			
25/04/2024		1	6	13			
26/04/2024	28	18	19				
27/04/2024		6	4	3			
29/04/2024						6	
30/04/2024							6
01/05/2024		2	9	16			
03/05/2024		21					
07/05/2024							
08/05/2024				1			

20/05/2024	56	4	2	3			
21/05/2024		12	8	11			
22/05/2024		2		4			
23/05/2024		1	1	2			
25/05/2024	16						
27/05/2024	184					9	
28/05/2024	576						
29/05/2024	22						
30/05/2024	111						
03/06/2024	67	1	1	1			
04/06/2024	8	6	6	8	6		
05/06/2024							
10/06/2024		3	4	4	4		
11/06/2024			3	3	3		
12/06/2024	80	11	12	10	12		
15/06/2024					1		
20/06/2024			3		15		
23/06/2024			16			11	
25/06/2024	186	4	9	6	8		
26/06/2024	26						
27/06/2024	70						
28/06/2024	38						
30/06/2024	88						
05/07/2024		1	1		1		
10/07/2024	13						
11/07/2024	71						
12/07/2024	190	1	2	1	3		
13/07/2024	118						
14/07/2024	7						
15/07/2024	43						
26/07/2024	474					3	
27/07/2024	7						
30/07/2024	27						
01/08/2024	189						
02/08/2024	519						
03/08/2024	34						
04/08/2024	104						
05/08/2024	44	5	6	4	5		
06/08/2024	8						
07/08/2024		2					
09/08/2024	60						
15/08/2024	18	4	3	3	4		
19/08/2024		3	3	3	3		
20/08/2024	50	1	3	2	3		
21/08/2024	43			10			
25/08/2024			7		8		
01/09/2024					2		
06/09/2024		11	10		11		
07/09/2024	44						
08/09/2024	2						
17/09/2024	36						
23/09/2024					1		

26/09/2024							
02/10/2024		2	3		3		
07/10/2024	7						
20/10/2024		7	5		4		
21/10/2024		9	8		7		
22/10/2024		1	3		5		
23/10/2024		12	13	4	14		
24/10/2024		6	6		6		
29/10/2024			2		2		
31/10/2024		3	3	16	15		
01/11/2024		19	7	3	10		
02/11/2024		9	9	9	9		
03/11/2024		4		3	4		
04/11/2024		5	5		4		
05/11/2024							
06/11/2024		16	14	9	11		
07/11/2024		16	16	16	17		
08/11/2024		9	8	7	7		
09/11/2024		9			9		
10/11/2024		2			4		
11/11/2024							
12/11/2024			1				
15/11/2024		7	7	7	6		
18/11/2024			6				
19/11/2024		8	10	10	10		
24/11/2024	20						

- (3) Since 16 August 2023, there have been 495 dispatch/market advisories, including notices of directions issues to market participants, notice of contingency events—for example, generator trips—and reclassification of non-credible contingency events as credible contingency events, for example, due to a bushfire.

#### SOUTH COAST MARINE PARK — ESPERANCE VISIT

#### 1589. Hon NEIL THOMSON to the parliamentary secretary representing the Minister for Environment:

I note the minister's recent visit to Esperance on 5 November 2024, Melbourne Cup day, to announce the new South Coast Marine Park.

- (1) Who did the minister meet with in Esperance as part of that announcement?
- (2) Was that announcement made in public or behind closed doors?
- (3) Did the minister alter his itinerary once he landed in Esperance via government jet to avoid members of the community?
- (4) Does the minister acknowledge that thousands of people in the region remain opposed to the marine park?

#### Hon DARREN WEST replied:

I acknowledge the member for providing some notice of the question. On behalf of the Minister for Environment, I provide the following answer.

- (1)–(4) The Cook Labor government is proud of the South Coast Marine Park and the positive legacy it will provide for the people of Western Australia. The minister's recent visit to Esperance was positive and productive. Along with senior public servants, the minister met with a range of stakeholders, including the Shire of Esperance, local businesses and traditional owners. A media conference, which included regional and statewide media, was also convened. All planned engagements were undertaken. The visit follows two previous trips to Esperance by the minister over the past two years where he met with the Marine Park Community Reference Committee and local commercial fishers. The state government received a record 22 000 submissions during the public comment period. An overwhelming majority of respondents supported the creation of the marine park, with those comments helping improve the marine park's draft management plan.

## NATIVE FOREST — LOGGING — TRANSITION PACKAGE

**1590. Hon LOUISE KINGSTON to the Minister for Agriculture and Food:**

I refer to the recent media release by the Western Australian Furniture Manufacturers Association and its disbelief at the inaccuracy of the minister's statement during her response to my motion on Wednesday, 13 November, when she stated —

I spoke to furnituremakers and asked them to tell me which of them could not get timber. None of them could tell me that, but they were concerned about the future. I am here to assure them that the future will be fine because we are keeping all that timber in Western Australia.

In response, WAFMA stated —

The dishonest statement by the minister is to be deplored. WAFMA calls on the Minister to apologise and the government to get its forestry supply chains working otherwise this high value adding processing industry will be lost forever.

Will the minister apologise and get the forestry supply chains working?

**Hon JACKIE JARVIS replied:**

President, I stand by my comments.

## CANNABIS — LEGALISATION

**1591. Hon SOPHIA MOERMOND to the Leader of the House representing the Premier:**

I refer to the government's lack of movement on the decriminalisation of cannabis during this parliamentary term.

- (1) Has the government considered following the ACT in the decriminalisation of cannabis?
- (2) Has the government considered the economic benefit of a regulated model in which tax revenue is collected, particularly noting the expense paid to law enforcement?
- (3) Does the government acknowledge that public attitudes towards recreational use of cannabis has shifted to be in favour of decriminalisation?

**Hon SUE ELLERY replied:**

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

- (1)–(3) No.

BANKSIA HILL DETENTION CENTRE AND UNIT 18 DETAINEES —  
SUICIDE ATTEMPTS AND SELF-HARM INCIDENTS**1592. Hon Dr BRAD PETTITT to the minister representing the Minister for Corrective Services:**

I refer to youth detention. Will the minister please provide the following information on Banksia Hill Detention Centre and unit 18, respectively, for November 2024 to date?

- (1) The number of suicide and self-harm attempts.
- (2) The monthly average out-of-cell hours.
- (3) The number of occasions a young person spent 20 or more hours in their cell.
- (4) The number of occasions a young person spent four or more hours out of their cell.
- (5) Will the minister commit to publishing monthly updates on suicide and self-harm attempts in youth detention following the conclusion of Parliament at the end of this week?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(4) The answers to questions 1, 2, 3 and 4 are in tabular form. I seek leave to have the table incorporated into *Hansard*.

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

**Answer**

- (1) Answer 1

Table 1. Banksia Hill Attempted Suicide and Self-Harm Instances between 1 and 27 November 2024.

	November 2024*
<b>Attempted Suicide</b>	3
<b>Self-Harm - Serious</b>	0
<b>Self-Harm – Minor</b>	42

\* Incomplete Month



Table 2. Unit 18 Attempted Suicide and Self-Harm Instances between 1 and 27 November 2024.

	November 2024*
<b>Attempted Suicide</b>	4
<b>Self-Harm - Serious</b>	1
<b>Self-Harm - Minor</b>	20

\* Incomplete Month

(2) Answer 2

Table 3. Banksia Hill and Unit 18 Average Out of Cell Hours between 1 and 27 November 2024.

	Banksia Hill	Unit 18
<b>November 2024*</b>	10 hrs 25 mins	6 hrs 52 mins

\* Incomplete Month

(3) Answer 3

Table 4. Occasions at Banksia Hill and Unit 18 on which a young person spent 20 or more hours in Cell between 1 and 27 November 2024.

	Banksia Hill	Unit 18
<b>November 2024*</b>	0	11

\* Incomplete Month

(4) Answer 4

Table 5. Occasions at Banksia Hill and Unit 18 on which a young person spent 4 or more hours out of Cell between 1 and 27 November 2024.

	Banksia Hill	Unit 18
<b>November 2024*</b>	1,591	246

\* Incomplete Month

(5) No.

#### HOUSING — GOVERNMENT PERFORMANCE — RENTAL PRICES

##### 1593. Hon WILSON TUCKER to the Leader of the House representing the Premier:

I refer to the latest rental affordability index report prepared by SGS Economics and Planning and the revelation that the average Perth household is experiencing rental stress, spending almost a third of its income on rent. With the parliamentary term coming to an end in mere hours, will the government announce any relief measures for struggling households as we head into the holiday period?

##### Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. The Cook Labor government acknowledges the impact that global cost-of-living pressure is having on households in Western Australia. The Cook Labor government has delivered billions of dollars of cost-of-living relief to households. This includes at least \$2 100 in household electricity credits, including a \$350 credit, which will be provided to all WA households in the December–January billing period. In relation to rental stress specifically, the WA rent relief program has provided over \$7.2 million in relief to help financially vulnerable tenants who are at risk of eviction remain in their homes.

#### CANNABIS — ROADSIDE BREATH TESTING

##### 1594. Hon Dr BRIAN WALKER to the minister representing the Minister for Police:

I refer the minister to what has been called potentially paradigm-changing research being undertaken by scientists at the National Institute of Standards and Technology in the United States, aimed at creating a breath test that can reliably measure recent cannabis use in terms of hours, rather than days.

- (1) Are WA police monitoring these types of international developments in roadside testing, and this one in particular?
- (2) If no, how might we better ensure that the outcomes of such research are considered here in WA in a timely and appropriate manner?
- (3) Given that the minister is responsible for our current roadside testing regime here in WA, will he commit to liaising with his colleagues in the health and road safety portfolios to ensure that this, and any similar information, is passed to the ministerial working group on tetrahydrocannabinol driving for their consideration; and, if not, why not?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(3) While the Western Australia Police Force is not currently aware of this specific research, the agency continues to monitor advancements in roadside testing to ensure the best available products on the market are used and informed by scientifically endorsed research. The WA Police Force will continue to review research advancements in detection devices for roadside drug testing. As the honourable member has been previously advised, there are no current plans to make changes to the existing laws regarding cannabis possession and use in Western Australia.

## HEALTH — HOSPITAL ADMISSIONS — mRNA VACCINE

**1595. Hon BEN DAWKINS to the Leader of the House representing the Premier:**

I refer to the answer provided to question on notice 2231, confirming an unprecedented increase in chest pain and heart issue presentations to emergency departments during 2021 and 2022 in the under-40 population.

- (1) Will the Premier acknowledge that an approximate 33 per cent increase in these presentations in this population is a matter of some concern and that the cause ought to be determined?
- (2) Will the Premier commit that, if re-elected, the government will establish an inquiry to look at health signals of concern in WA since the vaccine rollout, such as the extent of heart issues in the ordinarily young and fit population?
- (3) Why has the Premier repeatedly refused to engage with concerned citizens of WA who have genuine and seemingly well-founded concerns around mRNA vaccine safety, such as by refusing the invitation to attend *The Great Debate* at Riverside Theatre at the Perth Convention and Exhibition Centre tomorrow evening?

**Hon SUE ELLERY replied:**

- (1)–(3) The Department of Health continues to follow the advice provided by the Therapeutic Goods Administration and the Australian Technical Advisory Group on Immunisation in relation to vaccines.

## DEPARTMENT OF FIRE AND EMERGENCY SERVICES — BURNING PERMITS

**1596. Hon MARTIN ALDRIDGE to the Minister for Emergency Services:**

I refer to question without notice 1547 in relation to the Department of Fire and Emergency Services registering unlawful burns on EmergencyWA.

- (1) Is it a statutory requirement that local governments advise the DFES commissioner of declared prohibited burning periods and any amendment to such periods?
- (2) Are the fire danger ratings readily available to DFES when considering a request to register a burn?
- (3) Is the minister aware of concerns that registering an unlawful burn with DFES and having this placed on EmergencyWA may result in the delayed reporting of fires by the public and a delayed response by DFES as the burn is registered?
- (4) What action will be taken to ensure that DFES is not registering unlawful burns and advising the public of such by EmergencyWA, which may delay the timely response to the outbreak of fire?

**Hon STEPHEN DAWSON replied:**

I thank the honourable member for some notice of the question. The Department of Fire and Emergency Services advises the following.

- (1)–(2) Yes.
- (3)–(4) No. DFES will not register an unlawful burn, and it will not be placed on EmergencyWA. All calls regarding reporting fires will be responded to without delay. DFES communications centre operators follow agreed guidelines when members of the public call to register a burn.

## FINES ENFORCEMENT REGISTRY

**1597. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:**

I refer to the work of the Fines Enforcement Registry.

- (1) Does the registry enforce fines issued to anyone less than 18 years of age?
- (2) If yes to (1), does the registry have a policy stipulating a person's minimum age that it will enforce a fine against?
- (3) If yes to (2), what is that policy?
- (4) Is the Attorney General aware of the recent revelation that fines have been issued to commuters for not tagging on with their SmartRider during periods of free public transport, including at least 3 900 teenagers who have been issued a fine since February 2024?

- (5) Will the Attorney General table the most recent communication between the registry and the authority regarding this controversy?

**Hon MATTHEW SWINBOURN replied:**

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

- (1)–(3) The Fines Enforcement Registry enforces registered infringements in accordance with the provisions of the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under the act, infringements can be registered for enforcement with the FER for a person who at the time of the alleged offence was 17 years of age and over.
- (4) Yes, the Attorney General is aware of the media reports in relation to this matter.
- (5) There has not been any communication between the FER and the Public Transport Authority in relation to this matter, apart from the routine registration of infringements for enforcement.

TIER 3 RAIL LINES — BUSINESS CASES

**1598. Hon STEVE MARTIN to the minister representing the Minister for Transport:**

I refer to proposed tier 3 rail lines, including Quairading to York, Kulin to Narrogin and Kondinin to West Merredin.

- (1) Have the business cases for any of these three lines been completed?
- (2) If yes, when were the business cases completed; and, if they have not been completed, when will they be?
- (3) When will the business cases be released to the public?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(3) Work in relation to the potential re-activation of selected tier 3 rail lines has been completed and is being considered by government in conjunction with key stakeholders.

SPORT AND RECREATION — INDIGENOUS PROGRAMS

**1599. Hon PETER COLLIER to the parliamentary secretary representing the Minister for Sport and Recreation:**

- (1) Are any Aboriginal athletics programs currently funded by the department of sport and recreation in regional Western Australia?
- (2) If yes to (1), are any of these programs delivered in regional WA; and, if so, which programs?
- (3) If yes to (1), what is the quantum of funding for each of the programs?

**Hon SAMANTHA ROWE replied:**

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

- (1) The Department of Local Government, Sport and Cultural Industries funds these programs.
- (2)–(3) In 2023–24, Athletics West delivered programs in Murchison, Meekatharra, Leonora and Laverton for Aboriginal athletes. Athletics West received \$120 000 through a regional servicing grant administered by the Department of Local Government, Sport and Cultural Industries to support the delivery of these programs. In 2023–24, 24.89 per cent of children who received KidSport vouchers for athletics in regional WA identified as Aboriginal or Torres Strait Islander peoples.

MAIN ROADS — STREET LIGHTING — COPPER CABLE THEFT

**1600. Hon COLIN de GRUSSA to the minister representing the Minister for Transport:**

I refer to the minister's letter to the shadow Minister for Transport in response to his email of 26 September 2024 regarding the outage of street lighting along Tonkin Highway between Muchea and Ellenbrook, which he confirmed is the result of cable theft.

- (1) Given the obvious impact on road safety, how does the minister explain the delay in restoring this lighting and by which date will this lighting be restored?
- (2) Please detail which other Main Roads lighting has been affected by cable theft and outline what actions are being taken to prevent the outage of street lighting due to cable theft.
- (3) Which other agencies has the minister been liaising with in regard to this issue and to ensure stolen cable is not being accepted by scrap metal dealers?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(3) Main Roads is experiencing a significant increase in copper theft across its road network, as are many electricity network operators across Australia. Main Roads is trialling a number of different options to prevent cable theft, including novel locking systems and adhesives. Every instance of theft is reported to the WA Police Force, and Main Roads has been working closely with police to make it harder for criminals to sell stolen cable. Earlier in November a 33-year-old man was charged with stealing \$6 000 worth of copper cable.

## RESOURCES COMMUNITY INVESTMENT INITIATIVE

**1601. Hon TJORN SIBMA to the Leader of the House representing the Premier:**

I seek an update to my last question concerning the current status of the resources community investment initiative.

- (1) What is the current total value of funds committed to the RCII?  
 (2) Which particular projects have been funded via the scheme, from which source, and at what value?  
 (3) Are any new prospective projects being considered for inclusion within the scheme?

**Hon SUE ELLERY replied:**

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

- (1)–(3) The current total value of the resources community investment initiative contributed by partners is \$750 million. The RCII is an ongoing initiative that was established by the state government to partner with the resources sector to support significant, iconic projects such as the Aboriginal Cultural Centre and the Perth Concert Hall, as well as regionally significant projects such as Aboriginal remote community housing. These projects will benefit future generations and require significant planning. In July 2024, the government announced that Rio Tinto will contribute \$20 million from its RCII commitment towards the major redevelopments at Tom Price and Paraburdoo hospitals. Company contributions towards a range of other projects are currently being negotiated and will be announced at the appropriate time.

## METROPOLITAN CHILD DEVELOPMENT SERVICE — CLINICAL PSYCHOLOGISTS — WAITLIST

**1602. Hon DONNA FARAGHER to the parliamentary secretary representing the Minister for Health:**

I refer to the metropolitan child development service. What is the current median wait time to access a clinical psychologist through this service for children in the primary years of schooling?

**Hon PIERRE YANG replied:**

It has been a great honour to answer a number of questions from Hon Donna Faragher. I extend my appreciation for her dedication in the questions she has asked.

I provide the following answer on behalf of the Minister for Health. The wait time is 21.8 months.

## SOUTH WEST MANUFACTURING HUB

**1603. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Regional Development:**

I refer to my question without notice 1045 from 14 September 2023 that referenced the minister's media statement of 5 September 2023, entitled "Planning advances for proposed South-West manufacturing hub".

- (1) As at 26 November 2024, has Deloitte completed and delivered to the government the \$1.12 million feasibility study?  
 (2) If yes to (1), on what date was it completed and on what date was it delivered to government for consideration and assessment?  
 (3) What was, or is, the principal conclusion or recommendation for a proposed south west manufacturing hub delivered in the Deloitte study?  
 (4) Will the commissioned feasibility study be deemed a publicly available document, notwithstanding appropriate redaction for information deemed commercial-in-confidence?

**Hon KYLE McGINN replied:**

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

- (1)–(2) Deloitte completed a detailed feasibility study for the advanced manufacturing and technology hub—AMTECH—in May 2024. Following this, a business case for the project is currently being finalised.

- (3) The detailed feasibility study identified a preferred model, location, structure and services for the advanced manufacturing and technology hub in the south west.
- (4) The detailed feasibility study and business case contain commercial-in-confidence information and are unsuitable for public release.

#### WASTEWATER TREATMENT PLANT — ODOUR MANAGEMENT

**1604. Hon NEIL THOMSON to the parliamentary secretary representing the Minister for Environment:**

I am advised that last year the Department of Water and Environmental Regulation directed the Mindarie Regional Council to stop evaporating leachate at the Tamala Park waste management facility as it was believed this was the main source of the odour affecting local residents, noting that, even today, works have been announced to address odours.

- (1) Did the member for Burns Beach, Mark Folkard, MLA, make representations to the minister or anyone in government prior to the decision to stop evaporating leachate at Tamala Park?
- (2) If yes to (1), did those representations have any impact on DWER's decision as it affected the MRC?
- (3) If yes to (1), did the member declare a proximity interest with respect to his new home near Tamala Park?

**Hon DARREN WEST replied:**

For the final time, I thank the honourable member for some notice of the question. On behalf of the Minister for Environment, I provide the following answer.

The Department of Water and Environmental Regulation has not been able to locate any records that directs the Mindarie Regional Council to discontinue the operation of evaporative leachate ponds.

- (1)–(3) Not applicable.

#### FORESTRY — TIMBER SUPPLIERS

**1605. Hon LOUISE KINGSTON to the Minister for Forestry:**

The new forest management plan has been in operation for nearly a year, and a number of timber businesses have progressively closed their doors over the three disastrous years since the current wrecking policy was announced.

- (1) Does the government know which timber businesses are still operating?
- (2) Does the government know which businesses have closed and received compensation?
- (3) Why has the FPC published on its website a document called "Find a timber supplier" that lists businesses that have been closed and paid out for more than a year, and excludes businesses that continue to operate and have contracts with FPC, such as Dwellingup Sawmill, and Jarrahwood and Yornup sawmills?
- (4) Does this failure indicate that the FPC has no interest in supporting a viable timber industry, and no understanding of the current business operations?

**Hon JACKIE JARVIS replied:**

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

- (1) Yes, where the business has a contract with FPC.
- (2) Yes. Under the state government's \$80 million native forest transition plan, eligible businesses received payments to support diversification activities or to exit the industry, as well as further support redundancy payments, site clean-up and equipment reimbursement.
- (3) The website information is currently being reviewed following significant changes to the structure of the industry.
- (4) No.

#### TRANSPORT — GAMBLING ADVERTISEMENTS

**1606. Hon SOPHIA MOERMOND to the minister representing the Minister for Transport:**

I refer to news that gambling advertising was spotted on public transport in Sydney, raising concerns over the normalisation of gambling in the community.

- (1) Do the laws and standards of advertising on public transport in Western Australia allow for gambling advertising?
- (2) If yes to (1), is a ban on gambling advertising on public transport under consideration by the government?
- (3) Does Transperth currently hold any advertising contracts with gambling companies?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(3) Transperth does not currently hold any advertising contracts with gambling companies.

## MURUJUGA ROCK ART MONITORING PROGRAM

**1607. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Environment:**

I refer to the Murujuga rock art monitoring program.

- (1) Has a monitoring report for the 2023–24 monitoring period been provided to the WA government; and, if so, when?
- (2) Has the government provided comments on this report; and, if so, will the minister table this communication?
- (3) When will the 2023–24 MRAMP report be released?
- (4) Will the results of this report be considered by the minister when making a decision on Woodside’s proposed North West Shelf extension?
- (5) If not, why not?

**Hon DARREN WEST replied:**

I thank the honourable member for some notice of the question. This answer was correct as of Thursday, 14 November. On behalf of the Minister for Environment, I provide the following answer.

- (1) The monitoring program’s draft 2024 monitoring studies technical report was submitted to the Department of Water and Environmental Regulation to begin the independent peer review in June 2024. When the peer review process is finalised, the documents will require joint approval by DWER and the Murujuga Aboriginal Corporation prior to publication.
- (2) DWER and MAC have provided feedback on this draft report. In addition, a panel of independent scientific experts are reviewing the draft 2024 report and the peer reviewers’ comments will be published alongside the package of documents.
- (3) The 2024 technical monitoring studies report is expected to be published in early 2025 following completion of the peer review process.
- (4)–(5) All relevant information will be considered when making decisions about the proposed extension.

## DAYLIGHT SAVING — RUNNERS

**1608. Hon WILSON TUCKER to the Leader of the House representing the Premier:**

I refer to question without notice 1545 of Tuesday, 26 November, in which I asked the Premier about his passion for running.

Did the Premier read my question or was it dismissed by one of his advisers, and given it is the last day of the parliamentary term, would the Premier be willing to respond to my question personally?

**Hon SUE ELLERY replied:**

It needs to be noted that the Premier responds personally to every question that is put to him. He is required to do that.

The Premier responded to the member’s question asked on Tuesday, 26 November.

## CANNABIS — LEGALISATION

**1609. Hon Dr BRIAN WALKER to the Leader of the House representing the Premier:**

I thank the Premier, and the Leader of the House on his behalf, for the many responses I have received to my cannabis questions during the course of this Parliament—somewhere in excess of 240 by my rough count—and I acknowledge that the answers provided have been sadly consistent. The Cook Labor government had and has no plans to amend any law relating to cannabis during this Parliament. Accepting that, I ask the following question.

- (1) If this government is returned with a working majority in both houses after the upcoming state election, does the Premier have any plans to reassess his position on any aspect of the laws as they relate to cannabis in the next Parliament?
- (2) If yes to (1), when does he expect to be able to share those intentions with the WA electorate?
- (3) If no to (1), why must WA citizens continue to suffer from his government’s wait-a-while mentality, given both national and international trends in regard to cannabis decriminalisation, legalisation and regulation?

**The PRESIDENT:** I must take this opportunity to remind the honourable member, perhaps for the last time this year, of standing order 105 in relation to the concise nature of questions. Does the Leader of the House have an answer?

**Hon SUE ELLERY replied:**

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

(1)–(3) There has been no changes to the government’s longstanding position on the decriminalisation of cannabis.

**EDUCATION — AGRICULTURAL COURSES***Question without Notice 1570 — Answer*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [4.59 pm]: I provide an answer to Hon Colin de Grussa’s question without notice 1570 asked yesterday, and I seek leave to have that incorporated into *Hansard*.

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

- 
- (1) There are 3 schools in Western Australia delivering the new Year 11 ATAR Agricultural Science and Technology course in 2024. There are 4 schools in Western Australia delivering the new Year 11 ATAR Agribusiness course in 2024. The School Curriculum and Standards Authority provides professional learning and teacher support materials to assist schools in planning for teaching, learning, and assessment before implementing a new course. The Department of Education’s Statewide Services in conjunction with the School Curriculum and Standards Authority developed two-day professional learning workshops to assist teachers with the implementation of the agriculture courses. Two-day workshops to support schools implementing the Year 11 courses were held in 2023, and for Year 12 courses in 2024.
- (2) In 2023, 220 students graduated from the Western Australian Colleges of Agriculture. 31 of these students (14.1%) chose a university pathway. In 2024, 219 students graduated from the Western Australian Colleges of Agriculture. Data on the number of students choosing a university pathway is not yet available.
- 

**EDUCATION — NATIONAL QUALITY STANDARD IN ACTION:  
WESTERN AUSTRALIAN SCHOOLS RESOURCE***Question without Notice 1519 — Supplementary Information*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [4.59 pm]: Hon Donna Faragher asked question without notice 1519 on 14 November requesting that the *National quality standard in action: Western Australian schools* resource be tabled. I now have copies, after photos were redacted, and table the report.

[See paper [3910](#).]

**POLICE — RESIGNATIONS AND RETIREMENTS***Question without Notice 1569 — Answer*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [5.00 pm]: I provide an answer to Hon Peter Collier’s question without notice 1569 asked yesterday, which I seek leave to have incorporated into *Hansard*.

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

Western Australia Police Force advise:

- (1) 10  
(2) 3  
(3) 7,264
- 

**ELECTRICITY — DECARBONISATION***Question without Notice 1559 — Answer*

**HON DARREN WEST (Agricultural — Parliamentary Secretary)** [5.00 pm]: I provide an answer to Hon Neil Thomson’s question without notice 1559 asked yesterday, which I seek leave to have incorporated into *Hansard*.

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

- 
- (1) (a)–(c) The Member is requesting a significant amount of information and detail, across all departments, agencies and government entities. The information requested is not readily available and collecting it would divert staff away from their normal duties and is not considered to be a reasonable or appropriate use of government resources.
- 

**QUESTIONS ON NOTICE 2198, 2200, 2203, 2218, 2221 AND 2226***Answer Advice*

**HON DARREN WEST (Agricultural — Parliamentary Secretary)** [5.00 pm]: I advise that all questions on notice that I referred to yesterday have been answered.

**QUESTION ON NOTICE 2214***Paper Tabled*

A paper relating to an answer to question on notice 2214 was tabled by **Hon Darren West (Parliamentary Secretary)**.

**MAMANG MAAMBAKOORT MARINE PARK ORDER 2024 — DISALLOWANCE***Motion*

Resumed from an earlier stage of the sitting.

**HON NEIL THOMSON (Mining and Pastoral)** [5.01 pm]: In the intervening time during question time, I got clarification on how this will go. I get to stand once and speak on the six matters and then the motions will be dealt with separately. The motion we are looking at now relates to the south coast. I will speak briefly on the two extensions to the marine parks in the Kimberley. The principles are the same—a lack of consultation and a design that focuses on the needs of the elites in our society in order to provide access to our wonderful marine environment but excludes those people who own a small tin boat who might want to go out and enjoy the environment. These are the people the Labor Party used to support but does not anymore. These are the people the Labor Party has eschewed and turned its back on. In fact, we have seen the change that has occurred over the last few years right across the progressive left.

I want to clarify the cultural zones in the marine parks in the Kimberley. A cashed-up individual can travel to those zones and fish to their heart's content under the guidance of an Aboriginal guide, but a local with a tin boat cannot go there unless they are of Aboriginal descent. It has split some families—blended families who have lived in that part of the world all their lives. This is the sort of elitism that has crept into our policy and culture under the McGowan and Cook Labor governments. Sadly, it will destroy the trust of the community going forward.

Operators in the marine parks in the Kimberley have concerns. A facility at Dog Leg Creek is important for refuelling. This is going to become part of the marine park once some of the amendments are made. We have also seen some very poor behaviour by management under the joint management arrangements. A Liberal government would change that. We would look at this and take responsibility. The Labor minister has completely abrogated his responsibilities for these matters. He has completely abrogated his responsibilities for Horizontal Falls and the protection of a longstanding tourism program that is an iconic Western Australian product. He has just acquiesced to a few powerbrokers who are driving an agenda and being funded by people who are not necessarily from Western Australia. Some of the peak bodies are infiltrating some of these groups. We saw that with the recent decision about Santos. We saw the appalling manipulation of Aboriginal heritage by the Environmental Defenders Office in that appalling decision. That is permeating right across our state and country, and it is time for it to end. We need much stronger investigatory powers to end all forms of manipulation and even corruption that go on in the management of these matters under the guise, unfortunately, of Aboriginal cultural heritage and, often, circumstance. Unfortunately, it is being manipulated and funded by those outside the Aboriginal sphere in many cases, leading to exclusion, not inclusion.

I am going to speak briefly. This is the way that the minister operates. This minister lives in a complete and utter bubble. The minister jumped in his private jet on Melbourne Cup day and flew to the town of Esperance. He went to go to Twilight Beach to make an announcement, where there were a few locals to support him, but quickly changed his itinerary. He then unveiled this marine park, apparently while in a garden bed somewhere in an exclusive area in a public sector building with, I believe, people from the shire, a few public servants and a few key supporters. This government is completely out of touch with local people and the people we represent across our great state of Western Australia and my region of the Mining and Pastoral Region. These people have been excluded from beach fishing—a simple and basic right for many human beings in our state who have done this for many decades and many centuries. Of course, the wonderful Aboriginal people have been enjoying our great state and its resources for up to 60 000 years. It should be inclusive, but it is not so with this minister. The minister is being manipulated by groups that operate with funding from sources that are not necessarily from Western Australia. A number of submissions about these sorts of marine parks are often made through mailouts.

This is going to come to an end at some point, folks, because we are seeing a trend in the world. People have had enough. The guise is over. The situation is finishing. We are going to go back to treating people in the local community with dignity and respect. We will not have secretive processes. I hope that a Liberal government can come in. I am also speaking on behalf of the Nationals WA, which opposes this marine park. I hope that we can come in. We are going to sort out the public service and those few people in there. We are going to drain the swamp that is causing so much trouble in Western Australia. We are going to drain it because it needs a change.

We need to have truth and honesty in Western Australia, and that will happen only with a Liberal–National government. That is why we oppose this marine park. The average punter in Western Australia has lost trust; it is gone. There is a loss of trust in Western Australia. That is why this minister had to sneak into the town of Esperance, have a secret little gathering with a few of these people and then fly back to Perth. He put his hand on his heart and said, “I’ve done a wonderful thing for the environment.” Meanwhile, people in that town are absolutely furious. They are upset and concerned, and they feel excluded. That is why we are calling for the disallowance of all these matters that have been gazetted. There will be a review under a Liberal–National government. We will bring back access and inclusivity. We will bring back proper consideration of environmental concerns. We will maintain the environment in a way that meets the expectations of our communities, but we will make sure that people have access.



I have to finish on this point. This is the way that this government has operated in the forty-first Parliament; it has rammed everything through. The people of Western Australia have no trust in it whatsoever. I am looking for a much more diverse Parliament.

Several members interjected.

**The PRESIDENT:** Order! The member will take his seat while I am calling order. We have only a few brief minutes to continue. I would like the member to contain his remarks to the content of the motion and not introduce opportunities for interjection.

**Hon NEIL THOMSON:** We oppose this because the government has lost the trust of the community.

**HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition)** [5.09 pm]: I rise to speak on the motion, in particular around the four marine parks—Mamang Maambakoort, Mirning, Western Bight and Wudjari—that make up the South Coast Marine Park. I have spoken in this place many times on the South Coast Marine Park, and I speak now in support of these disallowances en bloc. To be clear, as I have said before in this place many times, I fully support the principles that underpin the establishment of marine parks, insofar as they ensure the protection of our marine environment for future generations. What I do not support is the cynical pursuit of marine parks based on political agendas, with the taint of the influence of external environmental lobby groups and in the absence of scientific and socio-economic data and research, as we will hear once again and have heard several times in this place.

Well-designed multiple-use marine parks can provide social and economic benefits to local communities and should provide for sustainable resource use, such as recreational and commercial fishing, tourism and recreation. As the implementation of highly protected zones may displace some resource extractive activities, it is important that marine park design is informed by social and economic information on existing activities and an understanding of cumulative impacts on users who may operate across more than one marine park. Community and key stakeholder input into the planning process is critical to ensure effective and efficient design that meets ecological and cultural objectives, minimises unnecessary impacts to resource users and provides an overall benefit to community livelihoods. It is my contention that the Western Australian government has failed to undertake the necessary research and analysis required to comply with the intent of the Conservation and Land Management Act and the state government's policy framework.

The initial decision to establish the South Coast Marine Park was based on a 30-year-old report, *A representative marine reserve system for Western Australia: Report of the marine parks and reserves selection working group*, or the Wilson report. No additional contemporary scientific research was provided by the state government to support its decision. The Wilson report did not provide an unequivocal recommendation for the establishment of a marine park of the scale and scope proposed by the state government. In fact, the report recognised the lack of scientific data relevant to the south coast and acknowledged that further research was required to identify specific areas of conservation.

Due to concerns raised through the initial public consultation process, the state government subsequently commissioned *A review of the south coast marine environment and proposed areas for state marine reservation between Albany and Eucla, Western Australia*, also known as the Carijoa report, which was completed in June 2021. Unsurprisingly, the Carijoa report came to the same conclusion as the Wilson report. The executive summary of the Carijoa report states —

The information, recommendations and knowledge gaps presented in this review are based on the most current scientific literature, however, it is acknowledged that the WA south coast is relatively understudied compared to other areas.

To my knowledge, none of the research specified in the Carijoa report has been undertaken. As such, there is currently insufficient scientific data or research to guide decisions on the extent and location of any proposed sanctuary and exclusion zones and how commercial and recreational fishing, tourism and community access would be managed within any proposed marine park. Rather than undertaking the additional research specified in both the Wilson and Carijoa reports, the Cook Labor government instead chose to adopt the precautionary principles approach. The precautionary principle specifies that the lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage. The flaw in this approach is that no evidence has been put forward to suggest that the south coast of Western Australia is under environmental stress or requires a marine park to be established in order to protect it.

In addition to this, the state government's policy framework specifies that marine park design is to be informed by social and economic information on existing activities and an understanding of the cumulative impacts on users who may operate across more than one marine park. On this basis, the joint planning partners, the Department of Biodiversity, Conservation and Attractions and the Department of Primary Industries and Regional Development, commenced procurement for a comprehensive socio-economic impact assessment in October 2022 and set out the scope of that detailed socio-economic impact assessment. However, through documents released under freedom of information, I confirmed that the Cook Labor government chose not to proceed with that SEIA because, in its

view, it did not represent value for money. The communities of the south coast were not valuable enough for this government to do a proper socio-economic impact assessment, as is required. This is despite a consensus evaluation by the tender evaluation panel, comprising representatives from DBCA, DPIRD and the Goldfields Esperance Regional Development Commission, recommending the appointment of a preferred tenderer, and confirmation by all three agencies that the necessary funds were available. Instead, the Cook Labor government engaged ACIL Allen to undertake a rudimentary desktop analysis in the form of *The social and economic value of the south coast*, which was released in October 2023. This is in sharp contrast with the originally proposed SEIA and in no way met the test specified in the state government's policy framework.

When a government chooses a course of action that has the potential to destroy livelihoods, it is obligated to put forward a strong argument that doing so is the only available option and will be for the greater good of our state. At the very least it should follow its own policy framework, supported by proper scientific and socio-economic research, rather than political rhetoric and ideology. It is for these reasons that I will be supporting these disallowances.

**HON DARREN WEST (Agricultural — Parliamentary Secretary)** [5.14 pm]: I rise to put the government's position on these disallowances. I begin by acknowledging the traditional owners of all the lands covered by these disallowances, and pay my respects to elders past, present and emerging.

I know it has not been a particularly good week for Hon Neil Thomson and I am sorry, member, but I am not going to make it any better. We will oppose all these disallowance motions in relation to the creation of the South Coast Marine Park and the minor boundary modifications to the Buccaneer Archipelago marine parks. I will speak on all six motions here, and other than —

**The PRESIDENT:** Member, you have two minutes to make that contribution before I am required to put each of them.

**Hon DARREN WEST:** Okay, thank you, President.

The government will not support any of them, and I will not speak on all of them. The Liberal Party and the Nationals WA finally agree on one thing, and that is the trashing of our marine parks and the burning of coal. They have no environmental policies—nothing. Unlike members opposite, we are proud of our commitment to protecting Western Australia's precious and unique environment. The establishment of these parks along the south coast of Western Australia fills an important gap in the state's and nation's marine park network. They are designed to be multi-use, and it has been demonstrated time and again that such initiatives can successfully deliver positive outcomes.

I will finish by quoting two organisations. Recfishwest stated, according to my notes —

On behalf of the cast of thousands —

That is a great line —

we're pleased to see the Government adopt large scale changes in today's announcement and we're grateful for the thousands of fishers who united to make their voices heard.

The Western Australian Fishing Industry Council stated —

... it is clear from this decision that the government has taken local voices into its decision-making process reducing the no-take sanctuary zones to approximately 20 per cent of the marine park.

Much time and effort has been put into the formulation of these marine parks. We are very, very proud of what we have achieved here and we will absolutely be opposing the disallowances put today.

Question put and negatived.

#### **MIRNING MARINE PARK ORDER 2024 — DISALLOWANCE**

##### *Motion*

Pursuant to standing order 67(3), the following motion by Hon Neil Thomson was moved pro forma on 27 November —

That the Mirning Marine Park Order 2024 published in the *Government Gazette* on 5 November 2024 and tabled in the Legislative Council on 12 November 2024 under the Conservation and Land Management Act 1984, be and is hereby disallowed.

Question put and negatived.

#### **WESTERN BIGHT MARINE PARK ORDER 2024 — DISALLOWANCE**

##### *Motion*

Pursuant to standing order 67(3), the following motion by Hon Neil Thomson was moved pro forma on 27 November —

That the Western Bight Marine Park Order 2024 published in the *Government Gazette* on 5 November 2024 and tabled in the Legislative Council on 12 November 2024 under the Conservation and Land Management Act 1984, be and is hereby disallowed.

Question put and negatived.

**WUDJARI MARINE PARK ORDER 2024 — DISALLOWANCE***Motion*

Pursuant to standing order 67(3), the following motion by Hon Neil Thomson was moved pro forma on 27 November —

That the Wudjari Marine Park Order 2024 published in the *Government Gazette* on 5 November 2024 and tabled in the Legislative Council on 12 November 2024 under the Conservation and Land Management Act 1984, be and is hereby disallowed.

Question put and negatived.

**LALANG-GADDAM MARINE PARK (ALTERATION OF BOUNDARIES) ORDER 2024 — DISALLOWANCE***Motion*

Pursuant to standing order 67(3), the following motion by Hon Neil Thomson was moved pro forma on 27 November —

That the Lalang-gaddam Marine Park (Alteration of Boundaries) Order 2024 published in the *Government Gazette* on 8 November 2024 and tabled in the Legislative Council on 12 November 2024 under the Conservation and Land Management Act 1984, be and is hereby disallowed.

Question put and negatived.

**MAYALA MARINE PARK (ALTERATION OF BOUNDARIES) ORDER 2024 — DISALLOWANCE***Motion*

Pursuant to standing order 67(3), the following motion by Hon Neil Thomson was moved pro forma on 27 November —

That the Mayala Marine Park (Alteration of Boundaries) Order 2024 published in the *Government Gazette* on 8 November 2024 and tabled in the Legislative Council on 12 November 2024 under the Conservation and Land Management Act 1984, be and is hereby disallowed.

Question put and negatived.

**SHIRE OF WESTONIA SHIPPING AND/OR SEA CONTAINER LOCAL LAW 2024 — DISALLOWANCE***Motion*

Pursuant to standing order 67(3), the following motion by Hon Lorna Harper was moved pro forma on 28 November —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the Shire of Westonia Shipping and/or Sea Container Local Law 2024 published in the *Government Gazette* on 4 October 2024 and tabled in the Legislative Council on 15 October 2024 under the Local Government Act 1995, be and is hereby disallowed.

Question put and passed.

**COMPLIMENTARY REMARKS**

**The PRESIDENT:** Members, noting the time, it is traditional that our members' statements on our last day of sitting are handed to complimentary remarks of the year and the season. I give the call to the Leader of the House.

*Statement by Leader of the House*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [5.19 pm]: Thank you, President. It is indeed a longstanding convention of this place that we use members' statements on the last scheduled sitting day to wish each other a merry Christmas.

I want to start by thanking the parliamentary staff right across the precinct, inside and outside, who do an exemplary job behind the scenes. They keep us safe and enable us to do the job that we need to do. In particular, I want to thank the staff who work in the chamber and support the chamber—that is, the procedural, administration, Hansard, committee and executive management staff. Under the leadership of our Clerk, Sam Hastings, and Deputy Clerk, Paul Grant, they keep this place going, assist us in many and varied ways and they are the people whom we rely upon for advice on the many procedures and processes of the Legislative Council. I also want to thank Janice and Peter, the questions and bills team, who keep us on track, and of course, you, President, for the leadership role that you have played over the past four years.

This, members, is the last Christmas speech I will give in my role as Leader of the House, but it is not my valedictory. I want to acknowledge that there will be members of the house who will be returning only until 21 May next year. For them this is not yet goodbye, as we will be back to acknowledge them for one final time in their valedictory speeches. Whatever the reason for not returning, those members can be proud to have been, for some longer than others, one of the 36 Legislative Council members out of the nearly three million Western Australians. They have

been part of a small group who have had the honour to serve our state. I wish them all well for whatever comes next. Of course, there is one who has decided he wants to jump ship to the other place and “de-Honour” himself, but members on this side wish him the very best of luck—that is, Hon Stephen Pratt.

To Hon Peter Collier and Hon Dr Steve Thomas, who is out of the chamber on urgent parliamentary business. I have worked with both of them over the past four years when they were Leader of the Opposition. I thank them for the working relationship that we were able to achieve.

Hon Peter Collier and I have spent nine years facing each other as leaders on either side of this chamber, and I must admit I do not know who was more surprised—him or me—that this is the way we are ending it as well. We had many years together in the chamber. It has not always been smooth sailing, but for the overwhelming majority of that time our working relationship has been respectful, understanding and, dare I say, we have even shared some laughs along the way. I wish you well for the future.

Thank you to all members of the Liberal Party, particularly those who I have worked with in this chamber for a long time. I am looking at you, the other redhead in the chamber, Hon Donna Faragher.

To the members of the Nationals WA, led by the Hon Colin de Grussa, thank you and, of course, we wish all of you the very best for the next stage of your lives, too.

Deputy President, Hon Martin Aldridge, thank you for assisting the President and for your leadership in the Council as well.

To the members of the crossbench in no particular order because I do not want to get anyone into trouble: Hon Dr Brian Walker, Hon Sophia Moermond, Hon Wilson Tucker, Hon Louise Kingston, Hon Dr Brad Pettitt and even Hon Ben Dawkins. Putting aside the politics that is par for course between parties, our interactions have been largely collegial and I have appreciated that. We do not always agree, but as I have said many times since I became Leader of the House, my aim has been to manage my working relationship with each party leader in a respectful way, and most times we have been able to find a way forward, so I thank everybody for assisting me in that.

To my faves—the government team—thank you for the manner in which you have represented the government in this chamber. From time to time, you have all been asked to take on various roles, some of which can be tedious or difficult, and you have performed them admirably and, usually, without question. They have limited opportunities in here when our main job is to get bills passed, compounded by angry stares from ministers when they dare to exercise their right to make a member’s statement at the end of the business of the day, and it is not unknown that they are on the receiving end of a tired leader in the wrong moment. They are a brilliant bunch of people who have performed their roles professionally and I want to thank them most out of everyone for their work throughout my time as Leader of the House. They have each brought a strength to our team, and I have appreciated your friendship.

In particular, I want to acknowledge my ministerial colleagues. The Deputy Leader of the House, Hon Stephen Dawson. I could not have asked for a better deputy. If he does take over the leadership next year, I know this house will be in safe hands. Hon Jackie Jarvis, thank you for your leadership and support as well. Our parliamentary secretaries: the “hardworking” Hon Matthew Swinbourn; the always cheery, and our social secretary, Hon Samantha Rowe; “Mullet Man”, Hon Kyle McGinn, who I can announce as the winner of this year’s Labor Legislative Council caucus Christmas bake-off; our favourite working farmer, Hon Darren West; and our resident Army Reserve captain, Hon Pierre Yang.

I also acknowledge Hon Rosie Sahanna, whose portrait was unveiled yesterday for being the first Aboriginal person in the Legislative Council. It is a very significant achievement.

I also acknowledge the Whip, Hon Peter Foster, who has done an outstanding job managing members on our side, all while constantly flying back and forth from his regional seat, and also his assistant Whip, Hon Shelley Payne.

Finally, I would like to thank my staff—they write this in here—in my ministerial and electorate offices. In particular, the three staff who work for the three ministers here in our Parliament office: Alaa, Jayden and Kris. They are watching right now. It is a great little office; we are literally sitting on top of each, but we have great fun.

As I said, with this being my last speech in this place as Leader of the House, thank you to the now very long list of staff who have worked in that office over many years.

Members, there are 100 days until the election. I wish everyone a peaceful and joyous Christmas and festive season. Enjoy time with your family and friends, rest, recharge and stay safe. To everyone on the red team heading out to every corner of WA to campaign in their electorates, good luck. To everyone else, stay safe in your campaigning but I cannot really wish you that much luck.

*Statement*

**HON PETER COLLIER (North Metropolitan — Leader of the Opposition)** [5.26 pm]: I stand to make a contribution at the end of this parliamentary term. I say at the outset that I think I would have unanimous support

in this chamber in saying that this is the most extraordinary place to work. It is such a positive environment, and that is almost exclusively to do with the staff. Across the board, they are amazing. To have an environment such as this in which all the staff are so professional and accommodating makes it second to none. To the Clerk, Sam Hastings, the Deputy Clerk, Paul Grant, and the chamber staff, thank you so much for your efforts. To Hansard, for making our sometimes indecipherable garbage sound quite coherent, you are amazing. I include the questions staff. Hospitality, you are sensational. I cannot pass on thanking Anthony who makes the best coffees in the world and Deb, of course, who has put up with my nonsense for 20 years, and still does. I will have more to say about that next year. Thank you to the admin staff, the ground staff, who make the place look spectacular, and the security and the committee staff, of course, who do a wonderful job. As I said, I cannot provide enough accolades to the collective staff at Parliament House—you are sensational. I hope you are all listening because I know that I speak on behalf of everyone when I say that we are very grateful for your contribution.

With regard to members of this chamber, first of all to the President, thank you very much for your contribution over the last four years. Job well done. You have certainly held the house to account on each occasion and performed in a very professional and diligent fashion, so thank you. To members opposite, yes, we are adversaries—politics is inherently tribal—but it is a work environment, and that is what it is all about. I really have loved working with you. To those of you who are leaving, particularly those who will perhaps do only a term, hold on to the experience that you have had because you will never experience anything like it. I hope you have learnt and grown and that you go on to achieve in other areas of your life. As I have said, I am mindful of coming to the end of 20 years.

The role of the committees and of the Standing Committee on Estimates and Financial Operations has been an extraordinarily positive experience. The members of the committee opposite, in particular, the deputy chair, Hon Samantha Rowe, and Hon Dan Caddy, and the other members of the committee, Hon Nick Goiran and Hon Dr Brad Pettitt, helped along the way to show just what we can achieve in a collective bipartisan multi-party fashion. Thank you very much to each and every one of the members opposite.

To my prime adversary, Hon Sue Ellery, she is quite correct; it came as quite a shock to me to be back standing here right now, but I have loved it. I have absolutely loved that. We have spent the better part of almost over a decade sparring in these positions. Yes, we have had our moments. That is inevitable in positions such as this, as it is in any adversarial situation; we are inevitably going to have those moments. However, across the board, I think, collectively, we have achieved some good things for the chamber. We have always been cooperative, collaborative and accountable when it counts, which is what matters for the betterment of legislation in the chamber. I acknowledge your contribution to the chamber and your parliamentary career. I am sure I will have more to say about that when we come back.

To the crossbench, I was the leader in this place when the crossbench actually had, dare I say, not a more significant role, but a more active role. There was a lot more interaction on my side of the chamber with the crossbench and trying to get those numbers because we could actually make a difference in amending bills et cetera. Having said that, it does not remotely extinguish the role that the crossbench plays or the role that I have tried to perform with you, particularly over the last year, but even before that when I was sitting right in front of you—that is, Hon Louise Kingston, Hon Sophia Moermond, Hon Dr Brad Pettitt, Hon Wilson Tucker, Hon Dr Brian Walker and Hon Ben Dawkins. I hope you have enjoyed it, guys, and for those of you who do not come back again, I really hope that you have enjoyed the experience because you will never have anything like it. To our alliance colleagues, Hon Colin de Grussa and Hon Martin Aldridge, it has always been good working with you guys; it really has. Marty and I in particular have been here for a long time.

As the Deputy Leader of the Opposition here, Col, you have been sensational, mate. You guys are terrific. I am sorry that you will be leaving. I think you will leave a void for the Nationals WA in this chamber, but good luck for your future beyond the Parliament. To the mighty blue team, regardless of being a tiny mighty blue team this time, you never go weak at the knees when you face adversity. We have not done that. I just want to say to you guys that you have risen to the occasion. I am in awe of the way you have come in day in, day out and been prepared for legislation. You have been prepared to take it on, not just in Parliament, but also in terms of the very frequent criticism from the media and the community et cetera. We have tried to resurrect ourselves and present as a viable alternative government. To Hon Tjorn Sibma, Hon Donna Faragher, Hon Dr Steve Thomas, Hon Neil Thomson, Hon Nick Goiran and Hon Steve Martin, thank you so much, guys. It has been an absolute honour and pleasure working with you. I will have more to say about that on the way out in a few months' time, but you guys have really risen to the occasion. You have punched above your weight and I am absolutely delighted and honoured to have been your leader for five of the last eight years.

That brings me to an end. What I will do now, of course, is say that this is a great time for everyone. It is festive season, which in Australia is pretty much from about mid-December to Australia Day. It is usually a bit of a sabbatical, but that will not happen this time, of course, because a lot of us will be campaigning—probably not over Christmas and New Year, I hope. I would like to wish each and every one of you a wonderful Christmas and New Year. I say thank you for all you are, for all you have contributed to this chamber and for your valued friendship with me. To those who love you and those who you love, have a wonderful Christmas and all the best for the New Year.

*Statement*

**HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition)** [5.33 pm]: I to rise to make some remarks at the end of the forty-first Parliament. Indeed, it is the last opportunity I will have to make some pre-Christmas remarks on behalf of the National Party.

I start out by thanking the staff. I, too, want to make it absolutely clear that over my journey in here for the last almost eight years now, the staff of this place, in particular the chamber, Hansard and the recording staff, do an absolutely amazing job. All of you are incredible people for putting up with us. I do not know how you do it, but you do. You turn up with a smile on your face and I certainly have appreciated that for all the years that I have been here, so I take the opportunity to make sure that I wish you all a happy Christmas and hope you get a good break.

I thank the committee staff, whom we have all worked with over the last four years, for the incredible work that they do in helping us through the various committee processes that we go through as members of this place. Thank you for your wonderful work. Of course, to the staff of the Parliament in general—Parliamentary Services, Catering Services and others—thank you again for your work. We appreciate it, I appreciate it, and hope you have a good Christmas and holiday season.

To my Nationals WA colleague, Hon Martin Aldridge, thank you for your service, as this is your last term as well. Thank you for the opportunity of working with you over the last eight years. It has been a pleasure and a privilege. To Hon Peter Collier, the Leader of the Opposition for the last year or so, I have learnt a lot from working with you, not just then but, of course, in the first four years of my term as well. Thank you. To Hon Dr Steve Thomas, who is out of the chamber on urgent parliamentary business, working with him as leader as well was a different experience but nonetheless a very good experience.

To the crossbench and Independent members, thank you for your commitment to the Parliament and the people of Western Australia. No matter your background or where you come from, you are here representing your communities and the people of Western Australia. I think you have all done that to the best of your abilities, and certainly with the passion and enthusiasm of your various beliefs. You certainly brought those to the chamber.

To the government team, the team opposite, we often spend our time, especially on a Thursday, in robust discussion about the values of either side of the chamber, but the forty-first Parliament been an interesting experience. It has been a very different experience from my first Parliament. I can assure you that the next Parliament will be very different from this one well; that is the nature of the game. Thank you for your work, your engagement in the debates that we have had and for your varying friendships over the years. I have certainly enjoyed that.

To the President, thank you for your guidance, leadership, and your cool and steady hand in steering the sometimes uncontrollable ship that is the Legislative Council through many tricky Thursday debates and others.

To all those who are not coming back after the next election, thank you for your service to the people of Western Australia and the Parliament. Can I just say, if I find out any of you are applying for the same jobs I am, I will be tying your shoelaces together! In the words of Michael Collins, the command module pilot for Apollo 11, I think we could say that we come to this place as kind of amiable strangers, which is how he described the three astronauts of Apollo 11. I like to think that at the end of the term, we leave as a bit more than just amiable strangers.

I take the opportunity to say merry Christmas, have a wonderful, safe and happy New Year and all the best of luck to all of you wherever that may lead you.

*Statement*

**HON WILSON TUCKER (Mining and Pastoral)** [5.38 pm]: I will not take too much time because I understand I am standing between Hon Kyle McGinn and a couple of beers next door!

It is the last day of the term. I thought it would be an appropriate time to shed light on members' views on daylight saving. I spent the last three and a half years canvassing them extensively or, more accurately, the last few days. I will start in question time order and I will be quick because there are quite a few of you to get through. Hon Peter Collier voted in the affirmative back in 2009, saying, "Daylight saving ignites passions like very few others." I completely agree, member. As someone who has participated in talkback radio in defence of daylight saving, I can attest that there are certainly a lot of passionate views out there. Hon Colin de Grussa said, "Bloody love it." He does not like early morning sun. Hon Tjorn Sibma said, "When I was younger, I voted for it; now that I have a family—no."

Hon Donna Faragher is a no. To quote from *Hansard* —

... 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.

I completely agree, member; I think the people do need to have another say.

Hon Steve Martin, you were too busy bringing down the government today, and I did not find you. Can you give a thumbs up or down? He has given a thumbs down. That is a no, which is unfortunate, but expected from a regional member.

I turn to Hon Nick Goiran, who said he likes it more now than when his children were younger. Hon Nick Goiran, I put you in the affirmative.

Hon Martin Aldridge said that he has his daylight saving when he gets up and the sun is up. I do not think it works like that, member. I have put you in the negative.

Hon Dr Steve Thomas is away on urgent parliamentary business. He is officially against, but unofficially ambivalent. So the former Leader of the Opposition is in the negative.

Hon Neil Thomson said he does not mind it. You voted for it in the referendum. You are in the positive.

Hon Louise Kingston said, “Bloody shocking, kids couldn’t get to bed, curtains didn’t fade.” I am glad to hear about your curtains, member.

Hon Sophia Moermond is a yes.

Hon Ben Dawkins: pro personally, hard sell politically, so you are in the affirmative.

Our resident doctor, Hon Dr Brian Walker, no, but you did say that you would potentially like permanent daylight saving, so we will still put you in the negative.

Hon Dr Brad Pettitt is a yes. You were not sure on the Greens policy but we put you in the affirmative.

Hon Stephen Pratt reckons it is good. Excellent.

**Hon Stephen Pratt:** There needs to be a referendum on it.

**Hon WILSON TUCKER:** I misquoted you. I apologise.

Hon Martin Pritchard is against but not passionately so. Martin does enjoy those summer mornings. Excellent.

Hon Pierre Yang, our esteemed chair, was on the fence. I will break rules. Hon Tjorn Sibma did this a couple of weeks ago so I feel okay doing it now, because typically what happens in the gym stays in the gym. To quote Hon Pierre Yang, “It gets complicated with the three-hour east coast time difference.” Hon Pierre Yang went on to say, “Roger is a dear friend. I love him and he loves me.” That was out of context. I will not quote what you said about the Liberal Party.

Hon Kyle McGinn said, “It doesn’t bother me.” The honourable member did mention that he likes the light in the mornings.

Hon Samantha Rowe came from Victoria. You voted yes in the referendum so I put you in the affirmative.

Hon Darren West, yes. Excellent.

**Hon Darren West:** No, I’m not for it.

**Hon WILSON TUCKER:** Jesus! Okay.

**Hon Samantha Rowe:** Who did your polling?

**Hon WILSON TUCKER:** We are getting there. I have a photographic memory, clearly!

Hon Ayor Makur Chuot said, “I like anything that keeps us in light for longer. I’m not going to comment.” Member, you have commented enough. I am putting you in the affirmative.

Hon Rosie Sahanna said, “I like things when there is more sunlight.” Rosie would not say anything else. The silence was telling. Rosie is in the affirmative.

Hon Lorna Harper said, “I love it, and we should have had it five years ago. I don’t think we should be paying for it and we shouldn’t have the referendum.” I absolutely agree, Lorna. Your side can certainly legislate it. Let us just do it.

Hon Sandra Carr is a yes.

Hon Klara Andric said, “I like it in Europe.” When I asked, “What about WA?”, the response was, “I think you have your answer.” So you are in the affirmative, member.

Hon Kate Doust loves it. In *Hansard*, many, many moons ago, she said, “I’m looking forward to it. We should bring it on.” Member, you are in the affirmative.

Hon Matthew Swinbourn voted yes in the referendum, so you are in the affirmative.

Hon Jackie Jarvis, I was too busy bringing down the government so I did not get to have that conversation. Can you give a thumbs up or thumbs down?

**Hon Jackie Jarvis:** I’m ambivalent.

**Hon WILSON TUCKER:** Okay.

Hon Stephen Dawson, I am not sure where you are sitting, minister.

**Hon Stephen Dawson:** Likely in the same time zone as 60 per cent of the world’s population, so no for me.

**Hon WILSON TUCKER:** That is disappointing.

I do have a card here from the Leader of the House that I received on my first day of Parliament. There are a few well wishes. At the bottom, Sue drew a sun and then an arrow and wrote, “The sun.” I am taking this as a glowing endorsement of daylight saving. Leader of the House, you are in the affirmative.

Hon Dan Caddy is not against it. He loved it in Denmark. He thinks it is a federal issue to legislate for all states. Member, I put you in the affirmative.

Quoting *Hansard* way back in 2009, Hon Sally Talbot said —

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

You voted for it in the referendum, so I have put you in the affirmative.

Hon Peter Foster, very diplomatic as always, stated, “I want what the electorate wants.” We represent the same electorate. I am pretty sure they do not want it. I have put you in the negative, member.

Last but not least, our President said she does not like early morning sun. President, I put you in the affirmative as well.

**Hon Dr Brad Pettitt:** What about Hon Shelley Payne?

**Hon WILSON TUCKER:** Yes, Hon Shelley Payne said, “Well, we have it in Canada”, so you are in the affirmative.

**Hon Shelley Payne:** I also said I live in Esperance where the sun comes up half an hour earlier.

**Hon WILSON TUCKER:** Sorry, you are in the affirmative.

That brings the current tally to 21 in the affirmative—in the yes camp. We have seven in the no camp, with four ambivalent. I think my math checks out. There is overwhelming majority support in this chamber for daylight saving. I close by saying that I hope all members will act on their strong passion and the overwhelming support for daylight saving that we have in this place and finally bring Western Australia into the light. Have a happy holiday.

*Statement*

**HON DR BRIAN WALKER (East Metropolitan)** [5.46 pm]: How can I now, as a member of the progressive crossbench, argue with that? The point about this is that it is lovely to share in this august chamber the diversity in a spirit of mostly harmony. I do appreciate that.

I add my words to those of my esteemed colleagues about how much we depend upon and love our staff, in every aspect of Parliament, and what a wonderful job they are doing. I will not add more words because I bow down to them every time I pass. They are worth every single ounce of our respect, and I am thankful for that.

I am also thankful for the opportunity to be with people I would not have met in my other life. I am sure we can all say that we have made friends, across the aisle and in every area. This is a wonderful thing to have. Although we may have different points of view and at times we may be raucous, especially on the crossbench, we are raucous with the intent of being friends afterwards with a gin and tonic or a wine or a beer or, indeed, a bit of cannabis.

But the mood that we have now coming up to our festive season is one of peace on earth and love for all. This is something we are spreading throughout our great state as we serve the people who have elected us. I look forward at every chance I can get to do what I can, as we all do, to service the people who brought us into this great place.

The four years I have had have been an education I never thought I would get. I am deeply thankful to the electorate for that. I am also deeply thankful for the chance to stand again and hope that this will result in my return to this chamber and that all of us who have this intent find our wishes granted.

My sincere thanks to our President, Hon Alanna Clohesy, who has led us through difficult moments at times, but for the mentorship and guidance she has given, even being the last person to be scolded for not complying with the standing orders was a great honour, and I intend to do the same next year.

With that, I wish you all the very best of festive seasons. May we depart in peace and return in joy.

*Statement*

**HON BEN DAWKINS (South West)** [5.48 pm]: I would also like to say merry Christmas to everybody and thank the President, in particular, for her assistance and also the clerks, the staff and people who I do not think were mentioned specifically—someone like Rob Hunter, who could not be a nicer, fairer or more even-handed bloke to induct you, for want of a better term, into the Parliament.

I also thank members opposite, a small number who have been helpful and friendly to me, and a larger number of Liberal Party and Nationals WA members who have been friendly and helpful to me and, of course, the crossbench. I include not so much the crossbench but Liberal and Nationals members in the other house as well.

I was not aware until a couple of hours ago, President, that this was some sort of kumbaya love-in. I had prepared a member’s statement. I have not found anything in here that prohibits me from making it.



I was going to continue because it is important that I provide my contribution. I reported this to the Corruption and Crime Commission. I thought it was better that I —

**The PRESIDENT:** Honourable member, I am just going to interrupt you. As you correctly pointed out, it is the custom and practice in this place to confine our remarks in members' statements at this time to Christmas and goodwill messages. It is also our custom and practice at this time not to put the clocks on. However, if you are to continue in the vein that I hear you are, which is an ordinary member's statement, I will now instruct the Clerk to put the clock on. Clerk, please strike the clock.

### **CORRUPTION AND CRIME COMMISSION REPORT — ELECTORATE OFFICERS**

#### *Statement*

**HON BEN DAWKINS (South West)** [5.50 pm]: I reported to the CCC, as I thought it was my obligation to do so. I had some relevant information that complemented the recent report handed down about the serious risk of corruption in the Labor government and the way that it uses its electorate officers. When I was a volunteer for Lisa O'Malley in Bicton, I collected database information on electors and put it into campaign central. That was then applied by the Labor Party. I have confirmed with the CCC that that is indeed something I experienced as well.

On top of that, there were electorate officers within the Labor offices that I was involved in as a volunteer who were clearly campaigning on taxpayer time. I think paragraph 247 of the CCC report is about serious misconduct risk and the risk of taxpayer-funded time being used for campaigning by electorate officers. I can confirm that that happened, and I think it is a proper disclosure. I think the standing orders say something about a personal explanation in here, which I am providing now.

In my experience, electorate officers definitely campaigned and organised campaigning during office time. Apparently, the explanation for that is that there were not proper timekeeping records being used. My submission to the CCC is that that should be an aggravating factor. If a member has not kept proper timekeeping records of what their electorate officers are doing, that is not a mitigating factor; that should be an aggravating factor. I do not think Hon Roger Cook should get out of —

**Hon Sue Ellery:** So, you think the CCC got it wrong?

**Hon BEN DAWKINS:** I do not think the CCC has gone far enough. The fact that time records were not kept is not an excuse for misusing taxpayer-funded electorate officers. I could talk about the misuse of campaign central for data mining elector information and then transferring that into party hands for what the CCC calls private use by political parties. I thought that was an important thing to put on the record whilst I had the opportunity.

I have spoken about this before; I think there seems to be prohibition on talking about corruption. In the dictionary definition, "corruption" could be a "misuse of power" or "bad behaviour", but there is nothing about illegality. When I use the word "corruption", President, I am not suggesting illegality, but I will say that this is the most corrupt government that we have ever seen in this state.

I will talk about things like that. This government had \$6 000-a-head fundraisers at the home of Nigel Satterley. I could ask Hon Klara Andric—but I will not—what the price is in this state of —

#### *Point of Order*

**Hon SUE ELLERY:** I have done this before in this place through the President. I will do it again. I will ask the member to reflect on what he is saying and doing. I object to the way he is describing the government. I object to being described as corrupt. I object to that. If the member has evidence to present, he should not stand up here on the last day of the year when we are wishing each other Christmas wishes. He should go to the Corruption and Crime Commission, lodge a complaint and see what it does with it. If the member has serious complaints to make, he should go and make them there.

**The PRESIDENT:** You are pushing the boundaries quite close to unparliamentary language and behaviour in some allegations and I particularly ask you to bring your remarks back to the content of what you are presenting to the Council.

#### *Statement Resumed*

**Hon BEN DAWKINS:** Paragraph 253 refers to corruptly taking advantage of political databases such as campaign central. That is the thing that I was involved in when I was a volunteer for the Labor Party. I am disclosing that. That is a use of the word "corruptly" or "corrupt". I do not see why that would be a major problem. We know the price to get an approval for a property development in this state. The price is \$55 000. That is the amount that East Corp Pty Ltd paid to the Labor Party, and, suddenly and miraculously, we can draw our own conclusions. Approval was given to develop the Glen Iris Golf Course into housing. Cockburn council voted nine to one against that approval. There were 10 000 signatures presented to this house. Hon Rita Saffioti decided to go against the council and those 10 000 signatures and approved the development. The price would appear to be \$55 000 for a property developer to get an approval in this state. That is what the people of Western Australia think. As far as the people of Western Australia are concerned, this is the most hated government in the history of this state. If we do

not want to use the word “corruption”, we can talk about cheating. I heard some interjections across the chamber about various things. Regarding Hon Mark McGowan, we could talk about a form of—I will not use the “c” word—clientelism. The fact that Hon Mark McGowan has gone and got jobs with BHP—

*Point of Order*

**Hon SUE ELLERY:** The member is now making personal reflections about the former Premier of Western Australia. I ask the President to consider whether there is any way for us not to have to listen to this nonsense any longer. The honourable member can be called to make sensible points in his member’s statement—things that can be debated and can be pursued in the proper course of debate. This is just a nonsense throwing of mud, hoping it lands somewhere.

**The PRESIDENT:** I did not hear the final comment, nor the one that you referred to, Leader of the House, because I was seeking advice on another matter. That advice is that I will be drawing the member’s contribution to a close and adjourning in one minute.

Leader of the House, I am unable to rule on your concerns about personal reflection.

The member has approximately 30 seconds to continue his remarks. I will be drawing adjournment at the usual time at six o’clock.

*Statement Resumed*

**Hon BEN DAWKINS:** Personal reflections are not upon anyone who exists within this house or the other house.

**Hon Sue Ellery:** It does not make a difference.

**Hon BEN DAWKINS:** It does.

**Hon Sue Ellery** interjected.

**Hon BEN DAWKINS:** Tell me where it says that.

**The PRESIDENT:** Honourable member, you have used your time. It is now 6.00 pm and the house is required to adjourn. I will do so. Before I adjourn, I have the capacity to make my contribution outside the time for adjournment and will do so, because there are some important staff members we need to acknowledge and thank. It is called the gift of the President.

**COMPLIMENTARY REMARKS**

*Statement by President*

**THE PRESIDENT (Hon Alanna Clohesy)** [6.00 pm]: I thank members, each and every one of you, for your contributions this year, for your diligence, hard work and representation on a range of issues, passionately and sometimes carefully constructed. I want to place on the record my appreciation for the support of the Legislative Council to the Leader of the House, the Leader of the Opposition and leaders of all the other political parties for their professional working relationships and commitment to the important role that this chamber undertakes. To the Deputy President, Hon Martin Aldridge, thank you for your support and dedication not just this year, but throughout the term of this Parliament. To our deputy chairs, thank you, too, for your commitment and work throughout this year and the life of the Parliament.

Thank you to Rebecca Condo, the very hardworking executive officer to the office of the President, who knows how to work apace. Thank you to the staff of the Department of the Legislative Council, ably led by our Clerk, Sam Hastings. The length and breadth that they will go to ensure that members have the correct advice and clear procedural assistance knows no bounds. Their commitment and professionalism is extraordinary. Thank you to Sam and the Deputy Clerk, Paul Grant; to the executive management team, which is made up of the Clerk Assistant, Grant Hitchcock (House), and the Clerk Assistant (Committees), Shoshanna McNerney, and the Usher of the Black Rod, Daniel Beresford-Long; and the house team, with chamber support led by the Deputy Usher of the Black Rod, Hayley Brown.

To our parliamentary committee team, our parliamentary committees have continued with their usual high volume and increasing complexity of work. In thanking the department’s management team and staff, I would like to extend particular thanks to Shoshanna McNerney, who will be leaving the Legislative Council at the end of December. Shoshanna has provided great leadership at our committee office as Clerk Assistant for three years. I know that all members wish her all the very best in her new role.

**Members:** Hear, hear!

**The PRESIDENT:** Parliament has undertaken many activities not only within the chamber and parliamentary committees, but also outside Parliament. I thank every single staff member who has provided support for that range of activities, including Renee Jewell for her outstanding support for the Parliamentary History Advisory Committee and the Parliamentary Arts Advisory Committee.

Our work, all of our work, would not be possible without the work of the Parliamentary Services Department led by Rob Hunter; Building Services led by Hugh McCaffrey, including facilities, cleaning and gardening teams; Catering Services led by Enno Schijf, dining room by Mark Gabrielli and our chefs led by Brett Barrett; Finance led by Rachel Germano; Human Services led by Tina Hunter; Information Technology led by Angelo Giaros, who has transformed our IT systems and improved the support we receive; security and reception services, including our security operations team and our protective services officers; and Parliamentary Information and Education, led by Belinda Corey, which includes Hansard, the education office and library teams.

After nearly 34 years of service, Laurie Mansell is retiring from Parliament, with today being his last sitting day. Laurie has been an integral member of the Hansard team, and his expertise and dedication will be greatly missed. I ask members to join me in wishing Laurie a wonderful and well-deserved retirement. Thank you, Laurie.

**Members:** Hear, hear!

**The PRESIDENT:** To our audiovisual team, thank you very much for capturing our very best side—sometimes!

To all members, I wish you all a happy Christmas and some well-earned rest and time spent with your loved ones. I wish you all the very best for the new year. With that, the house is adjourned.

*House adjourned at 6.05 pm*

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**QUESTIONS ON NOTICE**

Questions and answers are as supplied to Hansard.

ENVIRONMENT — CONSERVATION AND PARKS COMMISSION

**2214. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Environment:**

I refer to the Conservation and Parks Commission (Commission), and I ask:

- (a) what was the Commission's budget for 2023–24;
- (b) what is the Commission's budget for 2024–25; and
- (c) given that one of the Commission's functions is to conduct periodic assessments of the implementation of management plans by those responsible for implementing them (*Conservation and Land Management Act 1984*, s.19(1)(g)(iii)), I ask:
  - (i) when was this type of assessment last conducted by the Commission and what was that assessment;
  - (ii) will the Minister table the assessment identified at (c)(i); and
  - (iii) how many assessments of this type has the Commission conducted since 2020?

**Hon Darren West replied:**

- (a)–(b) Budget for 2023–24 was \$356,999. Budget for 2024–2025 is \$370,005. Under a Memorandum of Understanding, policy, operational and systems support is also provided to the Conservation and Parks Commission by the Department of Biodiversity, Conservation and Attractions.
- (c)
  - (i) The most recent periodic assessments occurred in October 2024, reviewing 13 marine park management effectiveness reports.
  - (ii) Yes. [See tabled paper no 3911.]
  - (iii) 70.

CARNABY'S BLACK-COCKATOOS

**2228. Hon Dr Brad Pettitt to the Parliamentary Secretary to the Minister for Environment:**

I refer to question without notice 1225, and I ask:

- (a) how many of the admissions for the 118 Carnaby's cockatoos were the result of the following:
  - (i) vehicle strike injuries;
  - (ii) emaciation;
  - (iii) raven attacks; and
  - (iv) other reasons;
- (b) what were the reported locations where Carnaby's cockatoos affected by emaciation or raven attacks were found;
- (c) what were the recorded weights of the emaciated Carnaby's cockatoos presented for treatment; and
- (d) how many Carnaby's cockatoos have presented to Perth Zoo for treatment in total prior to May 2024?

**Hon Darren West replied:**

- (a) The information below covers the period 1 May to 1 October 2024. Please note that in wildlife health we often report multifactorial signs and diagnoses, so it is likely that many individuals will present to Perth Zoo with multiple co-morbidities:
  - (i) 19 – This diagnosis is only reported if the bird was seen being hit by a vehicle, which often results in under-reporting.
  - (ii) 42 – This is a presentation we have reported in thin Carnaby's Cockatoos (42) and Baudin's Cockatoos (2) from 7 July 2024, noting results analysed up to 1 October 2024.
  - (iii) 4
  - (iv) General trauma (40), displaced young (6), other presentations including neurological deficits such as tremors and paresis (7).
- (b) Wangara  
Landsdale  
Mt Helena

Guildford  
Swan Valley  
Henley Brook  
Mundaring  
Kensington  
Mt Helena  
Parkerville  
Ballajura  
Kewdale  
Bennett Springs  
Hovea  
Malaga  
Canning Vale  
Bentley  
Como  
Belhus  
Lesmurdie  
Ellenbrook  
Mt Hawthorn  
Stoneville  
Mundaring  
Morley  
Swan Valley  
Dianella  
Thornlie  
Karragullen  
Helena Valley  
Upper Swan  
Landsdale Farm School  
Kelmscott

- (c) Range 370–527g – the majority were under 500g, mean weight of 451.5g.
- (d) From January 2024 to April 2024 a total of 64 Carnaby Cockatoos presented to Perth Zoo for treatment.
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