Parliamentary Debates
(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2024

LEGISLATIVE ASSEMBLY

Tuesday, 17 September 2024

Legislative Assembly

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THE DEPUTY SPEAKER (Mr S.J. Price) took the chair at 1.00 pm, acknowledged country and read prayers.

LEGISLATIVE ASSEMBLY CHAMBER — SPEAKER'S ABSENCE
DEPUTY CLERK OF THE NORTHERN TERRITORY LEGISLATIVE ASSEMBLY

Statement by Deputy Speaker

THE DEPUTY SPEAKER (Mr S.J. Price) [1.01 pm]: Members, I advise that the Speaker is unable to attend the house today. As such, I will not vote in divisions today unless there is a need for a casting vote.

Several members interjected.

The DEPUTY SPEAKER: Yes, I am not sure that that is going to happen, but you never know!

I also advise that Parliament is hosting a staff member from the Northern Territory Parliament, Ms Klarin Sivyer, the acting Deputy Clerk of the Northern Territory Legislative Assembly. During her attachment this week, members will see her at the table at various times.

PAPERS TABLED

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

IRON ORE AGREEMENTS LEGISLATION AMENDMENT BILL 2024

Notice of Motion to Introduce

Notice of motion given by **Mr R.H. Cook (Minister for State and Industry Development, Jobs and Trade)**.

BUSINESS OF THE HOUSE — PRIVATE MEMBERS' BUSINESS

Standing Orders Suspension — Notice of Motion

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

> That so much of standing orders be suspended as is necessary to enable private members' business to have priority from 4.00 pm to 8.00 pm on Wednesday, 18 September 2024.

INDUSTRIAL RELATIONS LEGISLATION AMENDMENT BILL 2024

Notice of Motion to Introduce

Notice of motion given by **Ms S.F. McGurk (Minister for Industrial Relations)**.

COOK GOVERNMENT — TRANSPARENCY

Notice of Motion

Mr R.S. Love (Leader of the Opposition) gave notice that at the next sitting of the house he would move —

> That this house calls upon the Cook Labor government to review its processes of delivering a rolled-gold standard of transparency, as promised to Western Australians, and notes its abject failure to deliver anything close to that.

COLLIE COAL (GRIFFIN) AGREEMENT AMENDMENT BILL 2024

Returned

Bill returned from the Council without amendment.

LEGAL PROFESSION — UNIFORM LAW SCHEME

Statement by Attorney General

MR J.R. QUIGLEY (Butler — Attorney General) [1.04 pm]: I take this opportunity to provide an update on Western Australia's participation in the legal profession uniform law scheme. The uniform law scheme came into operation in Western Australia on 1 July 2022 and marked one of the most significant and long-awaited developments in WA's justice system. Over 75 per cent of Australian legal practitioners are now covered by the same regulatory regime, enabling those practitioners to practise seamlessly across Western Australia, New South Wales and Victoria, and compete in the broader legal market. This reduces compliance costs and red tape for firms that operate across the participating jurisdictions by simplifying and standardising regulatory obligations. In addition to benefiting from greater consistency of experience across jurisdictions, consumers of legal services also benefit from increased consumer protection provisions under the uniform law scheme.

The retention of Western Australia's unique and highly valued legal and regulatory bodies was a critical factor in joining the uniform law scheme. Although the experiences of the profession and consumers have been enhanced, the day-to-day dealings of the Western Australian legal profession with the regulator as previously provided for under the now repealed Legal Profession Act 2008 are preserved under the uniform law scheme.

As a member of the standing committee, along with the Attorneys General of New South Wales and Victoria, I monitor the scheme to ensure that it remains an effective regulatory regime and fulfills its objectives, as set out in the legislation. For over two years, I have overseen the benefits that the uniform law scheme provides, including seamless cross-jurisdictional practice and collaboration between stakeholders, increased information sharing and an enhanced ability to address emerging issues that affect the legal profession, regulators and consumers.

Finally, the uniform law scheme is about creating a truly national legal profession, and I strongly promote membership to my counterparts in non-participating jurisdictions. A reduction in the number of different regulatory schemes across Australia would contribute to making the legal system more accessible, efficient and cost effective, and is an important and positive law reform.

DANDJOO BIDI-AK COURT

Statement by Attorney General

MR J.R. QUIGLEY (Butler — Attorney General) [1.07 pm]: I would also like to inform the chamber of the Dandjoo Bidi-Ak court, which is otherwise known as Dandjoo. It is a therapeutic court that aims to empower and support families in protection and care matters in the Perth Children's Court by providing a culturally safe and respectful environment. A high proportion of families engaged in the court are Aboriginal, and dandjoo bidi-ak means "together on a path" in the Noongar language.

Dandjoo moves away from the traditional adversarial process for protection and care proceedings, and aims to address in a holistic, therapeutic and culturally informed manner the issues that cause families to come before it. Dandjoo involves a separate list of cases that are managed by one magistrate who hears matters in a therapeutic manner, and encourages collaboration and an open relationship between the Department of Communities and families.

Families participating in Dandjoo have expressed very high rates of satisfaction with the support they have received through the process. Participants reported feeling more culturally safe in the therapeutic court environment, where they are encouraged to voice their concerns and perspectives whilst being supported by Aboriginal liaison officers and Aboriginal staff from other agencies. Families greatly valued having the opportunity to be heard and have their concerns addressed, increasing their feelings of empowerment and greater wellbeing. Participants who achieved family reunification highlighted the role Dandjoo played in reaching this outcome, including how it used problem-solving to address the barriers to reunification, provided referrals to appropriate support services and expected accountability from all parties. Early analysis has identified that 40.2 per cent of cases involved in the program had better outcomes than were expected in their initial orders. These findings demonstrate that Dandjoo successfully incorporates the principles of therapeutic jurisprudence to better meet the needs of Aboriginal families.

Dandjoo commenced operation in July 2020 on a pilot basis and currently operates three days a week in the Perth Children's Court. A further day will commence in 2024–25, with the court cited as a key action of the Labor Party's *Closing the Gap implementation plan 2023–25*. Funding the great work of the Dandjoo Bidi-Ak Court demonstrates the Cook Labor government's ongoing commitment to supporting vulnerable Aboriginal children and families and working towards building better outcomes for Aboriginal people.

EDUCATION — SWIMMING AND WATER SAFETY PROGRAMS

Statement by Minister for Education

DR A.D. BUTI (Armadale — Minister for Education) [1.10 pm]: I am pleased to inform the house of the Cook government's $5.5 million investment into swimming and water safety programs for our state's young people. This week our government announced that it will provide free VacSwim summer program lessons and venue entry for Western Australian children, which is set to save families hundreds of dollars. The summer VacSwim lessons, which range from five to 10 days in length, will be free for all students who enrol in the swimming program in December 2024 and January 2025. Any applicable venue fees will also be covered for the participant. VacSwim has been delivered in Western Australia for more than 100 years, with lessons held at pools and beaches across the state, and has contributed to safety in and near the water for generations of Western Australian children and young people. As a former swimming instructor, I know how important these programs are. These cost-of-living measures will help families ensure that there is no financial barrier to them learning these essential water safety skills.

In addition to free summer VacSwim, from 2025 to 2028, we will also waive the costs of the in-term swimming program for non-government metropolitan schools with an ICSEA—Index of Community Socio-educational Advantage—of less than 1 000. These schools are currently charged for the program to recover the cost of the instructors. This $332 000 measure will encourage smaller non-government schools, including those with students from diverse cultural backgrounds, to offer an affordable swimming program for their students to learn how to

swim. In-term swimming classes will remain free for public school students and regional non-government school students. This builds on the $3.3 million investment into the School of Swimming and Water Safety announced earlier this year. We are privileged to enjoy a coastal lifestyle in Western Australia, with the majority of our population living close to water. This investment recognises the importance the Cook government places on making sure Western Australian children learn the importance of water safety. We know that many households are feeling the pinch, and we are very proud to have delivered this opportunity to Western Australian families.

PLANNING REFORM — HOUSING SUPPLY

Statement by Minister for Planning

MR J.N. CAREY (Perth — Minister for Planning) [1.13 pm]: I rise today to update the house on our government's rollout of its nation-leading planning reforms to boost housing supply in Western Australia. This government has reached another milestone, with changes to local government decision-making for single houses and simple residential projects having come into effect from 1 July 2024. This reform makes it easier for all Western Australians to build their new home, extend or alter their existing house or complete smaller residential projects such as a patio, carport or fence. I note that this reform has had strong support from small and medium-sized builders and the wider housing industry. These reforms ensure that developments of this smaller nature can no longer be referred to for determination by an elected council, except when a property is on a local or state heritage list or in a designated heritage area. Instead, this streamlined process will save Western Australians time and money, with referral to full council often adding up to two months to the process and in some instances resulting in expensive appeals to the State Administrative Tribunal.

This reform will empower the planning experts within local governments to make the final decision, enabling councils and elected members to focus on strategic planning for their communities. Although a number of local governments currently delegate the majority of decision-making to their chief executive officer or planning staff, this reform will ensure consistency across the board. This important change forms part of the Cook Labor government's suite of landmark planning reforms that will boost the delivery of housing by streamlining planning processes and cutting unnecessary red tape. This reform is just another example of the government's commitment to align with the national planning reform blueprint agreed to by the national cabinet as a component of our government's unprecedented $3.2 billion investment in housing and homelessness measures.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION AMENDMENT (SEX OR GENDER CHANGES) BILL 2024

Returned

Bill returned from the Council with amendments.

[Leave granted for the Council's amendments to be considered in detail forthwith.]

Council's Amendments — Consideration in Detail

The amendments made by the Council were as follows —

No 1

Clause 27, page 37, line 6 — To delete "obligations;" and insert —

obligations, having regard to the person's circumstances;

No 2

Clause 45, page 46, line 22 to page 47, line 10 — To delete the clause.

Mr J.R. QUIGLEY: I move —

That amendment 1 made by the Council be agreed to.

Ms M.J. DAVIES: Thank you, Attorney General. Obviously, we do not get to debate the broader bill as a result of the amendments coming back from the Legislative Council.

An interesting state of affairs occurred in that place. I understand that clause 1 was debated, and then the government chose to guillotine any further debate. As a result, the amendments that we are dealing with today have come about as a result of changes required by the government. We find ourselves back in this place amending the government's own legislation. The Attorney General and I have discussed this matter on a number of occasions. We lament the fact that there has not been an opportunity to send legislation to a committee. This government has made very poor use of the committee system. As I said before, the process in the Legislative Council, guillotining any further debate before it reached clauses beyond clause 1, is evidence of this government's failure to use parliamentary processes appropriately.

Could the Attorney General explain to the chamber exactly why we are dealing with this amendment to clause 27 as it has come back to the Legislative Assembly? That would be a good start on this bill.

Mr J.R. QUIGLEY: Certainly. There was a drafting error. This is all part of a national scheme and as part of the national scheme, there has to be consistency of wording. What had fallen from the bill in drafting were the words, "having regard to the person's circumstances", which is in other legislation around the nation. We are adding the words "having regard to the person's circumstances" to make it consistent with the scheme.

Question put and passed; the Council's amendment agreed to.

Mr J.R. QUIGLEY: I move —

That amendment 2 made by the Council be agreed to.

This is a government amendment from the upper house.

Ms M.J. DAVIES: Again, could the Attorney General explain this amendment? I have a note or briefing notes on this clause that came through. As I understand it, this was not spoken about in the Legislative Council and it is the government deleting rather than amending and changing what is there by removing it from the legislation. I cannot help but reflect on the fact that had there been slightly less vigour in trying to push this legislation through, there might have been a moment to catch these things before they came to Parliament. Had the bill gone to a committee, other clauses may have needed to be deleted, but we will never know. These are the ones that the government has decided to delete out of its own legislation. I just want to put on the record that the government is deleting clauses out of its own legislation and it could not deal with this in the Legislative Council because it guillotined debate before it got to this clause. Could the Attorney General please explain why we are deleting this clause from the legislation so that it is on the record?

Mr J.R. QUIGLEY: As I have said, the member for Central Wheatbelt is correct in saying that she has raised the issue of amendments on previous occasions. I cannot help but respond, as I have on previous occasions, that the government is always open to improving good legislation. We regard Parliament with the upmost respect and if issues arise during debate, we take them on board. This clause deals with a consequential amendment not to the sex registration board or anything like this. This is a consequential amendment to the Prisons Act. The bill before Parliament will provide for gender recognition forms so long as they do not contradict any other law.

This clause had an unintended consequence against the government's intention. This amendment will provide for the searches of women and children entering prisons. If a 10-year-old entered a prison, they could be subject to search. The Prisons Act provides that they be searched by a female person. That is appropriate. On a reading of clause 45, which amends section 49 of the Prisons Act, it could have been argued, although it is extremely unlikely, that a male prison officer could say, "I identify as a female, so under the Prisons Act I can conduct a search of the child." This was never the intention of the government. As I said, the legislation that is before the chamber, which is supported by the opposition, will invoke the authority of a certificate of gender identification, except when it clashes with another law. One of the other laws it clashes with is the Prisons Act, which says that a female will conduct a search. Under the Prisons Act, that is not someone who is a gender-identifying female, but a biological female.

Ms L. METTAM: I reiterate the member for Central Wheatbelt's comments and frustration about the fact that this legislation was guillotined in the other chamber after the first clause. It serves no purpose or value for the government to treat legislation about which there are a range of views in this place and the community in this way. Although we oppose this legislation more broadly, the Liberal Party is supportive of the amendments put forward. However, given the way this bill has been dealt with and that debate was gagged in the other place—I understand the issues and that the amendment put here has been flagged by the opposition as a concern—how can the Attorney General at all suggest that he is open to considering amendments when the government has not allowed the legislation to be considered past the very first clause?

Mr J.R. QUIGLEY: I thank the Leader of the Liberal Party. As I recall, this bill occupied a couple of hours down here during the consideration in detail stage. There were 12 hours of debate spread over three days in the upper house. People in the upper house were arguing on ideological grounds. That is fine, but after three days and 12 hours of debate over this bill—which is longer than major debates in the federal Parliament over national legislation—that was enough to hear from the opposition. Then we take on board concerns to improve the bill, and we have, and that is why the opposition supports the amendments and we thank it for supporting it. Let us get this job done.

Question put and passed; the Council's amendment agreed to.

The Council acquainted accordingly.

TOWING SERVICES BILL 2024

Consideration in Detail

Clause 1: Short title —

Mr R.S. LOVE: I note that the front cover page that this is bill states —

An Act to —

- **provide for the regulation of the towing industry; and**

- **make consequential amendments to various other Acts,**

and for related purposes.

Part 11, division 1, clause 165, "Act amended" will amend the Criminal Organisations Control Act 2012. I know it is not the minister's legislation; however, this bill will amend that legislation. For the minister's information, I will ask a few questions, when we get that clause, about the interaction between the control measures laid out in the Criminal Organisations Control Act and the towing industry. I forewarn him so that when we get to that clause, he will have had an opportunity to make sure he has background on what will happen in that act. That is more of a statement, but it sets out what we will get to eventually. One of the stated aims of this current legislation is to try to clean up the behaviour in the industry. However, there has already been some ability to do that under the Control Act. We will talk about what this bill will add to that.

Mr D.R. MICHAEL: Thank you, member.

Clause put and passed.

Clause 2: Commencement —

Mr R.S. LOVE: Clause 2 discusses "Objects of Act". In a briefing note—I have a printout here that spoke of "Objects of Act", and I should have marked it.

The ACTING SPEAKER (Mr P. Lilburne): Excuse me, member. We are looking at clause 2.

Mr R.S. LOVE: The operation of this has three separate sections. Clause 2 states —

(b) Part 4 (but only section 68) — on the day after assent day;

Can the minister please explain how that was arrived at? I understand that is the spotter fee. Why is it separate?

Mr D.R. MICHAEL: The banning of spotter fees will be authorised by the act itself. The other provisions will require regulations.

Clause put and passed.

Clause 3: Objects of Act —

Mr R.S. LOVE: The objects of this act are —

(a) to promote the safe, fair and efficient provision of services for regulated towing at a reasonable cost to consumers; and

(b) to improve and maintain the reputation of the towing industry.

I want to understand how the objects of the act were formed. Were they formed as part of the consultation process that has been going on over many years? Who came up with the objects for this legislation?

Mr D.R. MICHAEL: They were formulated by the department on advice informed by the consultation.

Mr R.S. LOVE: The minister said it was formed by the department. Does he mean the Department of Transport? Is this the Department of Transport's understanding of what the legislation should achieve? What was the ministerial office's input into the development of those objects?

Mr D.R. MICHAEL: The minister has quoted the Minister for Transport and knows she announced the formulation of this bill. Based on consultation, the department, with the Parliamentary Counsel's Office and the input of government, created this legislation, like every piece of legislation.

Mr R.S. LOVE: Given there were regulation changes a number of years ago that were supposed to achieve the objects that this bill now seeks to achieve, why did it take so long for these objects to be realised in the development of this bill?

Mr D.R. MICHAEL: The regulations were what the government was able to do at the time under existing legislation. There was no head of power to do things like banning spotter fees; that is what this legislation is for.

Clause put and passed.

Clause 4: Terms used —

Mr R.S. LOVE: There are a lot of terms here—authorised officers, and the like—but some will be discussed further along. On page 3, line 31, it says —

disqualification offence has the meaning given in section 150(4);

Can the minister clarify whether a disqualification offence is an offence of a state or a commonwealth law? Does it have to be a Western Australian law? Can the minister enlighten me as to where the disqualification offence has to occur?

Mr D.R. MICHAEL: A lot of the bill has been modelled on the Transport (Road Passenger Services) Act 2018, which deals with on-demand transport. The disqualification offences are in regulations. I have a copy of the

regulations from the on-demand transport legislation. Generally, certain safety and criminal offences recognised in the regulations and other state and commonwealth laws that are more serious in nature are mainly offences that point to the criminality, violent tendency or dishonesty of an individual as well as serious road traffic drug and weapon offences.

Mr R.S. LOVE: I turn to page 6 and the definition of a "storage yard". It states —

> (a) means premises used, or intended to be used, to store vehicles that have been towed; but
>
> (b) does not include premises of a class prescribed by the regulations;

Can the minister indicate what type of premises would be included in that class? What is the need for that exclusion or qualification and what sort of premises will that entail?

Mr D.R. MICHAEL: Obviously, this will allow a class of premises that cannot be a storage yard to be prescribed through regulation. An example is a residential property or any other location that is deemed unsuitable.

Mr R.S. LOVE: Would it be a residential property?

Mr D.R. Michael: As an example.

Mr R.S. LOVE: So, a person could not use a large block that has a particular mixed use?

Mr D.R. MICHAEL: In that scenario, obviously the Department of Transport would consult with the council about the planning permission to do that kind of thing. A general residential property that does not have a yard attached to it would obviously be unsuitable to be a storage yard for a towing operator.

Mr R.S. LOVE: That would already be covered under planning provisions, so why does this provision need to be in the legislation?

Mr D.R. MICHAEL: This is to cover off on a problem that we have at the moment in which some unscrupulous towing providers are taking vehicles back to their own properties and charging a fee to store them overnight or for lengthy periods at that location. This would, again, cover that off.

Mr R.S. LOVE: There will be a list of exclusions as to what are acceptable premises. When we are talking about "of a class", are we talking about a planning decision? Is that the class that is being referred to?

Mr D.R. MICHAEL: It could be wider than a planning class. Again, it will allow for the addition of a class. We are not saying that there might be one straightaway—that is still to be determined—but it will allow us to cover off any issues that might arise, such as if towing companies try to get around the legislation by using yards that obviously cause issues for people who need to recover their vehicles.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Vehicle crashes and crash towing —

Mr R.S. LOVE: Clause 6 defines "vehicle crash" and "crash towing". Subclause (2) states —

> ***Crash towing*** is the towing of a vehicle that has been involved in a vehicle crash from —
>
> …
>
> (b) a place within a 2 km radius of the place where the collision or impact occurred …

What does that mean? Does that mean if someone limps along in their car for a bit after a crash and then a tow truck appears? What does the two-kilometre radius refer to, and why was two kilometres chosen?

Mr D.R. MICHAEL: It is necessary to establish an area, which is also picked up in the definition of "scene" in clause 4, within which this bill and any regulations may provide controls on the conduct of towing operations and towing workers. The reasoning is twofold. The first involves what the Leader of the Opposition said; that is, a driver may limp on in their car after a crash thinking it is okay, but subsequently is not able to go much further. We have learnt lessons from other jurisdictions in which the radius is 500 metres, where some unscrupulous tow truck drivers will push vehicles outside the zone to get around the regulations. This is a larger area; a car must stay within it to be subject to the regulations and the law.

Mr R.S. LOVE: To be clear, if an impact occurs and the driver thinks the car is fine and drives on for five kilometres but then loses all the oil out of the gearbox and the car stops, that will not be covered by this clause. Why is it necessary to have a maximum distance of two kilometres? I get what the minister said about it being a larger area than some jurisdictions have, but why have that area defined at all? If a vehicle needs to be towed due to an injury it received in a crash, surely that is a crash tow.

Mr D.R. MICHAEL: That would probably come under the next item, which is breakdown towing. If a car can be driven away but then a mechanical failure occurs, possibly caused by the crash, it will probably come under a breakdown.

Mr R.S. LOVE: Most of the provisions in the bill are about crash towing and not breakdown towing. I am just not quite sure why a two-kilometre radius is necessary. I would have thought that a tow is a crash tow if a car is being towed because of a crash.

I move on to subclause (3), which states —

> Despite subsection (2), ***crash towing*** does not include towing of a class prescribed by the regulations.

Can the minister explain why that subclause is needed? Can the minister provide an indication of what "towing of a class prescribed by the regulations" might entail?

Mr D.R. MICHAEL: We do not envisage the need to have regulations made under subclause (3) at this point. It is a catch-all should there be an unforeseen or unexpected situation in terms of the legislation that we need to sort out in regulations in the future. Again, there is no intention to bring in regulations at this point in time.

Clause put and passed.

Clauses 7 and 8 put and passed.

Clause 9: Determination of whether persons are fit and proper —

Mr R.S. LOVE: This clause involves a determination of whether a person is fit and proper to conduct a towing business. Subclause (2) states —

> Without limitation, a person is not a fit and proper person unless the person is of good repute, having regard to the person's character, honesty and integrity.

How will we go about assessing someone's reputation? Will it include their carriage already as a tow truck operator? How will a benchmark be set for what is "of good repute"?

Mr D.R. MICHAEL: Obviously, subclause (4) refers to any matters the CEO considers relevant and any matters prescribed by the regulations. Notwithstanding that it might be in the regulations, the CEO could look at the past actions of the person concerned. The Leader of the Opposition will note that in my second reading speech, I talked about some of the terrible behaviour we have seen and the complaints that the department has received about the tens of thousands of dollars in invoices. As the member knows, the reason the government is doing this is that it has not had the power to do too much about that. The CEO will definitely look at past behaviour in the towing industry and also consider associations with criminal entities and those kinds of things.

Mr R.S. LOVE: Clause 9(4) says —

> In determining whether a person is a fit and proper person the CEO may have regard to —
>
> (a) any matters the CEO considers relevant …

Will that decision be contestable at the State Administrative Tribunal and, if so, what tests, if you like, could the CEO rely upon? Would it be only what is referred to in this legislation or are there other definitions that the CEO could rely upon?

Mr D.R. MICHAEL: There is provision in the legislation for an internal review. There is also the ability to go to the State Administrative Tribunal and obviously potentially actions after that. That is in part 7.

Mr R.S. LOVE: Subclause (5) says —

> Without limiting subsection (4), in determining whether an applicant for a towing worker authorisation, or an authorised towing worker, is a fit and proper person to engage in towing work for the purposes of a regulated towing business, the matters to which the CEO may have regard include —
>
> (a) the physical and mental fitness of the person …

I note that a medical report process is also mentioned. Will that be an ongoing situation? Will a mental fitness report be required at intervals, such as the requirement to have a medical every couple of years for a commercial licence? What will be the situation with the mental fitness of the person?

Mr D.R. MICHAEL: Obviously, it will be in the regulations, but the intention is to have a periodical medical report very similar to that required for on-demand drivers.

Mr R.S. LOVE: The final line of subclause (5) says "any other relevant matters" that the CEO may have regard to. Can the minister give me some examples of what "any other relevant matters" might entail?

Mr D.R. MICHAEL: Again, that is a catch-all for anything else that the department might know about the person to ensure that the CEO has the ability to take that into consideration, such as unscrupulous behaviour or any other history that is brought to the attention of the department.

Clause put and passed.

Clause 10: Determination of whether grant or continuation of towing industry authorisation contrary to public interest —

Mr R.S. LOVE: We are looking at, for the purposes of this legislation, the determination of whether the grant, or continuation in force, of a towing industry authorisation is contrary to the public interest. We already have a number of players in the tow truck industry, so what are some of the factors that the CEO will look at? Will they include their current activities on the ground? Does the department keep some sort of record of complaints that are received? How will the department be able to make a judgement and also avoid going to SAT and have it struck down if it does not have detailed evidence of whether a reputational issue exists for these particular operators?

Mr D.R. MICHAEL: When considering whether granting an authorisation will be contrary to the public interest, the CEO will consider the need for the creation and maintenance of public confidence and trust in the credibility and integrity of the towing industry. The focus of the public interest test will be an assessment of the industry as a whole and whether the inclusion of the applicant would negatively affect the credibility and integrity of the industry—for example, if an applicant were a member of a declared criminal organisation under the Criminal Organisations Control Act or an identified organisation defined in schedule 2 of the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act.

In terms of some of the behaviour we have seen, the department has received and will continue to receive complaints. We also get referrals from other agencies, such as the Consumer Protection division, and that information could be used under this clause.

Mr R.S. LOVE: That would include bad behaviour in a physical or verbal sense, but would it also include the practices of carnapping or the like by some tow truck operators or drivers? How much testing has the department done of those reports so that they could be used as evidence if this is to be tested as a matter based on the facts?

Mr D.R. MICHAEL: Obviously, for some of the complaints that have been received, there has been an investigative team in the department, which we are beefing up as part of this legislation. That evidence is and will continue to be collected to provide a body of evidence when these grants are made or are not made.

Mr R.S. LOVE: The minister referred to some other legislation that would assist in this regard, but those matters are already covered, are they not, in this current legislation? For instance, the Criminal Organisations Control Act, which we spoke about earlier, already exists and could be used. That is not an added protection; it is simply a continuation of what already exists. I am keen to know how big the database is that the department has on each of the truck drivers and each of the tow truck companies.

Debate interrupted, pursuant to standing orders.

[Continued on page 4593.]

VISITORS — MULLALOO HEIGHTS PRIMARY SCHOOL, LAKE MONGER PRIMARY SCHOOL AND OCEAN ROAD PRIMARY SCHOOL

Statement by Deputy Speaker

THE DEPUTY SPEAKER (Mr S.J. Price) [2.00 pm]: On behalf of the member for Hillarys, I would like to welcome the year 6 students from Mullaloo Heights Primary School.

On behalf of the member for Churchlands, I would like to welcome students from Lake Monger Primary School and their teacher, Ms Harrison, to the chamber today.

On behalf of the member for Dawesville, I welcome the student leadership and deputy principal, Jo Harmon, from Ocean Road Primary School.

QUESTIONS WITHOUT NOTICE

BORDER SECURITY — FEDERAL GOVERNMENT

606. Mr R.S. LOVE to the Minister for Federal–State Relations:

Before I ask my question, I would like to acknowledge the report today that the member for Mandurah is departing the scene in 2025 and I wish him and his family all the very best into the future.

I refer to the troubling developments and threats to our state security and biosecurity, with the Albanese government overseeing a nearly 20 per cent drop in border patrols, citing staffing challenges and significant emergent defects in the vessel fleet, and the discovery of foreign fishing boats moored in Kuri Bay, with illegal immigrants wandering the streets of Beagle Bay, and the Premier's own dismissal of these events by saying that it is a very vast coastline.

(1) What is the Premier doing to ensure that his federal counterparts in the Albanese government are taking this threat seriously?

(2) What is the government doing to beef up biosecurity protections in our north, given the federal government's failure to protect it?

Mr R.H. COOK replied:

I thank the member for the question and take the opportunity to also add my congratulations and thanks to the member for Mandurah, the Leader of the House. We will have an opportunity to farewell him in appropriate style as we look to undertake valedictories. I think we all hope that the member for Mandurah will be partially singing his valedictory!

(1)–(2) I note that the member sought to verbal me in his question to the chamber. I observe that that falls outside the standing orders, but that is the sort of standard we expect from those opposite. I have never sought to dismiss or belittle people's concerns with regard to Western Australia's biosecurity and security or the protection of our borders in relation to our fisheries rights and so on. I have noted on a number of occasions that Operation Sovereign Borders, which began under the Morrison government, I think it was, continues under the Albanese government. In that respect, things are continuing as they were.

I have also made comment before that the Australian Border Force is not only meeting all its scheduled requirements in terms of surface vessel patrols, but also continuing to work in the same manner I believe it did previously under the previous Liberal–National government. That is what it is. I invite the member, if he has concerns about the way the federal government is operating, to take them up with the government concerned.

BORDER SECURITY — FEDERAL GOVERNMENT

607. Mr R.S. LOVE to the Minister for Federal–State Relations:

I have a supplementary question. Thank you, Premier, but as the Minister for Federal–State Relations, has the minister been in contact with the Prime Minister regarding this serious threat to our state's security and biosecurity?

Mr R.H. COOK replied:

I have raised it with the Prime Minister in informal forums and he has assured me that it is a matter of particular interest to the federal government, as are all issues on border protection.

Distinguished Visitor — Leon Bignell

The DEPUTY SPEAKER: I would also like to welcome in the Speaker's gallery Speaker Leon Bignell from the South Australian Parliament.

[Applause.]

COOK GOVERNMENT — INFRASTRUCTURE PROJECTS — HEALTH

608. Mrs J.M.C. STOJKOVSKI to the Premier:

I refer to the Cook Labor government's unprecedented pipeline of works to cater for Western Australia's growing population.

(1) Can the Premier outline how this government will ensure that Western Australians will continue to have access to quality health care?

(2) Can the Premier advise the house how this government will provide women and babies with a brand new hospital sooner rather than later?

Mr R.H. COOK replied:

I add my welcome to Hon Leon Bignell, MP, from South Australia. Regrettably, he is no longer a member of the Labor Party, but I understand that is the way they roll South Australia, which is an unusual thing. Mr Deputy Speaker, I ask you not to take on the same protocols as they have in South Australia!

(1)–(2) Within a few months, Western Australia's population is expected to reach three million. We have the fastest-growing population in the country with the fastest-growing economy. Although we welcome this growth, it adds pressure to frontline services and key infrastructure. For this reason, the government is investing significantly in education infrastructure and, of course, housing and health.

We have added thousands of doctors and nurses to our payroll, and they continue to provide world-class health care for the people of Western Australia. We are upgrading hospitals everywhere, from the farthest reaches of our state to right here in Perth. Yesterday, I joined the Minister for Health and local members from Balcatta and Scarborough at Osborne Park Hospital. That hospital is a great example of my government's commitment to continuing to fund health care and ensure that we have the best facilities for our doctors and nurses to practice in. The hospital has been serving our community in the inner north since 1962. The staff do an incredible job. They treat over 95 000 patients a year and deliver over 1 500 babies each year.

Under our plan, with the new $1.8 billion women's and babies' hospital, we will expand the capacity at Osborne Park Hospital. That will include the announcement that we made yesterday for a new mothers' and babies' unit to support mental health for expectant and new mothers in the northern suburbs. The unit

will provide specialist care for women experiencing mental health problems from late pregnancy until their baby is walking. Those services will include psychiatry, GP services, nursing and allied health support. Importantly, it will mean that women can be admitted with their babies so that they are not separated at that important time. The unit is a major part of our expansion of women's and newborns' services at Osborne Park Hospital. The expansion will provide capacity for doubling the number of births at the hospital and builds on the upgrades we delivered in 2022, including a new maternity assessment, a new 16-bed rehabilitation unit, 10 additional beds and a 30-bed modular unit.

All this forms part of our vision for a massive pipeline of works to boost health and mental health in Western Australia. We are taking unprecedented measures and using innovative procurement methods to attract companies to build our regional hospitals. We are putting more funds on the table than ever before to get the job done. We have shown that we are prepared to make the tough decisions for the health of our community. It does not matter whether someone is from Tom Price, Paraburdoo, Geraldton or Bunbury and everywhere else across the state, including Perth, we are making sure that we get the hospitals that our doctors and nurses need to provide world-class health care.

The new women's and babies' hospital is a clear example of that. Our population is growing. It is growing fast. It is growing faster than any other state. The homework on the new women's and babies' hospital has been completed. We are going to stay the course. We cannot afford to delay any longer. We cannot afford to pursue an unworkable option that will disrupt patients, staff and the community by trying to develop it at the QEII site. Most of all, we cannot afford to listen to the opportunists who continue to pedal misinformation that it represents a risk to patients. This actually represents a major lift in women's and babies' services. It means that we will have a world-class tertiary women's and babies' hospital at the Murdoch precinct and an expansion of maternity services at Osborne Park Hospital, including the women's and babies' unit. It means we will continue to have high-risk births in the northern suburbs of Western Australia as part of the reconfiguration of services. Those opposite say that it represents a risk; we say it represents an opportunity for this state to step forward with world-class health care and hospitals and continuing to make Western Australia a great place to live.

Visitors — Roleystone Community College

The DEPUTY SPEAKER: Before I give you the call, Leader of the Liberal Party, on behalf of the member for Darling Range, I welcome principal Mark Brookes, associate principal Michael Burns and the student leaders from Roleystone Community College in the gallery today. Welcome!

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION (WA) — ADMINISTRATION

609. Ms L. METTAM to the Premier:

Thank you, Deputy Speaker. I would also like to congratulate the Leader of the House, the member for Mandurah, for his announcement today about his departure. I extend my best wishes to him as well as his family.

I refer to speculation regarding negotiations between the Premier's government and the Construction, Forestry, Mining and Energy Union concerning it entering into administration without making a scene.

(1) Can the Premier confirm whether his government has made any special agreement with the CFMEU to enter administration quietly?

(2) Has this alleged deal included any arrangement for a sitting member of Parliament to be appointed as the next Attorney General as part of this agreement?

Point of Order

Mr D.A. TEMPLEMAN: I have a query about the relevance of that question to the role of the Premier.

The DEPUTY SPEAKER: Look, I agree. I am not sure whether it is relevant to any of your portfolios, Premier, but given the fact that you are the Premier, I will leave it up to you to respond how you see appropriate.

Questions without Notice Resumed

Mr R.H. COOK replied:

It is one of the more bizarre questions I have had, but I will seek to provide the house with some clarity around what is actually involved in the union entering into administration.

(1) In the first instance, the Fair Work Commission made an application to the Federal Court to place the CFMEU into administration. I note that that application did not include the Western Australian branch. The commonwealth government then passed laws through the federal Parliament that enabled the government of the day to place the CFMEU into administration. In that context, the commonwealth government imposed an administrator on every branch of the CFMEU. There was no negotiation here or discussion about whether it would happen or not—that is what the law has provided and that is what the commonwealth

government did. To answer the first part of the member's question, there were no negotiations at all because it was not a decision for the CFMEU to make or concede to. It was imposed on it. There was no negotiation either required or possible because there was no decision for the CFMEU to make.

(2) The other accusation that the member seemed to imply via her question was that this is somehow part of an effort to provide commitments to someone else, who the member did not actually point out, to become Attorney General. That is not only bordering on bizarre—it is totally bizarre—but I think the member for Vasse is actually making an accusation of corruption. If the member is in fact suggesting that I am corrupt, she should first of all enunciate those accusations in the appropriate way and then substantiate or withdraw them completely.

CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION (WA) — ADMINISTRATION

610. Ms L. METTAM to the Premier:

I have a supplementary question. Will the Premier ensure that any future appointments to senior government roles, including the Attorney General, are based purely on merit and public interest rather than political deals with union bodies?

Several members interjected.

Mr J.R. Quigley: She's conceding the election!

The DEPUTY SPEAKER: Sorry; were you going to take that interjection, Premier?

Mr R.H. COOK replied:

Yes. I was going to say that the Attorney General's interjection is, of course, quite right: the only people who can decide who is going to decide who is going to be in what portfolios are the people of Western Australia. They are the people who we will seek guidance from on these matters when we go to the election. We will obviously always choose people on their merit, unlike those opposite who always insist upon the Nationals (WA) being appointed the Minister for Agriculture and Food, the Minister for Regional Development and the Minister for Transport regardless of what person they put in that place.

Of course, the Leader of the Liberal Party—perish the thought that they should form government—will be seeking absolute guidance from Hon Nick Goiran who actually runs the party and from someone else who is essentially hunting and undermining her in terms of his own ambitions for the job and will seek to undermine that process as well. Regardless of the merits of anyone putting their name forward to be a minister in a hypothetical Liberal–National government, we know that they will kowtow to the Nationals and kowtow to the factional leaders and they will put whoever they can in whatever position just to make sure that Hon Nick Goiran does not muster up the numbers to deselect them, as they did to the member for Cottesloe.

Perish the thought that we should ever have this divided, chaotic and dysfunctional mob sitting opposite to us today in government. We know that Labor always provides capable governments that serve the people of Western Australia and are always elected on their merit. Quite frankly, Deputy Speaker, I think with that demonstration of not only values, scruples and competence, the time that members opposite will form government is a very long way away.

WOMEN'S AND BABIES' HOSPITAL — UPDATE

611. Mrs L.M. O'MALLEY to the Minister for Health:

I refer to the Cook Labor government's commitment to building the new women's and babies' hospital.

(1) Can the minister update the house on this government's progress to deliver the new women's and babies' hospital as well as expanded birthing services at Osborne Park Hospital?

(2) Can the minister advise the house whether she is aware of anyone who opposes building this new hospital?

Ms A. SANDERSON replied:

(1)–(2) I thank the member for Bicton for that question. We know that this government is getting on with building a new women's and newborns' hospital at the Murdoch site and doubling maternity services at Osborne Park Hospital and neonatology at the Perth Children's Hospital. We all know that King Edward Memorial Hospital for Women is 100 years old. King Eddy's has served the community and the women of Western Australia well, including myself two times, but it is very aged infrastructure and it is reaching the end of its life. We need to get on with it and build a replacement. We have a once-in-a-generation opportunity to reshape maternity care in Western Australia with the builds of these hospitals and to deliver maternity care in the way that Western Australian women want and have been saying they want for a long time.

We know that women in Western Australia will have a clear choice at the next election about a state-of-the-art hospital built in the southern suburbs. If the member for Vasse wants to make the election

> a referendum about maternity services, let us do it! Let us have that debate. We know that women will have a choice between a brand new state-of-the-art hospital in Murdoch and no hospital in Murdoch under the Liberal leader who will tear up the contract. We know the Liberals will not deliver the expanded services at Osborne Park Hospital, a brand new birthing centre, a brand new mother and baby unit or an expanded footprint —

Ms L. Mettam interjected.

The DEPUTY SPEAKER: Order, Leader of the Liberal Party!

Ms A. SANDERSON: They will deliver disruption and risk to the health system for the next 10 years. They will make women wait for at least 10 years. Let us not forget that they have a record of building a hospital on the Queen Elizabeth II Medical Centre site, with the Perth Children's Hospital, a hospital that had lead in the water and asbestos in the roof. They could not get it open. The public knows their record, but I am happy to remind them, in this context, of the opposition's record.

Members in this place and people in the community know that the government intended to build the hospital at the QEII site, but the business case and the later review by Infrastructure WA illustrated that there were unmitigable risks with that site and that the Fiona Stanley Hospital would provide a better site. It is a greenfield site and it would not have the impact on clinical services and the disruption of QEII for up to 20 years; that was in the Infrastructure WA report. Building at the Fiona Stanley Hospital site will mean better access for women and babies from regional Western Australia via the Royal Flying Doctor Service. It will mean more options for maternity care for women and families in the southern and eastern suburbs. It will also mean an opportunity to expand maternity services in the northern corridor, expanding maternity, gynaecology and neonatology at the new family birth centre at Osborne Park Hospital. Members, the project is well underway. I joined the Premier, the member for Scarborough and the member for Balcatta to announce the opening of the expressions of interest for community consultation about the Murdoch and Osborne Park facilities. Women and babies are at the centre of this project.

We know what the Liberal Party wants to do with this. On 15 February, and more recently, the Leader of the Liberal Party said that she will tear up the government contract. She is calling for a delay of the contract and the only policy —

Ms L. Mettam: We are the only state without a world-class facility.

Ms A. SANDERSON: That is not true. Every state has different circumstances. Not every state has a tri-located hospital; let us be really clear about that. The member for Vasse has only one maternity care policy, and that is not to build this hospital because it cannot be built safely on that site. She has made some outrageous claims, including that a majority of WA doctors, nurses and health experts agree that the women's and babies' hospital should be built at QEII. She has never presented any evidence to back up that claim. Never, ever has she presented evidence. There are a range of points of view on this—there is no question about that—and they are deeply held, but no-one has ever presented me with a shred of evidence to demonstrate that what happens now is unsafe when we transfer babies from King Edward Memorial Hospital to another hospital. That is what happens now. No-one has presented a shred of evidence to say to me that that is unsafe, but that is what the member is saying now: what we do now is unsafe.

I will again put on the record some evidence for the member for Vasse. A study was undertaken by a very senior Western Australian neonatologist, and it was based on 38 studies and included 42 000 babies. It found that an overwhelming majority of studies do not support the claims of the member for Vasse. For example, I will quote an article published in 2015 by Saritha Paul and Steven Resnick titled "Long-distance transport of neonates with transposition of the great arteries for the arterial switch operation: A 26-year Western Australian experience". It reviewed 80 critical babies with complex heart defects, called transposition of the great arteries, and it stated —

> … long-distance transport of neonates with TGA can be safely undertaken, with no evidence of increased transport mortality/major morbidity or higher early surgical mortality.

The member for Vasse claims that this government has not consulted experts, yet she willingly and wilfully ignores that report. This is a senior neonatologist who teaches neonatologists in Western Australia. In the chamber earlier in the year, I provided this evidence, and she continues to ignore that advice.

The other advice that she continues to ignore is that of the director general of Health. I know that she was briefed on the risks of this project by the former director general of Health because I facilitated that briefing. She was also provided advice by the new director general in this chamber. It was very clearly articulated. Dr Shirley Bowen, who was the chief executive of the North Metropolitan Health Service prior to becoming the director general and was in charge of running Sir Charles Gairdner Hospital, said —

> As the business case work became evident to us, we realised that we would be significantly disrupting Sir Charles Gairdner Hospital … the theatre block and the intensive care unit, which would both be significantly disrupted by this build … Access to the emergency departments would be limited for both Sir Charles Gairdner Hospital and Perth Children's Hospital … As an executive team, we all pondered

how we would be able to manage that service during that period. We delivered the message to the minister that, should it continue to be built in its current form, we had deep concerns about how we would deliver those services to the people who need Sir Charles Gairdner.

The member for Vasse continues to ignore that advice. We know that the Liberal Party will bring risk —

Point of Order

Mr R.S. LOVE: I would like to be able to listen to the minister, but there seems to be some background noise coming from upstairs.

The DEPUTY SPEAKER: There is a bit of noise coming from up in the gallery. Sorry, minister, carry on.

Questions without Notice Resumed

Ms A. SANDERSON: To conclude, the member for Vasse needs to come clean about what services she is going to disrupt, where she is going to put it, what surgeries she is going to cancel and where she is going to put patients, visitors and the car park. We know that the Liberal Party will deliver disarray and risk to the public health system.

POLYPHAGOUS SHOT-HOLE BORER

612. Mr P.J. RUNDLE to the Premier:

I add my congratulations to the Leader of the House, my counterpart. I say well done on his 23-year career.

I refer to the Cook Labor government's lacklustre approach to biosecurity and the ongoing spread of polyphagous shot-hole borer.

(1) Why have our local government leaders had to head the charge in the fight against this massive threat to our tree canopy and fruit growers?

(2) Why has it taken so long for the government to wake up to the threat?

Mr R.H. COOK replied:

(1)–(2) I thank the member for the question, although I do not thank him for the inaccuracies and, quite frankly, the misinformation that was inherent in his preamble. It is simply not factual to refer to a lack of response by the government to the shot-hole borer invasion.

The Department of Primary Industries and Regional Development is working around the clock to eradicate this unprecedented pest. It is part of a nationally coordinated and funded biosecurity response. Since August 2021, which is three years ago, DPIRD response staff have inspected more than 1.8 million trees on over 60 000 properties. This makes it the biggest surveillance program in the department's history.

The Armadale, Kwinana, Mundaring, Rockingham and Serpentine Jarrahdale local governments have been added to the quarantine area. It now captures all 30 local government areas across the entire Perth metropolitan area and covers a total of 6 418 square kilometres. This program involves significant resources from the state government. Obviously, we expect local governments to play their role as part of the detection and eradication process.

Of course, we saw misinformation from those opposite when they said that the shot-hole borer had spread to Harvey.

Dr D.J. Honey: The Shire of Harvey said it. It did not come out of the ether.

Several members interjected.

The DEPUTY SPEAKER: Members!

Mr R.H. COOK: We will consult with the scientists about this matter. As I said, it is a national program that is informed by national science about the appropriate ways to respond to this situation. I urge those opposite to not enter into political opportunism, be alarmist or make inaccurate claims. I ask them to be responsible members of Parliament as we, as a community, all work together on this issue.

This continues to be an important issue for the department. It is consuming a lot of resources, and it is a single focus because we understand the threat that it represents to Western Australia's biosecurity. We did not create the problem, but we are part of the solution. Everyone has their own role to play.

POLYPHAGOUS SHOT-HOLE BORER

613. Mr P.J. RUNDLE to the Premier:

I have a supplementary question. As the Premier pointed out, this was detected three years ago. Has the Minister for Agriculture and Food dropped the ball?

Mr R.H. COOK replied:

No.

COOK GOVERNMENT — PERFORMANCE

614. Dr J. KRISHNAN to the Treasurer:

I refer to the Cook Labor government's strong financial and economic management.

(1) Can the Treasurer outline to the house what action the government is taking to ensure that Western Australia can meet the needs of our growing population?

(2) Can the Treasurer advise the house whether she is aware of any threats to the state's finances, economy and future opportunities?

Ms R. SAFFIOTI replied:

(1)–(2) That is a nice question, member for Riverton. Thank you very much for that question. To help facilitate such strong population growth, we need to focus on key areas. One of them, of course, is the strong management of the state's finances. I am pleased to report that today, Moody's has reaffirmed the state's AAA credit rating for Western Australia. We are the only state to have a AAA credit rating from both Moody's and S&P Global Ratings. They are tough to attain and tough to hold because these ratings agencies go through every line of the budget to make sure that we are doing a good job managing the budget. Despite all the pressures, which are enormous, on funding not only social services, but also economic infrastructure, and although it is very tough to get that balance right, we are, and we are delivering for the state.

Of course, it is also about making sure we continue to provide opportunities in the state and continue to create jobs for Western Australians. With a bigger population, there is more demand for jobs. We have to ensure that we continue to facilitate economic growth. As part of the diversification program headed by the Premier, we have different initiatives out there to fuel development and create jobs.

The other key point is delivering infrastructure around the state, whether it relates to health, schools or transport. We have already seen an opposition that opposes public transport infrastructure. When we go up to Yanchep or Ellenbrook, down to Byford, across to Thornlie and Armadale or down to Cockburn, we see the enormous infrastructure that we have put in place to keep up with population growth. We know that the opposition does not support investment in public transport. If it could, it would probably rip up a few Metronet lines just to spite the population of WA. Now we are seeing this in health. As we heard in the Parliament today, outlined by both the Minister for Health and the Premier, the opposition will delay a new women's and babies' hospital, which will mean that these new services will not be able to help feed the extraordinary population growth in this state.

I want to highlight education. The Liberal Party opposes a new high school in Brabham in my electorate. What we heard last week in relation to a new East Perth primary school would mean hundreds of millions of dollars of extra costs and delay upon delay in delivering a new school in East Perth. The member for Cottesloe highlighted that school, but the Liberal Party voted against building a new primary school in East Perth. The alternative that it put forward—its option—is to build a new school in "Silver City" in East Perth. Is that the Liberal Party's policy? Leader of the Liberal Party and Leader of the Opposition, is that your policy? That is what they said last week.

Several members interjected.

Ms R. SAFFIOTI: Did they say, "We haven't got a policy?" What did they say?

Point of Order

Mr R.S. LOVE: Point of order, Deputy Speaker.

Several members interjected.

The DEPUTY SPEAKER: Points of order will be heard in silence.

Mr R.S. LOVE: This is clearly heading off track from this minister's area of responsibility. We are now turning this into "questioning the opposition time" rather than the opposition questioning the government. This is ridiculous.

The DEPUTY SPEAKER: Thank you, Leader of the Opposition. I will not uphold that point of order. The Treasurer will carry on responding to the question.

Questions without Notice Resumed

Ms R. SAFFIOTI: As Treasurer, I am very keen to see value for money in our infrastructure. That is why the policy put forward by the Minister for Education is value for money. The reality is that building —

Several members interjected.

The DEPUTY SPEAKER: Members!

Ms R. SAFFIOTI: How much will the new school in "Silver City" cost? Let us go through the member for Cottesloe's policy. There are currently about 1 000 people working in "Silver City". Member, where are they going to go? First of all, the Liberal Party is going to build a new office for everyone working —

Point of Order

Mr P.J. RUNDLE: Deputy Speaker, this question was about the credit rating and somehow now we are talking about the East Perth primary school. It is not relevant.

The DEPUTY SPEAKER: The Premier is responding by referring to different budget items. Carry on, Treasurer.

Questions without Notice Resumed

Mr D.T. Punch: The answer is very interesting.

Ms R. SAFFIOTI: Yes, I think it is worth going through. The Liberal Party's commitment is to build a new school at "Silver City". That means building a new office building for all the office workers in "Silver City".

Dr D.J. Honey: Landgate. Sorry; you sold that. You gave it away.

Ms R. SAFFIOTI: So you want to use a Landgate building? Where are you going to put them? We are within six months of an election, so the member for Cottesloe can sit there and criticise and be negative, but now it is time to have some solutions. The solution put forward by the member is "Silver City". We are going through that process. The opposition intends to relocate up to 1 000 people from "Silver City" to somewhere else. Will that take about three to four years, members? It will cost about $300 million. Then it has to build on that site, with no dedicated public oval for the school. How much will that cost, member for Cottesloe? If he thinks he is such an economic genius, he should tell us. Let us talk about the economic geniuses from the other side, the ones who lost the credit rating, set the state into recession and nearly bankrupted the state. We have already seen chaos, dysfunction, instability and inexperience from the other side.

Ms L. Mettam interjected.

Ms R. SAFFIOTI: The Leader of the Liberal Party can be as negative as she likes. That is how everyone sees her—a negative person criticising and criticising. What is her policy? What is her policy on the school?

Ms L. Mettam: We haven't stated it yet.

Ms R. SAFFIOTI: Oh! But the member for Cottesloe did last week.

Several members interjected.

The DEPUTY SPEAKER: Members!

Point of Order

Mr R.S. LOVE: Point of order, Deputy Speaker.

Several members interjected.

The DEPUTY SPEAKER: Members! Points of order will be heard in silence. I give the call to the Leader of the Opposition.

Mr R.S. LOVE: We are in question time; this is not "have an argument time".

The DEPUTY SPEAKER: Yes, I know. But I will just say your alliance partners are doing the interjecting. Control your own side and you may not get as much response from the Treasurer. Treasurer, it would be great to wrap it up, thanks.

Questions without Notice Resumed

Ms R. SAFFIOTI: If this is not "have an argument time", I need another career! Sorry.

In less than six months, the person sitting next to the member for Cottesloe is advocating Liberal Party policy —

Ms L. Mettam: It was in a debate.

Ms R. SAFFIOTI: To what?

Ms L. Mettam: It was comments in a debate.

Ms R. SAFFIOTI: So it was a comment. What is the Liberal Party's policy?

Ms L. Mettam: You've seen our policies.

Ms R. SAFFIOTI: The Leader of the Liberal Policy cannot count. Listening to her trying to count is awful. Even worse is watching the Leader of the Liberal Party trying to navigate budget papers. Has anyone ever seen that? Has anyone ever seen the Leader of the Liberal Party doing that?

Ms L. Mettam: It's the largest blowout in the state's history.

Ms R. SAFFIOTI: So how much is the Liberal Party's new "Silver City" school going to cost?

The DEPUTY SPEAKER: Treasurer!

Ms R. SAFFIOTI: She is interjecting. The economic geniuses on the other side —

The DEPUTY SPEAKER: Treasurer, just wait. Leader of the Liberal Party, your incessant interjecting is really drowning out the response because you keep interjecting with different things for the Treasurer to respond to. If you want to ask a question, you will get the opportunity to stand up and do that, but we will let the Treasurer finish her response.

Ms R. SAFFIOTI: The economic geniuses on the other side! There are only two of them and they cannot even agree on where they are going to put a school in East Perth. There are two of them. They should agree. One says, "We have no policy"; the other one says, "We've got a policy that's going to delay the school for 10 years and possibly cost more than $400 or $500 million." That is the Liberal Party of today—chaos and negativity. I know that people out there will say, "What are their policies? What are they on about? They are very negative, but what do they actually stand for? What are their commitments?" When we were in opposition, we were out there doing consultation on our policies. We were holding community forums about all the policies we were introducing. We have less than six months to go and we hear negativity, no policies and chaos and dysfunction.

AGENT GENERAL — APPOINTMENT

615. Ms L. METTAM to the Premier:

I refer to the recent appointment of Angela Kelly as Agent General for a notably short nine-month term.

(1) Is the real reason for this short appointment to allow the Premier to appoint a current member of Parliament to the role of Agent General, if the Labor Party wins the March election, as a reward for vacating —

Several members interjected.

The DEPUTY SPEAKER: Members!

Mr J.R. Quigley: Conceding again?

The DEPUTY SPEAKER: Attorney General! Start again, Leader of the Liberal Party.

Ms L. METTAM: I refer to the recent appointment of Angela Kelly as Agent General for a notably short nine-month term.

(1) Is the real reason for this short appointment to allow the Premier to appoint a current member of Parliament to the role of Agent General, if the Labor Party wins the March election, as a reward for vacating their current position?

(2) Can the Premier assure the public that this key diplomatic post will not be used as a political reward for internal party negotiations?

Mr R.H. COOK replied:

(1)–(2) I note that standing order 77(1)(b) suggests that questions should not contain hypothetical matter, suppositions, epithets, ironical expressions, allegations or arguments. We might also add to the standing orders that questions should also not contain conspiracy theories! I want to place on the record, because I think I know where we are going here, that I do not believe that any immigrants in Western Australia eat their cats or their dogs! We should just clarify that right now, Deputy Speaker, because I think that is where the Leader of the Liberal Party is taking us. I think we can see the little tunnel that the Liberal Party is burrowing down into, getting deeper and deeper into this stuff.

Once again, the other side has done two things. It has provided a hypothetical situation on the basis that I will provide an appointment in the event that my side is re-elected in March 2025 in relation to the Agent General's position. I want to place on the record that I have absolute respect for the people of Western Australia. It is they who will decide who will be making the decisions on these matters after the election, not a presumptive administration such as a new WA Labor government, as the Leader of the Liberal Party seems so keen to herald. Despite the concession in relation to the matter, I just want to say that I think the Agent General has done an amazing job for Western Australia by ensuring that we play our part as part of the AUKUS partnership, making sure that we continue to see new trade opportunities as they grow in Europe and making sure that we can continue to have important opportunities for import and export business relationships, which will ensure that we can continue to see our economy grow.

I thought it appropriate to appoint for a nine-month period, because although Angela Kelly is a great career public servant who has done an amazing job for Western Australia, I want to review that role to make sure that it is more in keeping with community expectations and similar levels of seniority as we see in the Department of Foreign Affairs and Trade, and be guided by those standards and arrangements that are already in place. I think that is what people would expect. On that basis, I did not see it as appropriate to appoint Ms Kelly for the full length of that contract until that work can be undertaken. That is the reason I appointed her for a nine-month period. I know that she will do an amazing and incredible job on behalf of the people of Western Australia, as John Langoulant has done. They all do us proud and we are very grateful for and respectful of the work that they do.

HOUSING — SUPPLY

616. Mr Y. MUBARAKAI to the Minister for Housing:

My question is to the Minister for Housing, whom I personally graded with an "E" for excellence!

I refer to the Cook Labor government's efforts to diversify housing options and increase supply for Western Australians.

(1) Can the minister outline to the house how this government is prioritising the delivery of new and innovative measures to boost the number of houses?

(2) Can the minister advise the house whether he is aware of any alternative proposals to increase the housing supply?

Mr J.N. CAREY replied:

(1)–(2) I thank the member for his question and his commitment to boosting housing supply across Western Australia. As we know, we are doing everything we can to boost housing supply, whether it is in the private rental market, in social and affordable housing or in the broader market for new homebuyers and for existing buyers who wish to buy an established home. Of course, since 2021, we have made a record investment of $3.2 billion in housing and homelessness initiatives. We keep increasing the social housing target and we have made a new target of 5 000 homes. To date, we have delivered more than 2 450 social homes in the tightest construction market in our state's history, with another 1 000 under contract or construction. To do that, we have had to think outside the box. It is not just about double-brick homes. That is why there has been a concerted effort to build homes through alternative means, whether it is prefab, modular or small homes. If members look at what we are doing, we engaged Summit in Spearwood to produce tiny homes built offsite and delivered onsite to create new social homes. In Hamilton Hill are 12 units that are timber frame homes. From the concrete pour, it takes nine months to get a home completed. We know that in this tight construction market, that is actually difficult to attain. We have done modular homes and modular builds with our steel modular program, which is about getting housing out to the regions. We have created a very clear program to boost housing in the regions. I am deeply proud that we have thought outside the box and that we have driven innovation through our procurement to build and grow the modular prefab and offsite construction sector.

I note there is a deep contrast between our side and the WA Liberals. First of all, the Leader of the Liberal Party, with her Liberal candidates, is out there not only spreading fear about the planning system, but also actively opposing new housing developments. Wherever we look, there is the WA Liberal leader and her candidates opposing housing at every opportunity. She is also telling people fibs and incorrect information about the planning system. We are seeing it again and again.

The second part I thought to look at was Hon Steve Martin, who has in his title the housing and planning portfolios. He is impossible to underestimate in terms of the policy vacuum that exists. I note a Joe Spagnolo article on the weekend that was an in-depth interview; it is the first one that Joe is doing. It is a terrific series, but I think Joe's article was insightful. His interview with Steve Martin was called "All joking aside". This is what Hon Steve Martin said —

> The first thing I would do on day one of a Mettam Liberal government —

That gives you shivers —

> would be to make housing top of my priority.

I just want to make this clear. Hon Steve Martin should come with a warning label. Can we just be clear? He said —

> The first thing I would do on day one of a Mettam Liberal government would be to make housing top of my priority.

If the member were going to do that, do we not think that he would have released one policy by now? Do we not think that he would have released one policy so that he could engage industry and a range of stakeholders? This is the arrogance of the WA Liberals and Hon Steve Martin. It shows such a lack of respect to Western Australian voters that they say, "We're going to wait right until the end. We're not going to inform you; we're not going to engage you. We're going to wait right until the end to release some housing policies." What a joke for Hon Steve Martin to say it is a top priority when the party has not released one policy to date. That side has no ideas. This side is driving every measure to boost housing supply in Western Australia.

LIVESTOCK PRODUCERS — ABATTOIR ACCESS

617. Mr R.S. LOVE to the Premier:

I refer to the closure of custom kills for small livestock producers at a south west abattoir, which has devastated paddock-to-plate producers, now being pushed out of business because of capacity constraints at the abattoir. Noting that the government granted $750 000 to that abattoir last year, specifically to expand capacity, will the Premier's minister intervene to ensure that our world-class producers have access to an abattoir service?

Mr R.H. COOK replied:

The Dardanup Butchering Company has confirmed with the Minister for Agriculture and Food's office that it will cease custom kill services for small ad hoc customers. Obviously, the agriculture minister's office has reached out to DBC today to see whether state government support was required in the short term; however, it has confirmed that this is a commercial decision that it has made for its business. A number of abattoirs, including DBC, have successfully applied for state government support for expansion through our regional economic development and value-add investment grant programs. These are important programs to make sure we continue to develop the supply chains for sheep processing and continue to service not only our farms, but also our domestic and overseas markets.

The Western Australian Meat Industry Authority stands ready to provide advice and support to any new abattoir looking to enter the market. We know we need to continue to boost our capacity for livestock processing. It is an important part of what we are doing and, of course, we will make sure that we continue to work with industry to build capacity for not only throughput, but also chilled storage means to increase our capacity.

LIVESTOCK PRODUCERS — ABATTOIR ACCESS

618. Mr R.S. LOVE to the Premier:

I have a supplementary question. With capacity constraints demonstrated at existing abattoirs and the Premier's federal colleagues' senseless closure of live sheep exports, can the Premier see the looming problem for Western Australia's livestock industry, thanks to government decisions made both in Canberra and Perth?

Mr R.H. COOK replied:

I note that the decisions in Canberra will not impact farmers until May 2028. There is still time to make sure that we assist the industry to transition. We are obviously very focused on continuing to build our meat-processing capacity. I want sheep processed in Western Australia. That means there are more WA jobs. It means there are higher-value products for export, and it means that we can look after those animals better and treat them in a way that we wish. The fact is that we need to continue to boost our meat-processing capability. That is something that the Minister for Agriculture and Food and the Minister for Regional Development are very focused on, and we will make sure that we get the job done. We can do this because we have looked after the state's finances and we are in a position to invest and to assist industry. We can move in a strategic direction that is in the interests of Western Australia, instead of simply raising taxes, running up deficits and debt as far as the eye can see, and not being in a position to assist industry at all because, essentially, we have cooked the books, as the Liberal and National Parties did prior to coming into government.

We will continue to work closely with the industry. We know that our agricultural industry is part of the foundations of our economy. It is a key part of not only Western Australian jobs, but also Western Australian lives and communities. That is the reason we are working hard to make sure that this industry continues to thrive and that we can continue to benefit from value adding to agrifood products.

ONSLOW DESALINATION PLANT

619. Ms A.E. KENT to the Minister for Water:

I refer to the Cook Labor government's commitment to creating local job opportunities in regional Western Australia. Can the minister outline how the construction of the Onslow desalination plant will deliver water security to regional residents and businesses and create hundreds of new local jobs?

Ms S.F. McGURK replied:

I thank the member for the question. I know that water security is an important issue for her community, as it is for the whole state, but particularly for regional areas as the climate warms and rainfall reduces and becomes less reliable. This is an issue that this government is confronting and managing. Labor governments have a strong history of investing in forward-thinking water source projects. The project that the member referred to is no different. Onslow will become home to the first regional WA public drinking water desalination plant that will supply regional communities. It is a desalination plant in regional Western Australia that will supply water to the regional community. It is a $94 million investment, and it will help secure the community's long-term drinking water supplies. It will also support the local economy, reduce reliance on groundwater and meet the needs of a growing population. I acknowledge Chevron, which, through its Wheatstone project, is providing $69 million in funding towards stages 1 and 2 of the project, under a longstanding state development agreement requiring a company to fund projects that deliver lasting community benefits in Onslow and across the Pilbara. This is a $94 million project, $69 million of which will come from Chevron under its state development obligations. The remaining $25.3 million will come from the state government to deliver this water security program.

This desalination project is an important project. It will deliver half a gigalitre of water a year, or 1.5 million litres of drinking water each day. As I said, it is part of delivering Onslow's long-term drinking water supply. It includes an upgrade to the surrounding Cane River bore field, to improve scheme reliability. That was a $13.7 million investment that was completed in 2023. It included upgrades to the pump station, a new power station, electrical

supply to bores to enable remote operation and, of course, the desalination plant. The plant will cost $80.3 million and is scheduled for completion in 2026. I was pleased to join upper house member Hon Peter Foster, along with representatives from Chevron and the Water Corporation, local businesses that will benefit from the project, and the president of the Shire of Ashburton, Audra Smith, and CEO Kenn Donohoe, to acknowledge our clichéd but very important sod turning. Members will be grateful to know that we were not relying on five people with shovels to start the earthworks; some important civil works had already started there. We were up there to look at the site and acknowledge the beginning of the construction process.

As I said, the project has started. It is expected to double the future needs of Onslow by 2045 due to population and industry growth. The proposed site shifted a few times after consultation. There were extensive investigations with the community and stakeholder engagement on the plan, including the Shire of Ashburton and traditional owners. Following commission, water supply to Onslow will be blended from the bore fields and the desalination plant to improve the aesthetic quality of the work. The work is expected to create more than 300 jobs and see about 10 per cent of those jobs directed to local businesses. The work will be done by Guidera O'Connor. The contract was awarded in 2023. The trunk main, which is a 2.5-kilometre pipeline connecting the plant to storage tanks along Onslow Road, will be delivered by north west Aboriginal business Kimberley Civil and Drainage, which the Water Corporation has been working with quite a bit. These are good examples of Aboriginal-controlled businesses that are getting the benefits of this sort of investment in infrastructure in the Pilbara and Kimberley. Also, Guidera O'Connor has committed to employing Aboriginal employees and apprentices and trainees as part of its contract.

In addition, $7.2 million, or 13 per cent of the total contract sum, will be subcontracted to Muguriyarra, which is a 50–50 joint venture partnership between NTC Contracting and JLAH Contracting, which is a Thalanyji–Ngarluma-owned business. Again, there are Aboriginal-controlled interests in some of the contracting work that has been done. There are other examples of the subcontract work that is going out to local business.

Again, there will be a $94 million upgrade to the water supply in Onslow, including upgrades to the bores, as well as an $80 million desalination plant, delivering water security and climate-independent water sources and investing in not only that community, but also the businesses that that community will rely on.

CITY OF PERTH — LORD MAYOR — MEMBER FOR COCKBURN'S COMMENTS

620. Dr D.J. HONEY to the Premier:

I refer to considered comments made by the member for Cockburn in this chamber last Wednesday that the Right Hon the Lord Mayor of the City of Perth, Mr Basil Zempilas, is a B-grade TV personality, a phoney and a fraud.

(1) Does the Premier support one of his members using parliamentary privilege to launch such an offensive tirade against a leading Western Australian public figure?

(2) Does he agree with the comments made about the Perth Lord Mayor by the member for Cockburn?

Mr R.H. COOK replied:

(1)–(2) I have no comment to make about the characterisation of anyone who enters the political theatre of the day. I do note that those opposite have had very colourful things to say about the member for Perth and the Deputy Premier on various occasions as part of the cut and thrust of politics. Quite frankly, I find it extraordinary that those opposite should be so sensitive about these things when they themselves, on occasions, have entered the fray with some rather personal and disrespectful comments.

I am not going to reflect at all on the debates in this place, but I will reflect on the fact that this debate is around whether the people of East Perth get a primary school and a new housing supply in their area. It is as simple as that. Let us be under no illusions; those opposite will oppose housing in almost any measure. They come into this place and complain about the lack of housing, but then oppose any housing development wherever it occurs. This is a great example of the way that they come out and oppose and want to cancel or delay projects that will take this community forward.

Dr D.J. Honey interjected.

The DEPUTY SPEAKER: Member for Cottesloe!

Mr R.H. COOK: Of course, the thing that I am most gobsmacked and most disturbed about is that the Liberal–National opposition is opposed to a new primary school in an area that is screaming out for it. I hear from those opposite and they say that they are not opposed to it. No; they simply want to delay it for 10 years! They simply want to throw up these straw-man arguments, which is simply another way of saying that they want to see this project delayed for as long as possible.

It is clear what we need in this area. We need a new school, new housing supplies and new opportunities—new ways of bringing young families into that East Perth precinct. They need the schools and housing that support that growth. We know what the others do not like. They always oppose education, they always oppose schools and

they always oppose housing, and they oppose a homeless shelter for women in the same area. That is the form of those opposite. I think everyone in the community should be aware of just what the form of the Liberal Party is on these matters—opposition, delays and cancellation. Liberal members will do whatever they can to stop this community getting the primary school that it needs and getting more housing. We saw their form on the women's homeless shelter. I think it is extraordinary that they would want to do these things and bring such damage to the community. It is really disappointing. Let us get on with it. Let us get on with the task of making sure that the East Perth community and the whole inner Perth community get a new primary school so that those kids can have a state-of-the-art primary school and we continue to support families in that area.

CITY OF PERTH — LORD MAYOR — MEMBER FOR COCKBURN'S COMMENTS

621. Dr D.J. HONEY to the Premier:

I have a supplementary question. Why will the Premier not simply ask the member for Cockburn to apologise to the Lord Mayor of Perth for his offensive outburst?

Several members interjected.

The DEPUTY SPEAKER: Member for Cottesloe!

Mr R.H. COOK replied:

Those opposite dish it out all the time—the name calling, the accusations and the personal attacks—but the moment they find themselves in the spotlight of any scrutiny or public debate, they fall apart.

Several members interjected.

The DEPUTY SPEAKER: Members! Member for Cottesloe! Carry on, Premier.

Mr R.H. COOK: Obviously, I want to see respectful debate. I want to see debate that is focused on the issues at hand, and the issue at hand is whether the people of East Perth get a new primary school and the housing that they deserve. It is about whether, in this instance, the Liberal Party will continue its tactics of negativity, opposition and delay or whether it will actually get on board with something that will have a fundamental community benefit. It is a primary school we are talking about! We are not even talking about something controversial. It is a primary school. I would have thought that that is the one thing we could all agree on—that the community should have a primary school. But not even that.

Ms L. Mettam interjected.

The DEPUTY SPEAKER: Leader of the Liberal Party!

Mr R.H. COOK: They want to delay, they want to oppose and they want to cancel. They will do everything they can.

Dr D.J. Honey interjected.

The DEPUTY SPEAKER: Member for Cottesloe!

Several members interjected.

The DEPUTY SPEAKER: Members! The Premier has the call.

Ms S. Winton interjected.

The DEPUTY SPEAKER: Minister!

Mr R.H. COOK: Let us just get on with the job. Let us just get on with making sure that that community gets a new primary school.

Dr D.J. Honey interjected.

The DEPUTY SPEAKER: Member for Cottesloe!

Mr R.H. COOK: Let us just make sure that we all acknowledge that there is a community good—a community benefit—in something like a new primary school being constructed. The City of Joondalup recognised that with the Ocean Reef Marina.

Ms L. Mettam interjected.

The DEPUTY SPEAKER: Leader of the Liberal Party!

Mr R.H. COOK: The City of Perth has in recent history recognised this as well. It fully cooperated with it. The City of Perth was once upon a time in full-throated support of this particular proposal.

Dr D.J. Honey interjected.

The DEPUTY SPEAKER: Member for Cottesloe!

Mr R.H. COOK: Something has happened in the interim, Deputy Speaker, and that is that someone has been preselected by the Liberal Party. Now, all of a sudden, the City of Perth has flipped its position—going from full-throated support of this project and being photographed in media opportunities alongside government ministers and saying how much it supports it. Someone gets preselected by the Liberal Party and now, all of a sudden, it is considered a bad thing. I think the entire Western Australian community can see what is going on here. I think we can all see what is going on here. What we have here is rank political opportunism. I want to remind everyone what this is about. This is about the public benefit of more housing and a primary school for our kids. It is time that we all do what is right for WA. It is time that we stand up for the East Perth community and it is time that we put aside this nonsense, work together and get that school built.

The DEPUTY SPEAKER: That concludes question time. I will make a comment to members on both sides of the chamber. We have gone a little bit over time today. We can work on ministers getting those responses down a little and if the opposition could limit the interjections, we might be able to get through it a bit quicker in the future.

BUSINESS OF THE HOUSE — ANNUAL RETURNS — SITTING HOURS

Statement by Deputy Speaker

THE DEPUTY SPEAKER (Mr S.J. Price) [3.09 pm]: I have a couple of statements. Firstly, I remind members that your annual returns are due to be completed and provided to the Clerk by 30 September.

I also advise that the house will sit beyond seven this evening and there will be a short dinner break from six to six-thirty. That is half an hour, so it is not between six and seven, but between six and six-thirty this evening.

EDUCATION — GOVERNMENT PERFORMANCE

Removal of Order — Statement by Deputy Speaker

THE DEPUTY SPEAKER (Mr S.J. Price) [3.10 pm]: I advise members that private members' business order of the day entitled "Prioritising Student Needs in the WA Education System" has not been debated for more than 12 calendar months and has been removed from the notice paper.

BIOSECURITY AND BORDER SECURITY — GOVERNMENT PERFORMANCE

Matter of Public Interest

THE DEPUTY SPEAKER (**Mr S.J. Price**) informed the Assembly that he was in receipt within the prescribed time of a letter from the Deputy Leader of the Opposition seeking to debate a matter of public interest.

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

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [3.11 pm]: I move —

> That this house condemns the Cook Labor government for failing to take seriously our state's biosecurity, as demonstrated in the ongoing spread of polyphagous shot-hole borer, the threat of tomato brown rugose fruit virus and the total lack of awareness of the great risk that the federal Labor government's changes to Western Australia's border patrol boats pose.

I have to say that this is a mess. The way that this government is operating in relation to biosecurity, border security and potential biosecurity threats is very concerning. As you know, Deputy Speaker, my background is in agricultural farming and the like. Biosecurity is at the top of our list, and it should be for this state government. We have already seen 3 500 trees removed because of the polyphagous shot-hole borer and the equivalent of 18 football fields of our tree canopy removed. This is a serious issue. We know that many residents and local governments alike in Perth are concerned about the tree canopy. It is a serious issue and we are here today to point out the way this government has treated this issue and the way it has not shown the respect that is required.

The member for Cottesloe, Hon Neil Thomson and I had a briefing from the Department of Water and Environmental Regulation several months ago. I think I can say on behalf of the member for Cottesloe that we were both very concerned about the way this is going. Quite frankly, I am sure that both of us at the time did not realise how much destruction the polyphagous shot-hole borer would cause. I think both of us were quite concerned about the government's lack of response to it on that occasion. The polyphagous shot-hole borer turned up at about this time three years ago. It turned up in California in 2003 and in Israel in about 2013. We are questioning the strategy that the department put in place, especially given that this was discovered three years ago and that those other countries had been dealing with it for quite some time. My concern is that whomever we speak to in this government—we saw it again from the Premier today—there seems to be a different version of what has been done.

I will congratulate some of our journalists in Western Australia who have been trying to alert the public to this issue. It is quite amazing that it has almost fallen to our media and journalists to do that. I refer to the likes of Bonnie Christian from the *Post*, Hamish Hastie from WAtoday and Caitlyn Rintoul from *The West Australian*. They are the people who are informing Western Australia. From my perspective, they have done a great job. Bonnie Christian has written many articles in the *Post* alerting everyone, especially in the western suburbs, about what is happening in Claremont, Lake Claremont, the local government of Subiaco and many other areas. I am

especially concerned that our local governments have had to lead the charge. Hon Alison Xamon is a former member of the other place and is now the Mayor of Vincent. She has been out there. Karen Chappel, the Morawa shire president of 15 years and also the president of the Western Australian Local Government Association, has been leading the charge, not the state government. Karen Chappel and WALGA seem to be the ones who are leading the charge. The Lord Mayor of the City of Perth, Basil Zempilas, was also out there, despite the comments from the member for Cockburn the other day. I am sure that the member for Churchlands at the back is not happy that the Lord Mayor of the City of Perth has taken up two front pages of *The West Australian*. Nonetheless, he, along with many other local government mayors, have been out there because they are worried about the way this government is not dealing with this issue.

Another thing that concerns me is the resistance we have had from the minister and the department. Our university professors and university departments have offered to help but they have been exasperated. Local government arborists have been offering their help. They are ready to help. This is a very serious situation and this government needs to treat this pest with the respect that it deserves because it is devastating. If it gets into our avocado crops and other fruit-growing trees, it will be devastating. When I look at the budget, which I will talk about shortly, we can see that this government does not seem to treat the matter seriously. Whenever we bring up an issue, the government goes back eight years to when the former Liberal–National government was in place. This government has been in place for nearly two terms now. It has to take responsibility and stop blaming the opposition.

We have some fantastic tree canopies within Perth. Kings Park is 400 hectares and is home to 324 native plant varieties, 215 indigenous fungi species and 80 bird species. It is the most popular destination in WA. John Septimus Roe, the colony's first Surveyor General, recognised the quality of the area and tried to protect it by identifying the land to be set aside for public purposes. Since 1999, Kings Park has been administered by the Botanic Gardens and Parks Authority, which is now the Department of Biodiversity, Conservation and Attractions. It does not come under a local government authority. The threat of the loss of our iconic trees is unimaginable. We are already seeing it on Mounts Bay Road where some of the beautiful Moreton Bay figs and plane trees have been taken out. We are seeing some action but, as I said, there are issues at Hyde Park, Kings Park and the Zoo in South Perth.

My question to the Minister for Agriculture and Food and the Premier is: was this preventable? How have the last three years been used to prevent the situation we are now facing, with the whole of the metropolitan area being in the quarantine zone, and growing? I will refer to the article by Hamish Hastie about the Western Australian Local Government Association's frustration, which states —

> … Perth local governments say the state is not pulling its weight in the fight against the … shot hole borer …

Local government agencies are asking for more support from the state government to help with the issue of more signage, but as of Friday this has been sadly lacking. On regional radio, we heard officers from the Department of Primary Industries and Regional Development suggesting that bringing wood from quarantine areas into non-quarantine areas is not such a good idea. I am not sure how many people in Perth listen to regional radio, but yesterday, I heard Graham Pierce, from Darkan, say that he was worried about people bringing firewood down to the camping ground at Darkan that he is associated with and bringing this pest into his area.

What about woodchips and mulch? We do not seem to be getting a lot of information about that. We hear that it has to be chipped down to below two and a half centimetres, but the information is not out there. I imagine that, I would say, probably 95 to 97 per cent of the metropolitan area's population is not aware of it. We know that quarantine areas are continually growing, and has increased from 88 suburbs in June to 145 suburbs. The spread will evidently happen. The article by Hamish Hastie referred to the lack of signage. He wrote about it going from one quarantine area to another, which includes where zone B is on Albany Highway, 60 kilometres south-east of Perth. That is where zone A turns into zone B: in Kelmscott, near the productive fruit-growing areas of Karragullen and Roleystone. There is no signage there, but he did come across several signs for the European house borer, an LED sign urging residents to sort out their firebreaks, and two signs advertising the City of Armadale's Highland Gathering and the Perth Kilt Run on 6 October. This is the sort of stuff that is going on. Our local governments are trying to put the warning out, but there is a lack of signage in the government's handling of the issue. Minister Jarvis came out and said, "Well, we had a digital sign on the Yagan Square tower." I am sorry; that is not going to cut it. I want to outline to members the biosecurity response in last year's budget. There was $30 million for 2023–24; $22.5 million for 2024–25; $5.9 million for 2025–26; $5.1 million for 2026–27; and zero for 2027–28. This is what we have for the biosecurity response in the DPIRD budget. The government does not understand the importance of biosecurity.

The Leader of the Opposition asked a question today about the northern response with the patrol boats. Those last four boats that came into Kuri Bay were spotted by a traditional owner. A local tour operator had to call authorities. This is what we have here: a Premier who says, "Look, it's a large coastline, there are a lot of mangrove swamps", and does not seem to be too worried. This is where the polyphagous shot-hole borer came from in the first place. It came from Asia, probably on one of those boats; we are not sure. This is a real concern for our government.

Several members interjected.

Point of Order

Mr R.S. LOVE: The member for Roe is trying to make a contribution. Members on the other side will have the opportunity to respond for half an hour. They do not need to interject on the member for Roe.

The ACTING SPEAKER (Mrs L.A. Munday): That is not a point of order. Continue, member for Roe.

Debate Resumed

Ms R. Saffioti interjected.

The ACTING SPEAKER: Thank you, minister!

Mr P.J. RUNDLE: I am trying to outline to this government how important biosecurity is in the north of the state. I am outlining the tomato brown rugose fruit virus, which is now in South Australia. What is our department doing about that? These are the issues that the people of Western Australia are worried about. Our local governments, more than anything, are very worried about it. We need some action from this government. We need a budget response, a cohesive response and more resources into the department. We need this government to treat it seriously. It is not good enough.

MS M.J. DAVIES (Central Wheatbelt) [3.25 pm]: I follow on from the Deputy Leader of the Opposition's statements around biosecurity. Clearly, the government has dropped the ball. The Department of Primary Industries and Regional Development's most important job is to protect our agricultural sector from invasive species. It should have all hands on deck when it comes to dealing with the shot-hole borer in particular, but also any risk to the productivity and safety of our agricultural sector and our native flora and fauna. Instead, there has been a very lacklustre response from this minister. I am told that her own colleagues are frustrated with the minister's failure to act with urgency or coordinate an appropriate response, which is why we see other ministers starting to be drawn into this conversation. It is most definitely the Minister for Agriculture and Food's responsibility. We have seen a failure at not only the state level, but also the federal level. What is the common dominator between those two levels of government? It is the Labor Party—a party that does not understand the importance of biosecurity, acting swiftly and with urgency, or actually putting in significant amounts of funds. If the opportunity is missed, we get the phase that we are in at the moment, in which there has been a bit of dilly-dallying around responding. Quite honestly, significantly more funds needed to be invested up-front to try to address this issue. I am now told that the real risk is that this will be declared as an endemic pest, and then the responsibility for managing the shot-hole borer will fall to landowners and local governments, with a little part to play by the state and federal governments. That would be a devastating outcome for local governments that are already stretched to the limit, private landholders, and also those who are in the area where there is a risk of this now spreading.

We have already seen it spread out of the quarantine zone and into the hills. Yesterday, I was visiting a gentleman who runs an orchard in those hills and he is seriously concerned. He thinks that the Department of Primary Industries and Regional Development staff whom he has been dealing with are doing a good job, but they are not appropriately resourced and cannot do enough. He is totally frustrated that there is no signage, as the member for Roe pointed out. They have seen no communications, no support and no ongoing sense of urgency being applied to this issue. He has avocado and stone fruit on his property. We all know that the avocado industry in California has been all but decimated as a result of the shot-hole borer. They are in a situation of crisis and catastrophe.

There is a serious concern outside that quarantine area. I currently represent the Central Wheatbelt electorate, and the Avon Valley is on the cusp of the Perth Hills area. We have a lot of people interacting up through the hills and into the Avon Valley, such as small property owners who might, from time to time, decide that if they take out a tree from the backyard of their Perth property, it might be easier to get rid of it on their property in the hills or up in the Avon Valley, or further out in the wheatbelt. They might think it would be easier to take it to a tip in one of regional communities because the tip fees might be slightly cheaper. The member for Roe pointed out that there was a significant lack of signage, and I am not sure that the signage in Yagan Square will be helpful. The Western Australian Local Government Association, when it was briefing me, stated that there had been almost a total focus on communications within the quarantine area.

A far broader approach needs to be taken to make sure that everyone understands the risks and their responsibilities. At the moment, we are seeing either a minister who is doing her job within cabinet and is being ignored by her colleagues or a minister who has not done enough. It is one of the two. A significantly lacklustre approach has been taken to manage this issue. When we get to the point of managing the shot-hole borer as an endemic species as opposed to eradication, which is the most likely outcome when we talk to the experts, what is the government's plan B? Is any research being done? I am being told that none is being done and that all the focus is currently on trying to manage and eradicate the borer.

Surely we can walk and chew gum at the same time; surely resources can be allocated to make sure that we are ready for the very real possibility that this pest will have to be dealt with as an ongoing endemic species. That would be a failure of this government on a grand scale. It has happened under this government's and the federal Labor government's watch. This government has proven again and again that it does not take agriculture seriously.

Biosecurity is the number one job of the Department of Primary Industries and Regional Development. It needs to be resourced properly and the minister needs to be taken seriously by her colleagues or she needs to stand up and argue a little harder around the cabinet table. She is clearly not doing one or the other.

DR D.J. HONEY (Cottesloe) [3.31 pm]: It seems very clear that properly protecting our community from significant biosecurity risks is a lower priority for this government. The proof of the pudding is in the eating, particularly in relation to the polyphagous shot-hole borer. I remind members in this place that we have to go back only three years to one location in Fremantle; I am sure that is what the member for Roe was referring to. It likely came into Fremantle on a boat with timber products. It was in one location in Fremantle and now it has spread over the entire metropolitan area and has moved into the hills.

As it turns out, the Shire of Harvey incorrectly reported an outbreak of the shot-hole borer in its community in August. Subsequently, the Department of Primary Industries and Regional Development announced that that was incorrect. The Minister for Agriculture and Food, Hon Jackie Jarvis, seized the opportunity to try to make some great moment out of the fact that the opposition was critical of the government because of the spread. Opposition members obviously corrected that. The harsh reality is that given its current rate of spread, it is only a matter of time before that horrible pest is detected in Harvey and the entire state and, as a consequence, over the whole of Australia.

Controlling the pest outbreak now compared with when it was originally located in Fremantle is many orders of magnitude harder given the sheer dimension of it. There are certainly things the government should have done and there are many things the government needs to do in the future. I mean, it is a tiny little pest; it is only the size of a sesame seed. I have already raised my concerns in this place. My concern that Western Australia will be responsible for introducing this pest across the whole nation is greater than ever. That is because of inadequate action in the state of Western Australia. We on this side are not asserting that the government is taking no action on this pest; our assertion is that it is taking insufficient action. As I said, that is manifest in what has happened. It is clearly insufficient because of the rapid spread that is continuing unabated across the metropolitan area. It is clearly going to head across the rest of the state.

Quite often when we have these debates, the other side comes up with a childish point, saying, "You're criticising the people who are doing the work." Let us make it very clear that I am extraordinarily impressed by the people who are doing the work. They are really good people. They are earnest and desperate to try to do the work. It is quite clear that there are not enough of them and they do not have enough equipment. The problem is that the resources being applied to this issue are a fraction of the resources required. As I said, I have the utmost admiration for the departmental staff who are carrying out this work. That is not our criticism at all; our criticism is that the resources they are being provided with and the focus of this government are completely inadequate.

At the briefing, we were told that around $44 million would be spent over a period of 10 years. That is just a bit over $4 million a year. We were also told that Biosecurity Australia is directing the containment program. However, it is this state that is being affected. It might direct the program but clearly the direction it has given has not worked. The responsibility sits at the foot of the state government. As the member for Central Wheatbelt pointed out, the number one priority of the department of agriculture is to stop the spread of this sort of pest in our community.

There have been some good announcements about additional funding but, again, it is patently clear that that funding is a mere fraction of the funding required to halt and, I hope, eradicate this pest. I am now extraordinarily fearful that that has got to the point of being almost impossible. I am not sure how many members are aware of the pervasive evil, if you like, of this bug. Pretty well every European tree in the metropolitan area is susceptible to this pest. Some members in this place might say, "Well, we don't care too much about European trees. In fact, we think they shouldn't have been planted and we should rely on native species." The reason the bug has the name "polyphagous" is that it feeds on many plants. Unfortunately, amongst the many plants that it feeds on is an enormous number of iconic native species in Western Australia and right across Australia. I will use the common names of trees, not the Latin titles. I found a list of species on the Department of Primary Industries and Regional Development's website. It is a great website, minister. I congratulate her on that. It includes the swamp banksia, the acorn banksia, the creek bottlebrush, the swamp she-oak, the red flowering gum, the sugar gum, the swamp mahogany and the flooded gum. There is also the macadamia, an eastern states tree, which people love, along with the paperbark, the swamp paperbark, mulberry tree and avocado tree. As we know, there are other trees. Those native trees that I just read out are just in the list of the reproductive host trees. I encourage members to look at the website. It is a very good and informative website.

As was alluded to by the member for Roe, unfortunately, the overwhelming majority of people in Western Australia are completely unaware of this issue. I am very passionate about this. It is devastating to imagine what will happen to the landscape of not only Perth, but also the state of Western Australia as this pest spreads unabated around the state. When I have the opportunity, I talk to everyone I can about this and I alert them to the risk. The overwhelming majority of people are completely unaware of it.

We have seen what has happened to the avocado trees in California, as has already been alluded to. More particularly, the parks and gardens in Los Angeles have been utterly devastated to the point of being clear-felled because they

have lost every tree. In fact, all the street trees in the cities of Melbourne and Sydney will be wiped out by this bug, and I suspect it is almost inevitable now that it will get there. The tree canopy is vitally important. Native trees are vital for our ecosystem. Every one per cent reduction in tree canopy increases the maximum daily temperature by 0.6 degrees Celsius. A 10 per cent increase in the tree canopy will cut the peak daily temperature by six degrees. We will see the wholesale destruction of trees and forests in Perth.

I want to talk about paperbarks, or melaleuca. These trees are iconic and are utterly critical to waterways in swamps, rivers and creeks. Why? It is because they play a critical role as not only a habitat for animals, but also a filter for run-off into waterways and a stabiliser for waterway embankments. We could see the wholesale destruction of paperbarks across Western Australia; it is certainly happening around waterways. It happened around Lake Claremont, in my area. In one case, a 300-year-old paperbark tree that was very significant to the Aboriginal community was killed by this. This is the point: it kills the trees about two years after it infects them.

As has been mentioned by former speakers, there are potential control methods. I understand that the matter is not trivial. I understand that lots of research has been done internationally and no-one has found the magic bullet. I understand that the department is working with the group Source Certain, which has come up with a proposal or hypothesis that if it plastic coats the trees with a copper-impregnated material, it could mitigate the progress of the disease. Maybe it will work. If it does, that will be good. Maybe it will not work; that will be disappointing.

What extra effort is being made to pour resources into research organisations to come up with a solution? One thing that Australians are famous for is coming up with great solutions. I will finish on this topic, but I would like to cover more. In particular, there is insufficient effort. In fact, I would say that effectively no effort is being made to alert the public to the risk of moving plant material around the state and its role in the spread of this disease. I think that the overwhelming majority of Western Australians are completely unaware of it. As my colleagues and I have pointed out with our examples today, the Cook Labor government is not taking this massive biosecurity threat seriously enough. It could have a massive impact on our environment across the state of Western Australia and also affect the livelihoods of Western Australians.

MR D.T. PUNCH (Bunbury — Minister for Fisheries) [3.41 pm]: The Cook Labor government takes the issue of biosecurity incredibly seriously. We know the importance of our agricultural sector and our incredible biodiversity. Biodiversity is of incredible value to tourism and to virtually every aspect of life in Western Australia. We understand how important this issue is, and it is a priority for us. Protecting WA farms safeguards not only our financial viability, but also our exports. It is fundamentally a part of our economy. Biosecurity should be a bipartisan issue, but unfortunately it is not.

Sitting here and listening to members opposite, I find that the Nationals WA and the Liberal Party have become specialists at distorting the truth, providing misinformation and fearmongering.

[Quorum formed.]

Mr D.T. PUNCH: As I was saying, they are specialising in spreading misinformation, anxiety and fear about this issue right around the state. It is a bit like what occurred during the COVID-19 pandemic, when members opposite wanted to pull down the science and our quarantine measures. Again today, members of the opposition have been undermining the science. We have an unprecedented emergency and, more than ever, we need decisions to be supported by scientists, not by politicians. The evidence needs to speak for itself on this issue. They have questioned the hard work of the scientists at the Department of Primary Industries and Regional Development, who have been working around the clock to reduce the spread of this invasive species since it was first detected in 2021.

The member for Roe mentioned that we have been slow off the mark. The member for Roe needs to remember that this is a nationally coordinated response. It was triggered by the federal government as part of the national biosecurity measures. If he thinks that we have been slow off the mark, he should ring up his federal leader, Hon David Littleproud, and ask him for an explanation. We stood ready. We were quick to respond, and we were quick to work with the federal government to move forward on this issue.

A comment was made about under-resourcing. One-third of DPIRD's staff is dedicated to biosecurity issues; that is how seriously we take biosecurity. I recall that when we came to office, the opposition members' previous colleagues had depleted the then Department of Agriculture and Food to the tune of 600 full-time equivalent staff. The opposition gutted the department of agriculture and, consequently, the biosecurity measures. This government has built them back up. The 150-strong response team has inspected more than two million trees. It is an unprecedented level of response. There are more than 3 000 surveillance traps right around the Perth metropolitan area and across the regions.

In addition, the member for Cottesloe mentioned funding of $44 million over 10 years. That is a prime example of how the opposition goes out to the community with misinformation.

Dr D.J. Honey interjected.

Mr D.T. PUNCH: No, you have not got it accurately. I did not interject on you. Acting Speaker, I am not taking interjections.

The ACTING SPEAKER: Member for Cottesloe!

Mr D.T. PUNCH: The member for Cottesloe should listen and take it. Funding of $44 million over three years has been allocated for this emergency biosecurity response. That includes a $20 million contribution from the state and it has triggered the national federal response. It is nationally funded and coordinated, which means that every state and territory takes this issue seriously and is contributing to the efforts here in Western Australia. It is a national response.

The Consultative Committee on Emergency Plant Pests is Australia's key technical body for coordinating national responses to emergency plant pest incursions and assessing the technical feasibility of their eradication. It is the national expert and it is on our side, which is more than I can say for members opposite. Our department follows the advice of that body. The CCEPP and the department contain the nation's top plant scientists, and it is incredibly irresponsible for the opposition to question their expertise. Their expertise is guiding our response, and members opposite have no idea how effective that has been in limiting the impact to date. We have a serious issue, but members should remember that it could have been far worse without their intervention and support. It is a difficult challenge and it needs everybody to support the efforts of the people on the front line who are driving it forward.

To be clear, numerous briefings on the polyphagous shot-hole borer have been held specifically for local governments and opposition members. I am advised that only three members of the opposition have ever bothered to attend those briefings, and the Leader of the Liberal Party was not one of them. If it is so important to members opposite, why are they not engaging more directly with the minister and asking questions about how they can help? This should be a bipartisan issue. Instead, the opposition tries to make political capital of it.

The opposition mentioned the Harvey incident. Yes, the Shire of Harvey made an error. What did Liberal Party members do? They went straight to the media, shouting out that it was disgraceful. They did not think to stop and fact check. That is what they do. They thought, "Here's a great opportunity to put fear into the community and collar some votes." They need to take a bipartisan approach on this. If they have a question or concern, they need to request a briefing with the minister or the department to get the concern answered. If members opposite had an idea, we would welcome it, but they do not come in here with ideas; they come in here and criticise, criticise, criticise.

It is important to point out that this invasive pest has been contained to the Perth metro area, and the scientists who have achieved that outcome should be commended. They have worked incredibly hard, and I want to acknowledge the department and the staff for the work they have done. The Department of Primary Industries and Regional Development also acted quickly to implement emergency quarantine measures to stop the spread of tomato brown rugose fruit virus, which has been confirmed at three businesses in South Australia. That was the first detection of the virus in Australia. The department moved swiftly, and we are advised it is likely that these additional measures will prevent a significant impact on supplies of tomatoes, capsicum and chillies here in Western Australia.

Biosecurity is everybody's responsibility. We do not need fearmongering. What points to the absolute truth of the opposition's fearmongering is that it does not raise a word about some of the other biosecurity issues that the state has dealt with. Over the 10 years from 2013 to 2023, six medium-scale to large-scale complex responses have been active each year. I do not hear a word from members opposite about them. They are interested only in a biosecurity issue that provides a good opportunity for them to spread fear and anxiety amongst the community, and perhaps score a few votes. I have known the member for Roe for 15 years or so, and I would have thought better of him than to mount the sort of arguments he made today. We in this place all have a responsibility to take the community with us on these important issues when we face such an unprecedented threat.

I remind the opposition again that between 2008 and 2017, 600 FTE were taken out of the agricultural sector.

Ms R. Saffioti: How many was it?

Mr D.T. PUNCH: It was 600. Those opposite backfilled some of those positions with little grants here and there from royalties for regions and tried to keep the show on the road, but it was clearly not a priority for the Barnett Liberal–National government. We have reinstated a lot of that work within the department. We have worked hard, and the Department of Primary Industries and Regional Development in 2023–24 facilitated the surrender of 54 687 kilograms of quarantine risk material at road and air checkpoints. People are working hard. They inspected 124 387 lines of imported plant material and machinery and 19 727 interstate livestock confinements and intercepted 95 prohibited pests and diseases during inspection activities. Further, $6.8 million has been allocated in the 2024–25 state budget to upgrade checkpoints at Kununurra and Eucla to further enhance our border security measures. Members opposite sit there and say we do not take biosecurity seriously. We absolutely do, and the department absolutely sees it as its mission to take biosecurity seriously. I know that the big issue that keeps the Minister for Agriculture and Food, Hon Jackie Jarvis, awake at night is managing the biosecurity response to make sure that the Western Australian economy and lifestyle is as safe as possible. That is what she does. We undertake a range of targeted surveillance programs, such as maintaining and monitoring sentinel beehives for the early detection of pests such as varroa mite. The department also delivers and coordinates general surveillance programs, such as the annual biosecurity blitz that enlists the general public to collect and report pests, and subsidised animal disease investigations.

There is a lot, but I want to go over the issue of informing people. I am glad the member raised the fact that the website is very accessible. While I was sitting here listening to him, I went onto the website myself. It is very clear what the requirements are for quarantine areas. In 2024 to date, DPIRD has delivered 88 presentations on polyphagous shot-hole borer to increase awareness and educate people. Of these, 34 were to the public, four were to industry groups, five were to other state government departments and 45 were to local government authorities. For current publications, there have been 15 000 new visitors to the webpage since the Q&A section particularly was expanded. A post on the DPIRD Facebook page explaining the restrictions has been seen by over 300 000 unique visitors—so people are seeing it. I know members opposite think social media gets the message out because they are pretty prolific users of social media. The page has been shared over 1 400 times. A social media advertising campaign is currently running for the residents of the two quarantine zones. A lot is happening in this space.

Mention was made of the issue of border security in the north. This is a good example of misinformation. The member for Roe said the polyphagous shot-hole borer came in through the north. That was the implication. The member for Cottesloe said, no, it came in through Fremantle. This is an example of an opposition that relies on half-information, rumours and any sort of argument to advance its case in point. There is certainly no discipline in how opposition members work together and come forward with positive ideas to contribute to addressing the issue.

Biosecurity in the north is the responsibility of the federal Department of Agriculture, Fisheries and Forestry. Border security is a Border Force responsibility. Those agencies work collaboratively. Equally, they collaborate with the state Department of Primary Industries and Regional Development. I noticed that the Leader of the Opposition visited Dongara Marine recently. There was a big Facebook post about the great work it is doing. He could have mentioned that he inspected the keel of the new patrol vessel that is going up to the Kimberley to replace the one there now. There is $13.7 million, which, in part, will be for fisheries compliance and research, but we also collaborate with and assist Border Force and the federal department.

Mr R.S. Love interjected.

Mr D.T. PUNCH: No, I am not accepting interjections.

Mr R.S. Love interjected.

Mr D.T. PUNCH: No, I am not accepting interjections! He can carry on all he likes, but he should sit and listen—this time.

We are investing significantly to do our part in the management of the northern waters. We have a very strong collaborative relationship with our federal colleagues. I find it very underwhelming that members opposite would say that citizens reporting an incursion is a bad thing. I think it is a good thing. I think people should ring up. If they see something suspicious, they should contact the federal department or they can contact DPIRD and we will ensure that there is a response. That has happened; there has been a response. Members opposite continually come in here and undermine very important measures taken by the state government and the federal government simply to create anxiety and fear and to spread misinformation in the community so that they can advance some cause and say that they can do it better. In a future Parliament, either the member for Moore or the member for North West Central will be here. The member for Central Wheatbelt will not be here. The member for Cottesloe will not be here. The only real certainties we have are that the member for Roe and the member for Vasse will be here. I do not know that there is an awful lot of collective experience and wisdom in executive government sitting on the opposition bench. Do not create fear. Do not create anxiety. Work with us to address a very significant problem.

DR K. STRATTON (Nedlands) [3.58 pm]: I want to make a brief contribution in opposition to this motion. The polyphagous shot-hole borer has had a really significant impact in my community. It is an issue that is felt really broadly and deeply. When driving along Mounts Bay Road in my electorate, you can visually see the impact of the borer with the removal of a number of significant trees from Kings Park. There are impacts not only visually, but also with people's access to the park. It is fair to say that many people have had to find a new location for their wedding photos. Many environmental groups in my electorate, including the Western Australian Tree Canopy Advocates and local bushland groups, have approached me many times, deeply concerned about the impact of the borer. I know that the minister is deeply concerned about and committed to this issue, as she has taken several calls from me and held briefings and meetings with me to help address some of my community's concerns. More importantly, the minister is, of course, listening to the scientists and not to the Liberal Party and its various candidates, as they grasp for some more column space or Facebook likes. I use this opportunity to thank the minister for her responsiveness to the significant impact the borer is having and for allaying some of my community's concerns.

Quorum

Mr P.J. RUNDLE: Madam Acting Speaker, I think we have had an indication of what biosecurity means to this government. I draw your attention to the state of the house.

[Quorum formed.]

The ACTING SPEAKER (Mrs L.A. Munday): Excuse me, members; if you can move quietly, thank you.

Debate Resumed

Dr K. STRATTON: As I was saying, given the impact of the shot-hole borer and the concern about it in my community, I want to focus on some of the community responses. The Department of Primary Industries and Regional Development has run an extensive community engagement program to raise awareness and provide education about the shot-hole borer, including on ways in which community members and stakeholders can participate in detecting and responding to the borer. A range of communication channels have been used, including through advertising on Yagan Square's digital tower and community meetings. For example, I know that the members for Perth and Mount Lawley held a town hall meeting when it was known that trees would need to be removed in Hyde Park, so we have seen very specific community responses to community concerns. We have also seen displays at events, media articles, social media posts, website updates and letterbox flyers. On Thursday, just in time for the long weekend, variable messaging signs will be located at the boundary of zone A and zone B showing quarantine information to the general public.

I also want to briefly mention another really important community-informed, stakeholder-informed and, most importantly, evidence-based response from this state government—the urban greening strategy. Although this strategy is led by the Minister for Planning, it is being developed in collaboration with the Minister for Agriculture and Food, and will of course take into account the impact of the borer in its measurements and outcomes. Other ministers who will collaborate in this strategy include the Ministers for Education, Environment and Water. The government obviously recognises that green and cool spaces and tree canopy are absolutely crucial to a modern, healthy and resilient city. We know that urban vegetation is essential for not just retaining biodiversity, but also building it, which in itself contributes to biosecurity. It also provides access to nature for the community. We know about the many individual commitments and initiatives at state and local government levels to improve urban greening, but there is a need, as there is in responding to the borer, for an overarching plan and strategy that will help coordinate, improve on and support existing urban greening efforts, as well as complement other government priorities, including housing and the delivery of infill development.

We know that climate change has seen Perth and Peel become hotter and drier, with longer and more intense heatwaves. Of course, this is expected to continue. Due to their location, some of our suburbs are more susceptible to the effects of climate change. Studies show that urban greening can help reduce heat in urban areas and reduce the health and economic impacts resulting from the urban heat island effect. As I said, it can support biodiversity and create habitat for wildlife, but it can also improve air quality by filtering air pollutants and lower the amount of run-off into our waterways, helping to prevent water pollution and reduce flooding. The strategy will provide direction for making Perth and Peel greener, cooler and more climate resilient. Most importantly, it will identify opportunities for all levels of government, industry and the community to work together. Again, it shows the importance of a bipartisan, collaborative approach. The strategy will include tree canopy measurement and reporting, which as I have said will take into account the impact of the shot-hole borer. We will continue to ensure that our response is sophisticated, evidence-informed and science-based, and that we also bring the community along.

MS R. SAFFIOTI (West Swan — Treasurer) [4.05 pm]: I rise to speak on this motion. I must declare up-front a bit of an interest; I am the daughter of an orchardist and part-owner of a property in Roleystone and Karragullen. As such, this issue is something that I personally feel. I basically lived my entire childhood on an orchard as my parents were orchardists, so I understand the importance of the agricultural sector to the state economy. One of my early memories was of the department of agriculture scientist coming out to check the fruit fly traps. I suspect my dad probably gave him some grappa or some sort of illegal substance, but it was all good and everyone was happy!

One thing I remember from when the previous government was in power was the decimation of the department of agriculture. In its eight years in government from 2008, it cut 600 FTE from the department of agriculture, significantly reducing its biosecurity capability. That is what it did. As an observer of things in both my electorate and the suburb in which I grew up, I know that members of the National Party, who now claim to care about orchardists, probably did not even enter the outer suburbs of Perth in those eight years. I do not remember them caring about the Swan Valley or any of the peri-urban areas. Not one National Party minister showed any concern or priority for the Perth hills or entered the Perth hills. In fact, they cut FTE from the department of agriculture.

I should not disclose what happens around the Expenditure Review Committee table, but I remember the incoming minister, Alannah MacTiernan, repeatedly talking about the state in which she found that department when she became minister, because the former government had cut its FTE and capability. We have been bringing that back, with increase after increase in FTEs. We have basically been going in and making the Department of Primary Industries and Regional Development strong again through significant and record budget allocations, budget after budget. On this issue, we have provided $26.2 million in the 2024–25 budget alone to further enhance the agency's capability to protect primary industries. We are also injecting more to enhance our biosecurity effort. In the past month, we have allocated $83 million to establish a biosecurity response centre to accommodate diagnostic and laboratory infrastructure and critical biosecurity functions. Budget after budget, we have reinstated FTE into that agency. We have enhanced the expenditure on biosecurity measures and, in relation to this issue alone, the shot-hole borer, we have had a 150-strong response team inspect more than two million trees and deploy more than 3 000 surveillance traps. Again, as we said, we are fast-tracking the biosecurity response centre. We are doing

what we need to do to make sure that we keep this pest at bay. It is tricky. We have recently seen the impact of fruit fly in the valley. I have seen what has happened in the orchards because of pests and diseases. It is hard, but we have enhanced our ability to fight these pests and diseases.

One thing I will say is that there should be a bipartisan approach to this. We have seen the Liberal and National Parties, desperate for relevancy, grasping onto the shot-hole borer as if it were their lifeline and celebrating when it spreads instead of working in a bipartisan way. They have worked with Liberal Party councils to spread fear around the state. I remember it distinctly because I was out there. There was a front-page story, which the Liberal Party leader said that the Liberal Party had no involvement in. I refer to Neil Thomson, who made comments on this issue. The front-page story was titled "Shot-hole borer detected near Harvey in WA's South West." I was out there. Before a press conference, I tried to get across all the details, so we asked the minister's office whether it had been verified and whether they had found the shot-hole borer in or near Harvey. They said there had been no verification. I was careful in my comments to make sure that I understood the breadth of the issue. They put to me that the Liberal Party said this and that. I said, "When I was growing up, if my dad had an issue with a pest or disease, he rang the Department of Agriculture, not the Liberal Party." If my dad had an issue, he did not ring the Liberal Party or the media; he actually addressed it with the scientists and the inspectors. The Liberal Party is dealing with people's livelihoods. It is creating scare campaigns. This is how we made a living. This is how my parents put food on the table. The Liberal Party goes around purposely scaring people.

The National Party does not care about the hills of Roleystone; it does not even know where they are. The National Party ignored the hills, the peri-urban areas and the Swan Valley for years. Its members drove through it or flew over it in planes. For opposition members to come here now and pretend they care is crazy. The only reason the member for Central Wheatbelt cares is that part of it will be part of the division of Bullwinkel. That is her only reason. Again, I do not remember the opposition entering the metropolitan area and fixing an issue in the Swan Valley or in the hills. The opposition ignored the Minister for Water year after year. It is playing politics with people's livelihoods. It deliberately ran a scare campaign. The opposition spokesperson is heavily quoted throughout that front-page story. That is what happened. The opposition ran a negative scare campaign.

Several members interjected.

Ms R. SAFFIOTI: You can't wait for something negative to happen because that is the only relevant thing for it.

Several members interjected.

Ms R. SAFFIOTI: You have no policies apart from being negative. You would not know where the hills of the Darling Ranges are. You would not know. You are waiting for a disaster. That is what you do. You wake up waiting for a disaster. You spread fear and link in with Liberal Party councillors and run fear campaigns because you have no policies of your own. Look at all your desperate little actions today.

The ACTING SPEAKER (Ms M.M. Quirk): I gave a bit of latitude because I called the member for Vasse four times to stop interjecting, and she did not. I decided I will give the minister some latitude in terms of time because, apparently, the member for Vasse is tone deaf.

Division

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

Ayes (5)

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

Noes (40)

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

Pair

Ms M. Beard	Mr K.J.J. Michel

Question thus negatived.

CIVIL LIABILITY AMENDMENT (PROVISIONAL DAMAGES FOR DUST DISEASES) BILL 2024

Returned

Bill returned from the Council without amendment.

TOWING SERVICES BILL 2024

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 10: Determination of whether grant or continuation of towing industry authorisation contrary to public interest —

Debate was interrupted after the clause had been partly considered.

Mr D.R. MICHAEL: Before question time, the member asked about clause 10, "Determination of whether grant or continuation of towing industry authorisation contrary to public interest". The determination of public interest provided for in clause 10 is in relation only to the proposed occupational authorisation of the industry, which does not yet exist. Although we might be leveraging information about a person based on other legislation that I have already mentioned, such as whether a person was a member of a declared organisation under the Criminal Organisations Control Act 2012 or an identified organisation as defined in schedule 2 of the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021, this is in relation only to a proposed occupational authorisation that does not yet exist as participants in the industry are currently unregulated. Using information in relation to these acts will allow us to determine who may be authorised to continue to operate in the industry.

Mr R.S. LOVE: What protections will there be for the person who makes this determination? We are talking about a person's reputation and a range of other issues. Will protections be in place for the CEO or the delegated officers who will make these decisions against, for instance, defamation or any other liability that might arise from their determinations?

Mr D.R. MICHAEL: Clause 158 deals with the protection from personal liability.

Clause put and passed.

Clause 11 put and passed.

Clause 12: Close associates —

Mr R.S. LOVE: Clause 12 is the first clause in division 1, "Preliminary", of part 2, "Towing businesses", and it refers to close associates. The term "close associates" is also referred to in the definitions clause. I was going to ask this question on that clause, but I decided I might ask it on this clause instead. How will a close associate for a business be determined in relation to a towing business? It is in subclause (2), but can the minister give us a bit of an explanation about how the process will be done?

Mr D.R. MICHAEL: Obviously, it will operate in connection with subclause (1). A person will be a close associate if the person holds a relevant financial interest, which is defined in subclause (1), in the towing business or will be entitled to exercise any relevant power, whether in the person's own right or on behalf of any other person, in relation to the business; the person holds or will hold any relevant position, whether in their own right or on behalf of any other person, in the towing business; or the person is or will be engaged as a contractor under a contract for services or employed in the towing business. Obviously, I read out a lot of what is already there, but it is pretty self-explanatory. I do not know how else I can explain it.

Mr R.S. LOVE: Subclause (2)(a) refers to financial interests et cetera and goes on to say —

> … any relevant power (whether in the person's own right or on behalf of any other person), in relation to the towing business, and by virtue of that interest or power is or will be able (in the opinion of the CEO) to exercise a significant influence over or in relation to the management …

What will constitute a significant influence as defined in that subclause?

Mr D.R. MICHAEL: It is about the control of the business. This will operate very similarly to the on-demand transport legislation.

Mr R.S. LOVE: The minister says that it will operate similarly to the on-demand transport legislation. Has criteria or a framework been developed under that legislation to assess it with?

Mr D.R. MICHAEL: The CEO will have to make a call, such as they would with a fit and proper person application, which we talked about before. However, when the application comes in, it will have to include any close associates or owners or directors whom the department could do a company director search for. The hope is that this might be able to pick up a shadow director, for want of a better term, or someone who is calling the shots behind the scenes.

Mr R.S. LOVE: If we step back from that, because we are talking about people who have relevant interests and become close associates, subclause (1)(c) refers to any entitlement to receive any rent. For instance, will the owner

of a yard where the business might be operating from or might have a storage facility or even an office automatically be considered to be a close associate because they hold a relevant financial interest or will another step need to be considered before they are determined to be a close associate?

Mr D.R. MICHAEL: It is because the storage yards are being linked. That should be disclosed in the application, and the owner of the storage yard would obviously be investigated by the department before the CEO made a decision.

Mr R.S. LOVE: The next definitions are for "relevant position" and "relevant power". How much control would someone in a company or an organisation with some level of control as a director, manager or foreman need to be in? Would a non-executive director, for instance, who comes along and does the annual general meeting once a year be caught up in that? What will happen over time if the positions change? What will be the process to keep on top of who is in those positions?

Mr D.R. MICHAEL: The answer to the second question is that this will give us a head of power regulation to make sure that the information is kept up to date if there are changes to the structure and that kind of thing. The answer to the first part of the question is that a director, manager or corporate secretary is a relevant position, but any other position, however designated, is an executive position. It does not have to be called an executive-position provision as long as it is an executive position. Obviously, that would not count for any other people within the organisation for this part of the bill.

Clause put and passed.

Clauses 13 and 14 put and passed.

Clause 15: Release from storage —

Mr R.S. LOVE: This clause relates to the release of a vehicle from storage and starts off with a couple of definitions, one of which is for "applicable charges". That means —

> … all towing charges or storage charges imposed on the relevant person for the vehicle in accordance with this Act;

The second definition is for "business day". That means a day that is not a Saturday, Sunday or public holiday throughout the state. Why has the government chosen to use a business day in an industry that, I would imagine, is largely a 24/7 occupation? A crash recovery operator will probably be working on weekends, public holidays and the like because they are some of the busiest times on some of our roads. One would imagine that the yard would have to be staffed and those things would be going on. I wonder why it was decided to limit the days to business days.

Mr D.R. MICHAEL: Although we know that crash towing, in many respects, will be a 24/7 job, the yards themselves may not operate for 24 hours. Although a tow truck driver may be able to take a car into a yard if they have the keys to the linked card, the yard has to invoice the person and do the paperwork to release the car. We would not expect someone to be sitting there at three o'clock in the morning on a Sunday to do that. That is why Saturday, Sunday and public holidays have been left out. We do not think that those who administrate the yards would be working at those times.

Mr R.S. LOVE: I move to subclause (3), which states —

> If a relevant person for the vehicle pays the applicable charges … for the vehicle, the towing service provider conducting the regulated towing business must ensure that the vehicle is released as soon as practicable but in any event no later than 4 hours after payment is made.

Why was four hours chosen? I take it this was part of the consultation process, but why was four hours chosen to be the release time? Is there a reason for that choice?

Mr D.R. MICHAEL: This provision talks about it being as soon as practicable. We would expect that, in most cases, cars would be released sooner than that. There is the hard limit of four hours, which I am told fits in with the wheel-clamping legislation in terms of being standard. In my head, thinking about how a yard might work, depending on who works at the yard, I know that sometimes the cars can be packed in quite closely, so it would allow enough time to move the cars to get the car out. Four hours seemed a reasonable amount of time to do that.

Mr R.S. LOVE: Subclause (3) contains penalties. It states —

> Penalty for this subsection:
>
> (a) for an individual, a fine of $9 000;
>
> (b) for a body corporate, a fine of $45 000.

Why were those figures chosen?

Mr D.R. MICHAEL: A review was done of other jurisdictions to look at similar fines and, more recently, Western Australian legislation was looked at, including for on-demand transport, to try to get penalties that were similar in scope.

Mr R.S. LOVE: Subclause (4) states —

> For the purposes of determining when the 4-hour period referred to in subsection (3) expires, only time between 9 am and 5 pm on a business day is to be counted.

What would happen in the event that at 1.15 on a Friday afternoon a person made a request for the car to be returned, and, surprisingly, it was not acted on within four hours and the car was impounded over a long weekend? Would a charge be applied for the three extra days that the car was in the yard or would that charge not be applied because the person had asked for the car to be released?

Mr D.R. MICHAEL: There are two things. Firstly, cars are to be released as soon as practicable with that hard limit of four hours. In that scenario, though, there would be no further charge. It will be in the regulations that once the fine has been paid, there can be no further charge. There would be no incentive to keep the car for the long weekend.

Mr R.S. LOVE: Clause 15(5) states —

> The regulations may prescribe the steps that must be taken to release the vehicle for the purposes of subsection (3).

The minister has described when there could be a good reason for four hours being unachievable. It could be that only one person is authorised to use the forklift in the little yard and they are off work for the day or whatever the circumstance of the business. Is there any defence to the fine for a business in the event that it had an insurmountable obstacle in being able to achieve the four-hour outcome?

Mr D.R. MICHAEL: There is no defence to the four-hour limit, but when a yard signs up to be authorised, it will know that the four-hour limit exists and will have to take measures to make sure that those things can be resolved should an odd situation like that occur.

Mr R.S. LOVE: Part of the minister's earlier answer gave the explanation that there might be a lot of cars in the yard and it could take time to release a car. Was there any pushback from members of the industry about the four-hour limit being unachievable? Why might it not, for instance, be an eight-hour limit, in which the vehicle was still released on the same day or by the end of the day, to make it less likely that a business contravenes this regulation through nothing other than the fact that it is busy and has not been able to achieve that particular metric on this one occasion?

Mr D.R. MICHAEL: It was based on how the wheel-clamping legislation was done, and we are not aware of any issues to date in that regard.

Mr R.S. LOVE: I would suggest that there is something of a difference between a wheel-clamp vehicle, which is perfectly fit and sound, and something that is not able to be driven around or easily transported and reliant upon being hitched up and is probably surrounded by a lot of other vehicles also reliant upon that. Was there any pushback in the consultation over the four-hour rule from any organisation?

Mr D.R. MICHAEL: Carnapping was one of the biggest problems occurring with cars not being able to come out of yards. I am sure the department will not approve yards that will not be able to comply with this four-hour time limit. Although the four-hour time limit is there, I note that, as the member said, subclause (5) refers to regulations to prescribe the steps that must be taken to release. That will not change the four-hour limit because that is in the legislation, but should there be issues, the department can always look at those regulations into the future to see whether there is a way to cover off those issues.

Again, the idea behind this bill is to have some really well functioning yards that are fit and proper. I know that some of these already exist that I am sure will be able to work through that four-hour limit.

Mr R.S. LOVE: I guess that gets to the point of why the minister has chosen to insert a hard figure for the time limit rather than prescribe a regulation for the length of time in which the vehicle needs to be returned, because I do not see a situation in which well-intentioned businesses are hitting fines of $45 000 simply because they have not been able to meet a government-set target. I mentioned that circumstances might make it difficult to meet that limit. There also might be an emergency situation or other extenuating circumstances. It seems to me that having no defence in here for a business is not very wise.

I know the minister is trying to get rid of carnapping, and that is fine; I completely endorse that. However, I think that this is perhaps a little too prescriptive for the industry. I do not know, but I am thinking to myself of many reasons a business might not be able to attain that four-hour limit, which is not because it is trying to hide the car or not return it in a timely fashion.

Mr D.R. MICHAEL: Those extenuating circumstances would be taken into consideration by the department prior to initiating any prosecution for a fine under this provision. I note that in an emergency—I know it is not directly related—the next provision deals with the ability to move a car in a natural disaster and those kinds of things.

Clause put and passed.

Clause 16: Moving vehicle from storage yard —

Mr R.S. LOVE: This is the further consideration around carnapping. This relates to the towing service provider not being able to move the car anywhere other than with the permission of the relevant person or to the relevant person or to prevent possible damage in the event of fire or natural disaster. I guess my question is about the release to the relevant person for the vehicle or moving it to another location approved in writing by a relevant person for the vehicle. Does that have to come from the actual owner or could it come from the insurance company, a panelbeater or some other organisation acting on behalf, or as an agent, of the owner?

Mr D.R. MICHAEL: It could also come from an agent, which would be an insurance company, or another person, or a panelbeater. However, that person or body would need something in writing from the owner to state that they are an agent. All that can be done by email and that kind of stuff.

Clause put and passed.

Clause 17: Application for towing business authorisation —

Mr R.S. LOVE: Clause 17 is about the application for a towing business authorisation as opposed to the actual working people. The final subclause states —

> (7) The CEO may, by written notice given to the applicant, require the applicant to provide further information relevant to the application that is specified in the notice within the time (being not less than 30 days) specified in the notice.

If that is not supplied within 30 days, will the CEO then have no recourse but to refuse to grant that authorisation? I just want to understand how that will work. I will just ask one other quick question on this matter after that is answered.

Mr D.R. MICHAEL: If the member goes forward to clause 19, he will see that it states —

> (2) The CEO must not grant a towing business authorisation under subsection (1)(a) unless the CEO is satisfied that —
>
> …
>
> (d) the application complies with the requirements of section 17(4)(a) to (e) and the applicant has provided any information required under section 17(7);

That is what the member asked about. If that information has not been provided, it cannot be granted, so it would be a refusal.

Mr R.S. LOVE: The very start of clause 17 refers to who may apply for a towing business authorisation —

> (a) an individual;
>
> (b) 2 or more persons who intend to conduct a regulated towing business jointly under a partnership …
>
> (c) a body corporate …
>
> …
>
> (d) any other entity prescribed by the regulations.

Do we have any idea what other entities will be entertained in the regulations?

Mr D.R. MICHAEL: Again, there is no intention at this stage to have anything in the regulations but that is a catch-all for any future business type or entity.

Clause put and passed.

Clause 18: Responsible officers —

Mr R.S. LOVE: I just want the minister to flesh out clause 18(a) and (b). It states —

> In order to be nominated under section 17(4)(c) or the regulations as a responsible officer in relation to a regulated towing business, an individual must —
>
> (a) be directly involved in the day-to-day management of the regulated towing business; and
>
> (b) be authorised to represent the towing service provider in conducting the regulated towing business;

I just want to know what clause 18(b) refers to. If somebody is already involved in the day-to-day management, how will it be determined whether they are authorised to represent the towing service provider? They are not the owner in the case of a partnership or an individual; they are a manager. Must they be the CEO or may other people qualify as responsible officers?

Mr D.R. MICHAEL: To be clear, the member can note there is (a), "and (b)" and "and (c)" so it is not a different person. It will be someone who is involved day-to-day "and" is authorised to represent "and" has access to information "and" subclauses (d), (e) and (f). It will not be a separate position, which is where I was going as well.

Clause put and passed.

Clause 19: Grant of authorisation —

Mr R.S. LOVE: Clause 19(2) states —

> The CEO must not grant a towing business authorisation under subsection (1)(a) unless the CEO is satisfied that —
>
> (a) the applicant is a fit and proper person to conduct a regulated towing business; and
>
> (b) the grant of the towing business authorisation would not be contrary to the public interest; …

It then lists a number of other conditions, but I was wondering about those two in particular. Can the minister enlighten me how an applicant who is deemed to be a fit and proper person being granted a towing business authorisation could in any way be contrary to public interest? Maybe he could give me an example of how that could actually occur.

Mr D.R. MICHAEL: The fit and proper person test, which I think is at clause 9, is more about the individual and their reputation, what they have done, their history and all those kinds of things. The public interest test looks more at the industry as a whole. This would be a very rare occurrence because they are a little bit linked, but even someone in the industry who passes a fit and proper person test could potentially bring the industry into disrepute because of their actions. Clause 10 refers to something being "contrary to public interest". It is more about the impact the person will have on the industry as opposed to their individual characteristics. They are two separate things but are very closely linked.

Mr R.S. LOVE: I am struggling to see how, if everybody who is involved in this company or this business is a fit and proper person, an authorisation grant could be contrary to public interest. What other matters does the minister have in mind to determine whether they will be some sort of risk to the public or would cause damage to the industry by their participation? Surely, they would not be judged a fit and proper person if there were hints of criminality or incapacity. What other possible matters could lead to the determination that the grant of a towing business authorisation would be contrary to the public interest?

Mr D.R. MICHAEL: They are very linked. As an example, let us talk about the fit and proper person test. Someone could sneak through the fit and proper person test or, even on appeal, get through the fit and proper person test. It will be based on their criminal record, or lack thereof, the director checks and all the other things that would be checked and known about them, but they could theoretically get through. Clause 19(2) will require both (a) and (b), so they will have to meet both tests to get through this.

The public interest is affected, obviously, by the record they might have in the towing industry. We have seen some terrible things occur in the last couple of years. They would very much fit under paragraph (b) in that someone like that, who has done those things in the past, would bring disrepute to the industry if they were in the industry again. Some of that will possibly be picked up in a fit and proper person test but, given what has happened, we want to set the threshold quite high, so there will be the double test.

Mr R.S. LOVE: I take it that the refusal to grant the application will still be able to be contested in the State Administrative Tribunal. Do other pieces of law within the transport industry point to how that will be judged?

Mr D.R. MICHAEL: I am told that the public interest test is similar to what is contained in the Betting Control Act. It is an industry that needs a very high level of scrutiny of who might be coming into it. Yes, the CEO's decision can be appealed to SAT and be ongoing, if needed.

Mr R.S. LOVE: Clause 19(3) states that the "CEO may have regard to any relevant matter". Who will determine what is a relevant matter? Will it simply be up to the CEO to determine what is a relevant matter, or will that be somehow set out somewhere else?

Subclause (4) contains a whole range of matters. I do not know whether they are the matters that are relevant to subclause (3). Perhaps the minister could explain whether the matters listed under subclause (4) are the relevant matters.

Mr D.R. MICHAEL: In administrative law, which I am obviously very qualified to talk about—for the record, I am not!—"relevant" has a meaning when making an administrative decision. If the CEO were to make an administrative decision with irrelevant information, that could potentially cause trouble should it be appealed to SAT. It has to be information relevant to what is before the CEO.

Mr R.S. LOVE: Subclause (5) states that the "CEO must refuse to grant the towing business authorisation" if there has been a disqualification offence and it is within the disqualification period. Further on down the track, we will talk about disqualification offences et cetera. Do some offences already constitute a disqualification offence under the envisaged regulations, perhaps in on-demand transport et cetera, and are they likely to be incorporated in the list of prescribed disqualification offences and prescribed disqualification periods?

Mr D.R. MICHAEL: Obviously, we are still looking at those things as we progress towards getting the regulations finalised. I have a copy here, which we briefly spoke about earlier. These are the disqualification offences for on-demand drivers and taxidrivers. It is a lengthy list from different acts. Given the nature of the industry, it is likely that there will be a few more offences than this, but this will probably be where we start from.

Clause put and passed.

Clause 20: Authorisation document —

Mr R.S. LOVE: I take it that the authorisation document will be somewhat public. It will be displayed in the office or somewhere. What will the requirements be for the display and publication of that authorisation document, and will operators have to carry a copy of it?

Mr D.R. MICHAEL: Obviously, this will be an authorisation document for the business concerned. I note that clause 28 states that a published list of authorised towing service providers will be on the department's website and that can be checked. We will get into it later, but towing workers will be required to carry some sort of identification. It will probably be a lanyard or, for safety reasons, an arm patch or badge to say that they are an authorised towing worker.

Clause put and passed.

Clause 21: Variation of authorisation in certain circumstances —

Mr R.S. LOVE: If a person passes away or ceases to jointly conduct the business, the CEO can reauthorise the authority. What if a person wants to buy into the business? Will there be a different process for that or will they have to go through the full authorisation again, as if they are a new applicant?

Mr D.R. MICHAEL: The answer is there would have to be a new application. The purpose of clause 21 is to cover off issues, especially in a partnership situation. It is to avoid having to do it when there is not a new person coming along after a death or someone leaving the business.

Mr R.S. LOVE: In the case of a business with a single operator—a sole trader—will the business have to cease to be conducted if that person passes away or can it be held by the person's estate until such time as some other process is worked through to enable continuity in the business for a period?

Mr D.R. MICHAEL: Under clause 27, a towing business authorisation is not transferable, so it would not be able to be transferred. The estate or whoever purchased the business from the estate would have to reapply.

Mr R.S. LOVE: Will there be a period of grace for that to happen? What will happen? There could be many employees, for instance. It does not necessarily hold that a person who is running a business in their own name has only themselves and a couple of employees. They might have 40 or 50 people working for them. Would it not be wise to have some sort of process to work through for a transition period? If the estate is not going to be administered by anyone wanting to conduct the business for any length of time, we would not want to see an interruption of business in order to ensure there is a degree of continuity for employees and other people who might rely on the carriage of the business. People may still have cars in storage and all sorts of other things. Some thought around that situation could be envisaged, and the minister may even make some sort of amendment at some point.

Mr D.R. MICHAEL: Clause 27 states that an authorisation is not transferable. If a sole trader were to pass away, walk away or sell the business, the last thing we want is for the business to fall into the hands of someone who should not have it. Even on a temporary basis, that would open us up to all sorts of poor behaviour, which we have seen recently by people who might not pass a fit and proper person test. Having said that, there would be some options and flexibility from the department. The business could temporarily be run under another legitimate towing business name to keep things running while the estate sorts things out. However, especially if another sole trader who did not have a complex history or business background took it over, the approvals would not take very long at all. They should be able to be turned around very quickly to make sure the business continues.

Clause put and passed.

Clause 22: Conditions of authorisation —

Mr R.S. LOVE: I think this is a pretty good place to talk about most of the rest of this division, because there are a number of clauses around conditions that might be imposed. In general, why is it seen as necessary that the CEO will be able to impose different conditions, presumably on different organisations? Correct me if I am wrong but these seem to be bespoke conditions for each business, not the industry as a whole.

Mr D.R. MICHAEL: I would envisage most conditions will not be bespoke. They would come under paragraph (b)—"any conditions prescribed by the regulations". They apply to everyone. Bespoke conditions in paragraph (a) are likely to be conditions surrounding—we will get to the yards later, but the linking of the yards. A car can be towed only to a particular yard or yards that have a live authorisation to be a yard. That is an example of the kind of bespoke conditions specified for a towing company—the yards or any other services that will be authorised under the legislation.

Mr R.S. LOVE: To be clear, there is no expectation that a whole bunch of different conditions will be imposed on Peter, which are different from those imposed on Paul, even though Peter may have a history that is not quite as good as Paul's or may have some other difference that may require a variation. Are we saying there would never be a difference in the conditions imposed on operators or that there is a general presumption that most of the conditions will be the same?

Mr D.R. MICHAEL: Again, I would expect that most conditions would be across the board. This clause, the one in which the member is talking about bespoke conditions, would allow the CEO to take targeted action for a towing company. It might be one that has been found to have done something that is not overly serious, but in trying to make sure they improve their practices, the CEO could impose a condition to make sure that they report to the department frequently on letting customers know their rights or obligations, or something that they may have been found to have not done once or twice—that kind of thing. It will give the CEO, with justification, the ability to put a condition on a future approval.

Clause put and passed.

Clauses 23 to 25 put and passed.

Clause 26: Duration of authorisation —

Mr R.S. LOVE: Clause 26 states —

> A towing business authorisation is granted for the period prescribed by or determined under the regulations.

We do not have the regulations, but could the minister shed some light on the expected period of an authorisation? Will it be the same across the board or could there be variations, depending on the type of organisation that is given the authorisation?

Mr D.R. MICHAEL: We are still looking at other states and where we might go with the regulations. The on-demand transport authorisations are annual. That is probably a good starting point, but is obviously something that is still to be determined.

Clause put and passed.

Clause 27 put and passed.

Clause 28: Publication of list of providers of authorised towing services —

Mr R.S. LOVE: Clause 28 states —

> The CEO must publish a list of authorised towing service providers on the Department's website in accordance with the regulations.

Will that be a brief publication of the name of the company or the name of the firm? What if a business wishes to change its name, and nothing else changes? What will the process be? Will the list need to be changed? Will a list of any refusals to provide an authorisation also be kept?

Mr D.R. MICHAEL: If there is a name change, under the authorisation information that we have gone through, like a change of director owner of anything like that, obviously it will have to let the department know and that would be reflected on the website from the date or whenever the notification happens or soon thereafter. In terms of a list of the companies that have been refused, no, that will not be on a website. We would not want names of companies that should not be towing anyone on the website in case it could be mistaken for the list of towing companies. Obviously, the department will keep records of anyone who was refused. It would not be a public list. Regulations will set out what details will be available on the website. I presume that it would be the name of the company and the registration number as well as, I would envisage, a website, phone number and email address—those kind of contact details.

Clause put and passed.

Clause 29: Suspension or cancellation order —

Mr R.S. LOVE: Presumably, enforcement agents will inform the CEO that a service provider has contravened any requirements of the act, including a condition of the authorisation and any duty or obligation imposed on the provider. There are a lot of "ors" in this clause rather than "ands". Which one on its own is enough to trigger some sort of response from the CEO? My first question is: through what process will any decision to suspend or cancel be able to be contested? Could the minister outline that, please?

Mr D.R. MICHAEL: Under part 7, "Review of decisions", clause 139(f) states that a reviewable decision means a suspension order made under proposed section 29(1)(a) to (f), which are decisions by the CEO. They will go to an internal review and then can go to the State Administrative Tribunal.

Mr R.S. LOVE: Clause 29(2) states —

> A suspension order made under subsection (1)(a), (c), (d), (e) or (f) may include a requirement that the authorised towing service provider undertake remedial action.

Certain proposed subsections set out the conditions under which the CEO is not able to undertake remedial action, including fraud or cancellation of authorisation in another state or territory by either the authorised towing service or a close associate or a responsible officer of the service.

Clause 29(1)(c) states —

> the CEO is no longer satisfied that the authorised towing service provider is a fit and proper person to conduct a regulated towing business …

Why will that one be subject to some remedial action and not the other three paragraphs that I singled out?

Mr D.R. MICHAEL: Paragraph (c) concerns someone no longer being a fit and proper person. Obviously, that might involve something quite low level such as a person's medical ability to be a fit and proper person, so it might be remedial action to sort out that medical issue and that kind of thing. On the other end, it could be something incredibly low level. Again, I cannot imagine that it will be used too often, given the seriousness of some of the behaviour that we have seen.

Mr R.S. LOVE: If we look further ahead, clause 30 refers to a number of things for which the CEO must make an order cancelling a business authorisation. I am a bit curious about clause 29(1), which states —

> The CEO may make an order suspending or cancelling a towing business authorisation if —
>
> …
>
> (b) the authorisation was obtained by fraud or misrepresentation …

I would have thought that if an authorisation were obtained by fraud or misrepresentation, it should lead to a suspension or cancellation because the authorisation clearly was not obtained in a lawful way. Perhaps the minister could explain why that is a "may" and not a "must" in this clause.

Mr D.R. MICHAEL: Obviously, anything that comes under clause 29(1)(b) will require a departmental investigation. I think there are now nine officers; we have beefed up the team in readiness for this legislation coming in. We are looking at proactive enforcement of the law and complaints and those sorts of things. I get where the Leader of the Opposition is coming from—it is serious—but, again, there will be an investigation. It sits in this clause. "Misrepresentation" could also mean something minor, something infrequently used or a mistake, such as filling out a form incorrectly. The clause needs to include a "may" and not a "must" in case something is proved to be a genuine mistake.

Mr R.S. LOVE: Okay, but I imagine that fraud is altogether different; it is a criminal activity. I would have thought that that would trigger an automatic cancellation because the authorisation was never properly made. Really, the authorisation should not be considered to be in existence. I have made my point and the minister has provided his view. I will sit down. If the minister wants to make a comment, that is fine; otherwise, we will move on to the next clause.

Clause put and passed.

Clause 30: Suspension or cancellation order for disqualification offence —

Mr R.S. LOVE: This clause again concerns the suspension or cancellation of orders, but this time it is in relation to a disqualification offence. It starts off by saying that the CEO may make an order in some circumstances. Subclause (3) then states —

> The CEO must make an order cancelling a towing business authorisation if a responsible officer of the authorised towing service provider has been convicted of a disqualification offence, unless the CEO is satisfied that the continued conduct of the regulated towing business is appropriate in the circumstances.

Can the minister explain why that provision, which will allow the continued operation of a business in those circumstances, is in the legislation?

Mr D.R. MICHAEL: A responsible officer who has been convicted could be sacked. If that person were no longer in the company and another person was nominated as a responsible officer, the CEO potentially would be satisfied. Then again, they would have to look at that to make sure that it was aboveboard, as best as it can be, and that the whole company was not involved in the conviction. It will allow for someone to be swapped out.

Clause put and passed.

Clauses 31 to 34 put and passed.

Clause 35: Immediate suspension or cancellation —

Mr R.S. LOVE: This provision involves immediate suspension or cancellation in the event that the CEO comes to believe that the regulated towing business has been or is being conducted in a manner that causes or might cause danger to the public. Can the minister give me some idea of what will constitute a danger to the public? Will it be the behaviour of a driver who routinely causes danger to the public? Will it be a one-off traffic offence by one driver? Will it be some other practice that is conducted in the organisation that constitutes a danger to the public? Are we simply talking about danger on the roads or will it be some other danger?

Mr D.R. MICHAEL: We have seen some horrific videos recently, including one in which a tow truck ran a red light in Cannington. The Leader of the Opposition probably saw the video of the ute or car that half fell off the

back of a tilt tray when people were standing around, and then two children got out of the vehicle that was half hanging off the tray. When that sort of evidence is provided, that will probably be cause for an immediate suspension or cancellation.

Mr R.S. LOVE: We are talking here about someone operating in a way that is dangerous to the public. Are we talking about physical danger on the roads and not about some other practice within an organisation?

Mr D.R. MICHAEL: All the things that we have seen happen with hire charges, carnapping and other bad behaviour will be dealt with under this legislation separately with penalties and other enforcement that can happen. Danger means danger; it means violence. Therefore, a tow truck driver going around hitting other tow truck drivers and members of the public is engaging in violent and bad safety practice. Again, we have seen those examples.

Clause put and passed.

Clause 36 put and passed.

Clause 37: Period of suspension —

Mr R.S. LOVE: I am curious about clause 37(1)(b)(ii). Clause 37 states —

> (1) A towing business authorisation subject to a suspension order under section 29(1) or 30(1) or (4) is suspended under the order for a period —
>
> (a) commencing on the day stated in the notice under section 36(b); and
>
> (b) ending on the first of the following to occur —
>
> (i) the day stated in a notice of revocation of the suspension order under section 38(4)(b);
>
> (ii) the day on which the authorisation is cancelled under this Act;

Can the minister explain this provision and the day on which this authorisation is cancelled under this legislation? Does it mean a person will no longer be suspended and will be cancelled? Is it as simple as that? Can the minister give me a brief idea of those circumstances?

Mr D.R. MICHAEL: The suspension will allow for the department to do an investigation. That provision will give time for that to happen. Think about some of that dangerous behaviour we have seen. As the member can imagine, a lot of those cases will end up in a cancellation once the investigation is complete and the department has worked out what has happened. Clause 38 refers to the revocation of a suspension order. Some examples are when it is found that it was not someone's fault or they were not doing the wrong thing—I do not know what the situation might be—there will be an opportunity to revoke the suspension order should that be needed.

Mr R.S. LOVE: Subparagraph (iii) underneath that states "the day on which the authorisation expires". Authorisations are given, I assume, periodically. I do not know whether the minister has any indication of how many years are involved. If a person is under suspension and their authorisation expires, will that mean that they will have to go through the full process as though they had never held an authority in the first place or will there be some abbreviated process once a person finishes their period of suspension? If the formal period of suspension is not finished and all the inquiries or all the processes the minister just explained are not conducted on what the suspension applies for, will everything stop in the department's work and will everything else stop because the authorisation has expired?

Mr D.R. MICHAEL: The process for authorisation renewal will be in the regulations. If a person is suspended and their renewal comes up, the person will not be able to make a renewal because they will be suspended. However, the department tells me that the renewal will be held in abeyance until such time as the outcome of their suspension, whether it is cancellation or revocation, is determined.

We skipped over clause 36, "Notice of suspension order". I think it is important to look at clause 36(d), which states —

> if the order is made under section 29(1)(a), (c), (d), (e) or (f) — any remedial action that the towing service provider is required to take …

In some respects, the person will be told clearly what to do to get their suspension lifted as soon as possible.

Mr R.S. LOVE: The minister has answered the question in a way by saying that the department will continue to work on the matter in those circumstances. But, in fact, this company or this individual will no longer have an authorisation. That falls away. They will no longer be under suspension as it will have fallen away under the law. What will the department be working on? There is no suspension; there is no authorisation. I am a bit perplexed.

Mr D.R. Michael: Is that if they have not made a renewal?

Mr R.S. LOVE: They will not be able to make a renewal because they are under suspension. The minister just said that. The minister also said that the department will continue to work on whatever was happening, but, in fact, this company will not be authorised and will not be suspended. What will the department actually be doing?

Mr D.R. MICHAEL: If a company is suspended and its renewal comes up whilst the investigation happens—I would think these investigations should not take too long—the towing company would have to apply for a renewal at the time it would if it were not suspended. If that were the case, the department would hold that renewal in

abeyance if the application just came in for renewal. If a tow truck company does something terrible and knows that the suspension is likely to end up in cancellation, it may choose to exit the state or exit the business. In that case, the department will potentially continue the investigation, but it will come to nothing. I am not sure whether that answers the member's question.

Mr R.S. LOVE: I am saying there is no authorised business. It cannot apply because it is suspended; however, the suspension has now come to an end, because the period of ownership or authorisation has expired. In effect, there will be no standing for the department to investigate. A process needs to be laid out, either in this legislation or in regulations, for what the minister is saying will occur to occur, because there is no power for that to happen at the moment.

Mr D.R. MICHAEL: The process will be in the regulations but, again, the key is that if that company wants to continue after the suspension, it will be like what we do with our driver's licence. We get our paperwork in for its renewal when it is due. We would not commence that process after the approval has ended. It is done when a renewal notice is received or however people keep track of those things. A renewal process in that scenario would be in train. The regulation will likely be like a driver's licence. We will build in a grace period so that if someone looks for a renewal within a certain period of time, they will not have to go through the whole process again.

Clause put and passed.

Clause 38 put and passed.

Clause 39: Notice of cancellation order —

Mr R.S. LOVE: This clause sets out the process that will need to be followed. Clause 39(1)(d)(ii) states —

> the period for which the towing service provider is disqualified from holding or obtaining a towing business authorisation;

If someone is disqualified from holding or obtaining a towing business authorisation, the period is then set out for that disqualification. Can the minister tell me what that period might be? There were disqualifying offences, but will it be the same disqualification period or will there be other grounds for which a different period for cancellation could occur?

Mr D.R. MICHAEL: Within the regulations there will be some time-defined disqualifications. They will be a bit like a driver's licence. If someone is convicted or loses their licence for a particular reason, there will be a time period for disqualification offences within the regulations. That is what that refers to.

Mr R.S. LOVE: How can there be a cancellation for a time period? Is the authorisation automatically reinstated at the end of the time period or does it remain cancelled? Will the authorisation no longer be disqualified and someone could potentially reapply? Is that what will happen? If that is the case, why not suspend rather than cancel for the period of that disqualification?

Mr D.R. MICHAEL: If someone is convicted of a disqualification offence, the authorisation will be cancelled and they will be disqualified from applying again for a certain time. After that period, they can apply afresh. I suggest it may be difficult to apply, depending on the individual's history, but it allows someone to potentially reform and come back. I presume they will have to prove that extensively.

Clause put and passed.

Clause 40: Towing vehicle without authorisation and powers to authorise —

Mr R.S. LOVE: I think a lot of this is clear. I am interested in clause 40(5), "Authorisation under subsection (4) may be given orally". Clause 40(4) states —

> The Commissioner of Main Roads may authorise the towing of a vehicle to another place for the purposes of subsection (2)(c) if the Commissioner considers that the towing is necessary to prevent or minimise a hazard or obstruction.

Why is the power to give an oral instruction specific to the Commissioner of Main Roads and not a police officer, for instance?

Mr D.R. MICHAEL: This will occur practically when the commissioner's delegate observes a vehicle on live camera footage on the freeway, or the like, and then arranges for the Main Roads towing contractor to tow the vehicle to a safe place.

Mr R.S. LOVE: What constitutes the commissioner's delegate in this circumstance? Is this one of the enforcement people whom the minister is thinking of hiring, or is it any Main Roads employee? Who is the delegate and what position would those delegates hold within Main Roads?

Mr D.R. MICHAEL: Currently the delegates are identified under the Road Traffic (Vehicles) Regulations 2014; however, in this scenario it will probably be a camera operator from the camera centre at the Main Roads headquarters who has to operate quickly to get a car off the freeway.

Mr R.S. LOVE: Is there a record kept of those oral instructions?

Mr D.R. MICHAEL: I am told that the Main Roads call centre has a log. Main Roads would have to pay for it, so there would be some sort of accountability.

Sitting suspended from 6.00 to 6.30 pm

Mr R.S. LOVE: Before the suspension, I think the minister was explaining the delegation of authority to tow a vehicle. Camera operators are expected to be in control of the freeway networks et cetera, but what about other circumstances? My understanding is that the government plans to have people involved in and monitoring some of the activity of the tow truck drivers. Does the minister expect that from time to time some of the enforcement crew will look at the accident scenes and will they also be delegated to provide these instructions?

Mr D.R. MICHAEL: The enforcement or compliance team at the Department of Transport will probably not be at the scene. They will be proactive in looking at towing companies, checking records and those kinds of things, and also following up on complaints, so it will be very much after the fact. Clause 40(2)(b) states —

> under an authority to tow in accordance with the regulations given by a police officer …

That provision would be used if someone had a crash and was taken away in an ambulance. Under that provision, a police officer could authorise for the vehicle to be towed. We have covered paragraph (c). That will be the Commissioner of Main Roads or a delegate. Most frequently, the department will get a car off the freeway that it has noticed from its headquarters or the camera system. Obviously, paragraph (d) is the authority under the Road Traffic Administration Act or any other written law. Under that scenario, the police have other powers to move a vehicle when it is in a dangerous position such as in the middle of a road after a crash and no-one knows who the owner is and the car has to be moved.

Mr R.S. LOVE: We are talking about the camera operators and others in Main Roads who will be given authority. I assume some of that would be done by way of oral communication. If we look back over time at corrupt activity in the tow truck industry, we see that it involves people who are often at the interface. There was the case of a police camera operator who was acting as a spotter, if you like, for a company. I remember the name of the company from the reports, but maybe it is not worth naming. Subclauses (4) and (5) concern me somewhat. Presumably, someone will have the ability to authorise someone to undertake a tow. How will they determine which operator is to be selected, and will it be monitored to ensure that Joe Green, who is dealing with the cameras, is not continually ordering and authorising one particular tow operator to undertake the towing?

Mr D.R. MICHAEL: I understand the member's concerns. I am told that Main Roads will tender for a contract to do this work. It will not be a matter of ringing up random tow truck companies; it will be per the contract. Main Roads Western Australia has a contract for things like clearways and how it operates the clearway system. I do not know whether that would be the same contract. I will not get into how Main Roads operates and whether it would be a separate contract for this type of towing or whether it will be done under the clearway contract. Main Roads will tender, so there will not be a spotter's fee and all those kinds of things.

Mr R.S. LOVE: Presumably, that would be a very lucrative contract for whoever gets it. The payment for the tow will still have to be paid by the insurer or the owner of the car, but not by Main Roads. On what basis will the tender be let in the sense that all the costs will be paid by the driver or the owner of the car? What will the government be tendering insofar as what Main Roads will provide as a reward for this organisation, or will it tender to the government to put forward a proposal to pay a company money to be the preferred supplier?

Mr D.R. MICHAEL: I am delving into Main Roads territory, which is technically not part of the bill, but I am told that the Main Roads contract is to take a vehicle off the freeway—we are talking mainly about the freeway—but not necessarily to a yard or to a smash repairer; it is to make the freeway safe. That will be done only to minimise a hazard or an obstruction. The existing Main Roads contract—this happens now with a breakdown, I believe—provides that Main Roads will tow a vehicle nearby off the freeway to make the freeway safe and to make sure that it is flowing.

Mr R.S. LOVE: Will that tow operator have the ability to be the person who tows the vehicle to the yard eventually, or will they be forbidden from being that person and just have to leave the car and drive off?

Mr D.R. MICHAEL: Once the Main Roads contractor has towed the vehicle to a safe location, which in most cases would be nearby, the owner of the vehicle would then be able to engage a tow truck of their choice.

Mr R.S. LOVE: I understand that that is their right, but if they are already hitched up to the preferred operator, will the preferred operator be required to unhitch the car at that point and no longer be engaged? Surely, it would be a huge advantage for that operator to be the most likely person to tow the car away. How will that occur?

Mr D.R. MICHAEL: This system operates on our freeways now and there has been no evidence of the concerns the member raised of the vehicle driver being coerced into a decision to use the same contractors once the Main Roads part of it is over.

Clause put and passed.

Clause 41: Engaging in towing work without authorisation —

Mr R.S. LOVE: Clause 41 states —

> (1) An individual commits an offence if —
>
> (a) the individual engages in towing work for the purposes of a regulated towing business; and
>
> (b) the individual does not hold a towing worker authorisation that is in force.

With the practicalities on the ground, what enforcement will we see to ensure that there is close monitoring of who is actually on the ground? The minister said that he did not think the squad that will be put together by the Department of Transport will be on the ground often, or at all, witnessing actual operations. How will it be known that the individual is working? What active enforcement of that will take place?

Mr D.R. MICHAEL: The record keeping will form a large part of that. There will be an audit trail of what has been towed, where from, where to and who did it. As part of that, a complaint could come about the conduct of the person towing or that they were not wearing their identification badge. In my head, I liken it to a security guard at a nightclub; that is a bit of my background! There will be an audit trail. If someone makes a complaint, they will be able to go to the company and check every single step along the way of who towed the vehicle and whether they were an approved person. Just to clarify what I said earlier, there is a plan, so as well as the audit and the investigative complaints, there will be some targeted roadside enforcement. Authorised officers will conduct compliance and enforcement through auditing, dealing with complaints, acting on intelligence and attending crash sites. They will wear Department of Transport uniforms and carry official identification, and they will be in compliance vehicles. I think we already have those vehicles for other purposes in the DOT system. There will be some. I presume some of that might be targeted. If there was a particular location, region or company about which some complaints started coming in, I presume that DOT might send its people to look at the crashes in those areas.

Mr R.S. LOVE: The minister just spoke about the audit trail and the record keeping—the evidence of records et cetera. I think there are some evidentiary provisions in division 8. Turning to the expectation of record keeping, when and where will the organisations conducting this business be told how to keep those records? Would there be a record of the designation of the officer who gave the authority to whoever towed the vehicle? Could the minister use this discussion to outline how those records will be kept, where they will be kept and for how long they will need to be kept?

Mr D.R. MICHAEL: The required record keeping will all be in the regulations. I am told that at the moment we are looking at keeping records for two years, and, again, a lot of this is very similar to on-demand transport record keeping. The regulations will cover how quickly those records will have to be presented and in what form. I think we are also talking about making sure that towing vehicles have a dash cam, and they would have to keep dash cam footage for six months, or something along those lines, for storage purposes. Again, that will be in the regulations to come.

Mr R.S. LOVE: Clause 41(3) states —

> An individual does not commit an offence under subsection (1) if —
>
> (a) the individual is the holder of an interstate towing worker authorisation that is in force;

The note under the subclause states —

> The *Mutual Recognition Act 1992* (Commonwealth), as adopted by the *Mutual Recognition (Western Australia) Act 2020*, also deals with the recognition of authorisations to carry on occupations granted under a law of another State, the Australian Capital Territory or the Northern Territory.

Will authorities to carry on as a towing worker from all the other states be recognised here? Is there a list of how that will be achieved? Are the authorisations very similar to the process by which they will be undertaken under this legislation?

Mr D.R. MICHAEL: Our intention is to seek an exemption from other jurisdictions, I think through the commonwealth. I will read the actual document rather than making it up. The Department of Transport is investigating seeking an exemption from the automatic deemed recognition for towing workers under the state and commonwealth automatic mutual recognition laws. This would mean that a towing worker from another state would have to apply for a WA authorisation through the mutual recognition pathway. The intention is that an interstate worker would need to meet all requirements of WA industry regulation. When the home jurisdiction does not require something that WA does—for example, disqualification based on a specific offence—the Department of Transport will consider the worker before deciding whether to allow them to work here.

Mr R.S. LOVE: However, if the law says that someone does not commit an offence, they do not commit an offence. Surely, no matter what the Department of Transport may feel about recognition, there is nothing in there to indicate anything but that there will be mutual recognition. Short of having a further amendment to this act, I do not see how that could actually happen when that exemption has already been granted through subclause (3). Can the minister explain how he would pick and choose states, given what is written here?

Mr D.R. MICHAEL: Again, clauses (3)(a), (b) and (c) are "(3)(a)", "and (b)", "and (c)". If the member has a look at subclause (c), he will see that it states —

> the towing work is engaged in within the relevant period prescribed by the regulations for that kind of authorisation.

The intention would be much like drivers' licences. Someone can drive on an interstate driver's licence in WA for a certain period of time before having to apply for a Western Australian one. We will set a time limit in the regulations by which someone would have to apply.

Mr R.S. LOVE: I thank the minister for that clarification, because that was one thing I was going to ask. What about when there is a cross-border tow, for instance? I know this legislation is restricted to Perth and Peel at the moment, but it is also possible that it could apply to other areas.

Mr D.R. Michael: Parts are statewide.

Mr R.S. LOVE: Yes, parts are statewide. If a driver is in Kununurra and has to go to the Northern Territory to pick up a vehicle, or vice versa, will the person be authorised? If this were potentially extended to be statewide, would that exemption apply when someone is towing from one part of Australia to another?

Mr D.R. MICHAEL: Under the Mutual Recognition Act, other states and territories would recognise our authorised tow truck workers. In that scenario, again, depending on the Northern Territory regime, it is the same issue. It may possibly be granted automatically for several months for the person to be able to operate before the person has to apply themselves.

Mr R.S. LOVE: I move to clause 41(4)(c). Basically, it is a defence to a charge if someone allowed a tow truck worker to operate without authorisation because they had lost their licence. Clause 41(4)(c) states —

> the individual did not know, and could not reasonably be expected to have known, of the circumstances referred to in paragraph (a).

If an authorised tow truck worker were to lose their licence, would the department automatically suspend their authority? I would have thought the department is the record keeper of licences as well as authorisations. Would the department not automatically cancel the authorisation and inform the organisation for whom that person was working; and if not, why not?

Mr D.R. MICHAEL: This is to do with disqualification due to the non-payment of fines. It is a defence when someone did not know and could prove that they did not know that they have received some fines and had their licence suspended because of it. I will use the example that does happen from time to time of someone moving house and letting the department know, but the department wrote the new address incorrectly and they never got their fines in the mail. If they were not aware that they had lost their licence and could prove all of that, that is a defence.

Mr R.S. LOVE: This is the individual themselves being unaware that they had in fact lost their licence or that it may be the interim period between being made aware and the letter being written. Okay, thank you; that is good.

Clause put and passed.

Clause 42 put and passed.

Clause 43: Requirement to comply with conditions of towing worker authorisation —

Mr R.S. LOVE: Can the minister give me an example of the specific conditions? Again, we are getting back to whether they are unique to that towing operator. Can the minister give me some idea of what is expected to be covered under this provision?

Mr D.R. MICHAEL: This will be particularly directed to an individual and is likely to be physical or medical related. Conditions may be carried over from their driver's licence, such as having to wear glasses. If they struggle with sight at night, they might be able to operate only during daylight hours. I do not know if this example is just me, but if someone is unable to lift certain loads, they might need a second person to assist them or might be prevented from doing certain types of tows that require equipment they are unable to use. These are just some examples I have come up with. It is likely that it will be similar to what is on the back of the person's driver's licence.

Mr R.S. LOVE: Will the assistant of the towing worker also have to go through all the same processes? They are all towing workers, even if they are not the driver or operator of the equipment.

Mr D.R. MICHAEL: Towing workers are towing workers, so yes.

Clause put and passed.

Clauses 44 to 47 put and passed.

Clause 48: Towing worker authorisation document —

Mr R.S. LOVE: Clause 48 states —

> (2) The towing worker authorisation document must —
>
> (a) be in the approved form …

Can the minister give me some idea of what work has been done on the approved form and what we should expect to see in the document?

Mr D.R. MICHAEL: It is likely to look very similar to a driver's licence.

Mr R.S. LOVE: Clause 48(3) states —

> (b) give the towing worker a written notice requiring the towing worker to —
>
> (i) cease to use any previous towing worker authorisation document issued to the towing worker …

Is that a reference to ceasing the use of a document from New South Wales or the like? In what circumstances would someone cease to use an authorisation document and move to another?

Mr D.R. MICHAEL: We obviously want tow workers to have their authority on them and visible for the community. We obviously do not want ones with false, wrong or old information on them. We do not want them to use their old card. I think the department, where possible, will try to make sure they are either destroyed or taken back.

Mr R.S. LOVE: A plastic driver's licence is sometimes renewed, and the person has to get a new picture and a different card. Is that the type of scenario we are talking about here? I am assuming that we will have photographic recognition on the card like a driver's licence. In effect, if I was to imagine what we see in a taxi with the taxidriver, is that similar to what people will see in this or will there be a difference?

Mr D.R. MICHAEL: Under clause 75, the CEO is authorised to use a photo from a driver's licence for the purposes of identification. Again, the intention is to issue a document like that. I think the explanatory memorandum notes that in the future, as the world changes, it may theoretically be an electronic document, but at the moment, we are looking to keep it similar to a driver's licence. As we move into the world of digital documents, that could obviously change.

Mr R.S. LOVE: The minister has mentioned that a digital document could be used. I am trying to imagine how that could be a physical thing. Would it be something on someone's phone? What does the minister anticipate there?

Mr D.R. MICHAEL: There is no intention to do this at the moment, but I am sure that every state will have digital driver's licences in the future. I can see a time when we will have digital towing authorisations.

Clause put and passed.

Clause 49: Conditions of towing worker authorisation —

Mr R.S. LOVE: We spoke a little bit about the conditions of a towing worker authorisation. Clause 49(2) states —

> (2) In determining the conditions to be imposed on a towing worker authorisation under subsection (1), the CEO may have regard to the opinion of a medical practitioner who prepares any approved medical report in relation to the applicant required by the regulations as to —
>
> (a) the need for and frequency of medical reassessments over a period not exceeding 5 years; and
>
> (b) any restrictions that should be placed on the applicant in relation to the operation of a tow truck.

Is it expected that there will be age limits or different requirements of an operator at different ages in those different medical assessments? I think that certainly happens with drivers' licences to some extent, but I am not sure whether it would necessarily preclude someone from continuing. Are age limits expected to be part of those conditions?

Mr D.R. MICHAEL: In determining what conditions are to be imposed on the towing authorisation, the CEO will have regard to the opinion of the medical practitioner who submits the medical report. Some of the things they will look for will be similar to on-demand and truck driving regulations. The frequency of further medical assessment is up to five years, but the member can imagine that as we see with drivers' licences, a doctor might say, "This person's okay, but we recommend a yearly checkup."

Some of those things would obviously come with age, but there is no age limit in the legislation. The limit is what the medical legislation would certify in terms of the person's fitness to operate a tow truck and any conditions that may be required.

Mr R.S. LOVE: If there were an occasion on which a person had a heart attack or something, would there be a responsibility on them or the treating medic or the doctor to report it and for some sort of reassessment to be undertaken?

Mr D.R. MICHAEL: If someone has an injury or something like that and if a medical practitioner were to bring up those issues in the report, obviously it would inform any potential restrictions that should be placed on the application for operating a tow truck. That is common, and we covered it earlier. In terms of more serious cases, such as if someone had a heart attack, the individual is already compelled to notify the department about that because it relates to their driver's licence and that would have a knock-on effect on their ability to drive a tow truck.

Clause put and passed.

Clause 50: Application for variation of conditions —

Mr R.S. LOVE: Clause 50(2) states —

> The application must —
>
> (a) be in the approved form; and
>
> (b) be accompanied by any documents or other information specified in the approved form …

Again, have we seen any progress on the development of the said approved form and what its format may be?

Mr D.R. MICHAEL: The form has not been developed yet. When a person has had some form of medical condition and has fully recovered, there will be a form that clearly requests all the information the department needs, with tick-boxes to notify whether a medical certificate or report saying the person can go back to being unrestricted or whatever they want to do has been attached. That is intention of the form, but it has not been developed yet.

Clause put and passed.

Clause 51: Variation of conditions —

Mr R.S. LOVE: Clause 51 states —

> (1) The CEO may vary the conditions of a towing worker authorisation imposed by the CEO if the CEO is satisfied that the variation is appropriate in the circumstances.
>
> (2) A variation may be made on application under section 50 or on the CEO's own initiative.

Can the minister outline circumstances that might prompt the CEO on their own initiative to make such a variation?

Mr D.R. MICHAEL: An example would be if a person with a medical condition were not to make a section 50 application to have a condition removed and put in a normal annual, five-yearly or whatever application, the CEO could ask, "Hang on, you don't have this anymore?" and remove the condition for them.

Clause put and passed.

Clause 52 put and passed.

Clause 53: Duration of authorisation —

Mr R.S. LOVE: I have a very simple question. Clause 53(3) states —

> A towing worker authorisation remains in force until whichever of the following first occurs —
>
> (a) it expires;
>
> (b) it is cancelled.

Will all the authorisations be of the same length of time and what is the expected period for an authorisation to exist?

Mr D.R. MICHAEL: Again, it will be in the regulations, so no decision has been made yet. We think at least annually at the start might be an appropriate way to go. Hopefully, in the future, once the industry is cleaned up and working well, we could look at a longer period, but that will be in the regulations. In terms of different periods, we cannot think of a reason why we would do that at this point, but the possibility is there if it is required for some reason.

Mr R.S. LOVE: The minister raised the issue of it perhaps being done annually for a period of time. Can the minister give the chamber a bit of an idea of how many tow truck operators or workers are actually employed at the moment? I am trying to get an idea of the resources that will be chewed up going through this process if it is going to be done annually. There are a few bad eggs, and if those bad eggs had not have been given an authorisation in the first place, we would have confidence in the people who have been selected. Can the minister outline the resources? Has modelling been done on how long it will take to work through each person and how many people will apply to be authorised towing workers?

Mr D.R. MICHAEL: I take the Leader of the Opposition's point on the timeframe and good operators. We have not decided yet, but to begin with it will be about annually. That will let us ensure that we absolutely root out the bad behaviour and the unscrupulous element in the system. In the future, because it will be in the regulations, we could possibly come up with a longer period like we have for drivers' licences and those kinds of things. The industry is unregulated, so it is really hard to find out how many towing workers there are. The modelling suggests that there are about 1 200. It is a very uncertain number, but it is the best we could come up with.

Mr R.S. LOVE: We will say it is over 1 000 or so. I think there will be a lot to get through in the first year. The department will have to do at least three a day. It will be more than that—three each calendar day but for each working day it will be a lot more—more like five. How will this be achieved during that first period and what is the timeline to have everybody onboarded within the new regime?

Mr D.R. MICHAEL: As the member knows, in terms of bringing in this bill and, when it becomes an act, into play, banning spotter fees will happen almost instantaneously. After proclamation, we will work incredibly hard to get the regulations done for the maximum charges and some of the safety aspects. The next phase is this part, the towing worker authorisations. The system is envisaged to be very similar to the one that was built for on-demand transport drivers, of whom about 50 000-ish came online. That system has to be built, and we have to get the process right because it is our intention that it be as efficient as possible. We want people to jump online and use DoTDirect to apply. We want the system to work efficiently. Obviously, the last stage will be the companies involved. That is kind of where we are going. This will come after the regulations for maximum fees; that will be the next bit of work the department does. Yes, that will have resource implications in terms of building a new system into what is already a very complex system at the department, but obviously once the legislation is through, it is a decision of government in terms of getting it funded and moving.

Clause put and passed.

Clauses 54 to 56 put and passed.

Clause 57: Order may be made even if authorisation suspended —

Mr R.S. LOVE: Can the minister explain clause 57 —

> An order may be made under section 55(1) or 56 even if the towing worker authorisation is already suspended when the order is made.

They will be doubly suspended; is that possible?

Mr D.R. MICHAEL: Yes; it means you are in trouble! The situation might arise if there are additional grounds on which to suspend a towing worker. As an example, after a worker has been charged with a disqualification offence and suspended, following the action, the CEO may also cease to be satisfied that the worker is medically fit to engage in regulated towing work because of information that might come in through an approved medical report. As a result, the CEO might make a further suspension order under clause 57.

Clause put and passed.

Clause 58: Show cause process —

Mr R.S. LOVE: Under the legislation, it appears that the CEO cannot make an order under clauses 55(1) or 56 unless the worker is given a show-cause process. Can the minister give me an idea of how that process will unfold? I presume that the show-cause process will be laid out in regulations or is it common to the process in legislation elsewhere; namely, do we already have an indication of how that will operate?

Mr D.R. MICHAEL: This clause will obviously give the towing worker a right of reply or some natural justice to a potential suspension order or cancellation—noting that under subclause (4), the CEO may make an order to suspend a towing worker within the 30-day notice period if, for example, the CEO has evidence of safety or other serious noncompliance.

Clause put and passed.

Clauses 59 to 63 put and passed.

Clause 64: Cancellation and disqualification if convicted of disqualification notice —

Mr R.S. LOVE: Subclause (2) states —

> A period for which an individual is disqualified from holding or obtaining a towing worker authorisation under subsection (1)(b) —
>
> (a) commences when the individual is convicted of the disqualification offence; and
>
> (b) ends when the prescribed disqualification period in relation to the disqualification offence expires.

The disqualification offences that are laid out would mean that the person has been suspended. It is similar to what we spoke about business. What is the likelihood that simply because the disqualification has finished that the person will be able to reapply and become a worker? Will they need to reapply because they have been disqualified? Can the minister explain the process and whether they would be able to immediately get back into the industry?

Mr D.R. MICHAEL: Subclause (1) states that if an individual is convicted of a disqualification offence, their authorisation is cancelled and they are disqualified for a certain period. It is cancelled and the period prevents them from reapplying. Once that period is up, they will be able to reapply, but, as we discussed in debate on an earlier clause, their history and what they have done will obviously be looked at in terms of a fit and proper person test.

Clause put and passed.

Clauses 65 and 66 put and passed.

Clause 67: Suspension or cancellation relating to authorisation to drive —

Mr R.S. LOVE: Clause 67 states —

> (1) A towing worker authorisation is suspended by force of this subsection during any period that the holder of the authorisation is not authorised under the *Road Traffic (Authorisation to Drive) Act 2008* to drive a motor vehicle.
>
> (2) A towing worker authorisation is cancelled by force of this subsection if the holder of the authorisation's driver's licence is cancelled.

I specifically want to know whether a person would be eligible to drive under an extraordinary licence, or would that not be allowed, if they had lost their licence in a way that was a bit more serious than the accumulation of the odd point here or there?

Mr D.R. MICHAEL: If someone had a court-ordered extraordinary licence and then went to the department to say, "I want my licence to not be suspended anymore", the department would have to do that, of course, because that would be a court order. However, at that moment, the CEO and the department would have to consider those circumstances as being new information for the towing worker authorisation. Obviously, a cancellation is a cancellation. The cancellation of a licence will automatically cancel someone's approval to tow. I am saying that clause 67 will not prevent someone who holds an extraordinary licence from being a towing worker, but the act that sits behind it will mean that the CEO will have some regard to the person's court case and actions. This already occurs in the on-demand transport world.

Mr R.S. LOVE: Therefore, before someone got their extraordinary licence, if their licence had been —

Mr D.R. Michael: Suspended.

Mr R.S. LOVE: Would it be suspended or cancelled? I am not sure.

Mr D.R. Michael: Cancelled.

Mr R.S. LOVE: It would be cancelled. They would have lost the authority to work in that circumstance, so they would have to start afresh, or would that be treated as a de facto suspension in those circumstances?

Mr D.R. MICHAEL: It would depend on the court order. If the court cancelled someone's licence and they then got an extraordinary licence, under this legislation, they would have to reapply for their towing authorisation at some point after they got their licence back or, theoretically, whilst they held their extraordinary licence, but, again, their behaviour would be taken into consideration. If someone's licence is suspended but they hold an extraordinary licence, again, this legislation will not prevent them, but the CEO may have cause with that new information to re-look at their authority to be a towing worker and then issue a suspension order.

Mr R.S. LOVE: I have not been through the experience of losing my licence.

Mr D.R. Michael: I am also struggling with this one, thankfully!

Mr R.S. LOVE: If someone gets 12 demerit points and loses their licence, they are suspended for a period. They do not actually lose their licence; they just lose the authority to drive on it. Is that the case?

Mr D.R. MICHAEL: A person cannot get an extraordinary licence if they have lost their licence due to demerit points.

Mr R.S. LOVE: That was one example. Another is if someone loses their licence because of —

Mr D.R. Michael: Drink driving?

Mr R.S. LOVE: — drink driving, is the ordinary licence cancelled or suspended? That will make a difference to the operation of this part of the legislation.

Mr D.R. MICHAEL: It will depend on the offence they are convicted of. I think that P-platers receive a cancellation, and, obviously, we have all seen media articles about someone who is a serial drink driver having their licence cancelled. But I think most people would have their licence suspended.

Clause 68: Spotter fees prohibited —

Mr R.S. LOVE: There are not many people in the chamber, which is a bit of a pity; we are having such a good discussion! It might bring some people in. We are looking at clause 68, one of two clauses to do with the practice of spotter fees, which is one of the provisions that we know will be rolled out statewide rather than just in the Perth and Peel areas. Can the minister explain why this particular provision is being rolled out statewide rather than being applied only in the area in which the other provisions will apply?

Mr D.R. MICHAEL: The payment of spotter's fees is one of the main reasons for doing it. It causes racing to the scene of a crash, which is an unsafe practice. We do not see issues with the high payment of fees, which is why we are limiting that under the regulations to Perth and Peel for the moment. This is a safety measure to stop racing. We have limited it to Perth and Peel for practical reasons, as well. The member could imagine that unscrupulous

tow truck drivers could get spotter's fees from just outside whichever border we picked, whether Perth, Peel, the south west or wherever. There could be speeding or racing to crashes over that border from areas where spotter's fees are banned to where they are not banned, if the member gets my drift. I therefore think it is easier to have it statewide.

Mr R.S. LOVE: There are definitions under clause 68(1). The first couple are pretty straightforward, but the next one defines "valuable thing" as including, amongst other things, money, bonuses, commissions and any payment in excess of the actual value of any goods or service. I guess that is like paying a premium for a beer at the pub, or whatever. I am not sure what that means; maybe the minister could explain that a bit. It also states —

> (iii) any forbearance to demand any money or money's worth;

Could the minister explain what that means?

Mr D.R. MICHAEL: The bill was drafted widely to capture any reward that we could find to try to close off any loopholes. Forbearance to demand any money or money's worth is a debt; it is not technically giving money. If I rang the member and said, "There's a crash; now you owe me $100, but we'll leave it there for a while", it is a debt that will have to be paid at some point. In respect of payment in excess of the actual value of any goods or service, it might be like if the pub were to ring the member and say, "There's a crash out the front; the next time you come in, you can pay $150 for your Swan Draught."

Mr R.S. LOVE: There is also reference to "other valuable consideration". Is that a catch-all phrase for someone giving out, say, frequent flyer points or something? Is that there to capture any mobile payment consideration of any sort? Is it the case that pretty much anything one can identify as having value to the person who receives it will be captured by this provision? Is that the way to describe it?

Mr D.R. MICHAEL: That is correct.

Mr R.S. LOVE: Clause 68(2) states —

> A person must not, for a towing procurement purpose, give or receive, or offer to give or receive, any valuable thing in consideration of the provision of crash or breakdown information.
>
> Penalty for this subsection:
>
> (a) for an individual, a fine of $9 000;
>
> (b) for a body corporate, a fine of $45 000.

If the minister could confirm or not confirm my reading of that. The provision appears to apply to both the person who gives the information and the person who receives the information and gives it consideration; is that the case?

Mr D.R. MICHAEL: That is correct, member: it is giving and receiving.

Mr R.S. LOVE: The fine for the body corporate would presumably have to be for the tow truck operator, because I would not have thought that the individual who has given the information would be a body corporate—or could there be circumstances in which they could be? I think these are just individuals who are being rewarded. Why is there a fine of $45 000? Why was that chosen? I know that penalties under some other provisions will be much steeper. Why will the penalties be the same for an individual, who may be a luckless poor person who just thinks they are making a few extra easy bucks, as opposed to an organisation that is fully aware of the law and the conditions that are imposed upon it, yet still knowingly provides such an incentive? Perhaps the minister could explain why they will be the same, because I think they are two separate classes of offence, almost, in respect of the awareness they should have about that situation.

Mr D.R. MICHAEL: The fines are maximums. I am told that, under the Sentencing Act, they are treated as maximums, so if someone is prosecuted, what the member just said will hold. Obviously, bigger companies very much should know what they are doing, especially if they can be shown to have acted in full knowledge of what they were up to. They will probably get closer to the higher end of the penalties. The member mentioned the example of Main Roads. If someone were to say, "Hey, I've got a tip for you", again, that will be pretty serious under this provision. But if there were a luckless individual who had no idea that they were breaking the law, we would expect the fine to be potentially a lot less.

Mr R.S. LOVE: In respect of the towing provider, who would be fined? I do not know how payments are made in the industry, but I would imagine there would be some level of subcontracting and the like. The tow truck driver may offer incentives unknown to the organisation. If there were a towing service provider that was actively still, somehow surreptitiously, seeking to provide that type of spotter's fee, what would the ramification be for that provider's authorisation as a towing service?

Mr D.R. MICHAEL: Both scenarios are possible. The department would investigate, and if it could prove that an individual tow driver was doing it, only they would be charged. If the department could prove that the driver was acting on behalf of a larger towing service provider, the towing service provider would be charged, and in that scenario possibly both would be charged. It would depend on the evidence and what could be proved, noting that the department will have the power to seize banking records to work out where payments might have gone.

Mr R.S. LOVE: In setting out the penalties and remedies for that type of behaviour, the bill does not specify anything around this going to the fit and proper person test or the basis of that authorisation for either the worker or the service provider. Why is that the case?

Mr D.R. MICHAEL: Obviously, a fit and proper person's compliance with this act especially would be something that would very much be taken into consideration when looking at those things. I draw the member's attention to division 4 on page 23. Clause 29, "Suspension or cancellation order", states —

> (1) The CEO may make an order suspending or cancelling a towing business authorisation if —
>
> (a) the authorised towing service provider has contravened any requirements under this Act …

Clause put and passed.

Clause 69: Regulations may prohibit or restrict towing and storage charges —

Mr R.S. LOVE: Clause 69(1) states —

> (a) prohibiting the imposition of towing charges or storage charges of prescribed kinds or in prescribed circumstances …

What did the government have in mind when drafting that provision? We have set out that there is a fee and a storage charge. Are there other charges that could still apply because of some extraordinary circumstance? What storage and towing charges could be prescribed? We have already defined that there will be the one standard storage charge.

Mr D.R. MICHAEL: The regulations in this part will deal with the storage and towing charges. As the member knows, we are looking to do only light vehicles, so the regulations will have to properly describe what a light vehicle is and those kinds of things. Should we ever have to increase it to heavy vehicles or other things like that, we would change the regulations in this section to have other charges for those other types of vehicles.

Mr R.S. LOVE: Yes. The bill does go on to refer to the geographic area and so on that will be excluded.

In terms of the interplay between the nearby areas, will operators be forbidden from taking a smash from, say, somewhere in Midland up to Muchea, just over the border in the wheatbelt, effectively? Will that be forbidden because they would not have the same provisions surrounding their costs for storage that they would have in the Midland area?

Mr D.R. MICHAEL: If the crash happens in the defined area—Perth and Peel for now—the maximum charges for towing and storage will apply. In that scenario, the yard in Muchea would have a cap of the charge it could levy—as if it were a yard in Perth—if the crash happened within the Perth and Peel region.

Mr R.S. LOVE: Thank you, minister, for that clarification. Subclause (2) states —

> (b) may regulate towing charges or storage charges by reference to whether they are reasonable in the circumstances …

There is a little bit of leeway here compared to other areas. When I first read the charges, to be honest I thought the provision was a bit light-on for a person cleaning up the scene of the accident and doing all those things for 400 bucks or just over. The minister can say the amount; I do not have it right in front of me as I am standing, but it did not seem to be an awful lot. We are trying to get away from thousands of dollars being charged, and we will now be down to a few hundred dollars being charged. Will there be a revision of that figure and the effect that it will have on the availability in the industry; and, if so, who will do that monitoring and how often will we see an adjustment to the towing and storage fees? Storage is probably a bit more static, but the towing fee seemed to not be an awful lot to me. It is a bit like fishing. One might not get too many bites on one day, and on other days one might get lots, but there are still fixed costs to pay. Can the minister give us an idea of how that will operate?

Mr D.R. MICHAEL: The figure we are looking at is $485 for a standard tow for up to 50 kilometres. Obviously, that figure was arrived at by looking at both the Perth and Peel markets and at what happens with the fee caps and costs of a tow in other states. It will surprise the member to know that every state does things a little bit differently. We cannot get together on most things. I am told that the cost of a standard tow of a light vehicle for a distance of 20 kilometres from the scene of a crash that occurred at midday in the metropolitan area is $375 in South Australia, $325 in Victoria, $420 in Queensland and $400 in New South Wales. That was for 20 kilometres. The department thinks that $485 for 50 kilometres is a good starting point but, again, given it will be set in regulations, if it proves to be too high, it will mean we will not have to put it up for a few years. If it proves to be too low, we can do like we do for on-demand transport. Every year the department looks at the cost of fuel to put up the maximum tariff for taxis in Perth and Western Australia. This will operate similarly. The government of the day can look at those charges and move them up when required, depending on the costs of the towing industry.

Clause put and passed.

Clause 70 put and passed.

Clause 71: Confidentiality —

Mr R.S. LOVE: This clause refers to de-identified data. Subclause (3) states —

> The CEO may publish de-identified data from time to time to provide information to the public about the performance of the towing industry.

What is the intention of this performance information? Can we get a commitment about what will be published? Is this about looking at the efficacy of the legislation or is it being done for another purpose? Will it be ongoing?

Mr D.R. MICHAEL: The department frequently publishes statistics about vehicle sales et cetera, along with general statistics, such as how many yards may be in operation and how many tow truck drivers and workers are working in the industry. There may be trends to see what the industry is like. We may be able to get information regarding issues in the industry or particular locations where there may be breaches. For example, it might be appropriate for the department to say that breaches have been occurring on Kwinana Freeway, but not stating which towing service provider committed those breaches. It would let the community know of any problems that may be occurring or pre-signal enforcement action so that people tidy up their game.

Mr R.S. LOVE: Subclause (4) states —

> The CEO may, on request, provide unpublished de-identified data to any person on payment of any fee prescribed by the regulations.

Will this be insurance companies? Who does the minister expect would take advantage of this? Can he give me an idea of how a fee would be prescribed by the regulations? Is other de-identified data made available in a similar way with a fee structure that might be equivalent to this proposal?

Mr D.R. MICHAEL: There are other examples under road law for which the charge is the cost of providing information or the time the officer takes to extract the information and de-identify it. The member's example may happen, but it would more likely be for research for a university or road safety organisation. If a business researcher wanted to look at the operation of an industry, they could theoretically look at some de-identified data.

Mr R.S. LOVE: If we were to provide information to those types of organisations, would the government be better suited to provide that without charge, rather than charging fees for that information?

Mr D.R. MICHAEL: They could be insurance companies. It will not be restricted to not-for-profit researchers. I presume the charge will be quite modest if it is for cost recovery. A cost recovery model is used for these types of things.

Clause put and passed.

Clause 72: CEO may provide information about improvement notices —

Mr R.S. LOVE: Clause 72 states —

> To assist an authorised towing service provider to comply with safety standards the CEO may, on request, advise the provider as to whether or not an improvement notice has been issued in relation to an authorised towing worker under Part 6 Division 6 within the period prescribed by the regulations.

I find this strange. I assume that this is a worker of the towing service provider. It is not specified, but maybe it is implied. Can the minister confirm whether it applies only to authorised towing workers who work for the towing service provider?

Mr D.R. MICHAEL: It says, "To assist an authorised towing service provider to comply with safety standards", which means it will be limited to its employees, no-one else.

Mr R.S. LOVE: Why will we provide that information to the towing service provider only on request? If someone is working for a towing service provider—presumably, a record would be kept of whom the towing worker is working with—why would that information not be automatically forwarded to the towing service provider? I would have thought it would be vitally important that it knows that there has been an issue with one of its workers that has led to a situation in which an improvement notice has been issued.

Mr D.R. MICHAEL: For example, the tow truck worker may have worked for several tow truck service providers. They might be a one-person band. They might have one truck and do their own thing, but for multiple people. A person working for a towing service provider may ask the CEO of the department whether they should be aware of any safety improvement notices.

Mr R.S. LOVE: That is when a person is engaged or a service provider begins to work with them, but what if an improvement notice is issued during the ongoing relationship? Would it not be wise to let the people with whom that worker is operating know? The minister can answer that question and then I will step back and ask another one.

Mr D.R. MICHAEL: The department may not know whom an authorised towing worker works for, so the request has to come the other way.

Mr R.S. LOVE: Will the authorisation as a tow worker not be tied in any way to working for a tow service provider? That would seem to me to be a fundamental relationship between the two, and I have not questioned it until now because it never entered my mind that a tow service worker would not have anywhere to work. A person would work for either one or a number of people, but surely a record is kept to show that there is an association between the two because there is a relationship that is part of knowing the nature of the business, whether they are fit and proper people and all those other matters. If it is not known whether the worker is working, there will be a bit of a piece missing there. The minister can make a comment about why that will not be a requirement.

Mr D.R. MICHAEL: A towing worker will have to go through their own fit and proper person test, as we have already covered this afternoon and evening. They will be able to work for multiple towing service providers but each time they get a job, records will have to be kept by the towing service provider. We would expect that if a towing service provider was using one of those tow workers a lot, it would ask the question to the department under this clause to find out whether there were any issues with safety performance or whether there was an improvement notice they needed to be aware of, because once that tow worker was doing a job for the towing service provider, it would also be on the hook for anything that might go wrong.

Mr R.S. LOVE: I thank the minister, but that is part of the point. If I follow what the minister has just said about the towing service provider, there would be a requirement once a month to routinely inquire about whether there has been an improvement notice on any of the provider's drivers; otherwise, the provider would run the risk of not knowing the status of that person and it would threaten the business.

Mr D.R. MICHAEL: That periodic check is likely, and the intention is to allow for that check to occur in the system, which the towing service provider will be able to access once the system is built.

Clause put and passed.

Clause 73: Disclosure of authorisation status of towing worker —

Mr R.S. LOVE: I think the minister more or less said it, but clause 73 states —

> The CEO may disclose the authorisation status of a towing worker on the Department's website, or to any member of the public or any other person, in accordance with the regulations.

What does "authorisation status" specifically refer to in relation to this clause?

Mr D.R. MICHAEL: It would be something along the lines of what we have for on-demand transport now. A person can type in someone's driver number and, I think, surname, and the website will basically flash green or red with no information other than that it verifies the name and number that matches to our live authorisation.

Mr R.S. LOVE: Why does the clause state that the CEO "may" disclose the authorisation status on the department's website rather than "must"? The clause relates to a "towing worker" but the minister talked about there being lists of all the towing workers. Will the names all be published on the website at once? What is the expectation there?

Mr D.R. MICHAEL: Just to reiterate, as opposed to towing services, there is no intention to have a list. If someone on the side of the road wanted to check whether the towing worker was authorised, they could put the number on their badge and their name into the website, or something along those lines. Again, this system already operates for on-demand transport services. By putting in both bits of information, the website will verify that the person is a current authorised tow worker, which will give confidence that there is someone competent on the site. The intention is not to have a list of workers. To clarify, there will not be a list of workers.

Mr R.S. LOVE: The information that will be provided will simply be that Joe Green is registered and his number will be shown. That is it; there will be nothing else.

Mr D.R. MICHAEL: That is correct, member.

Clause put and passed.

Clause 74 put and passed.

Clause 75: Use of photographs —

Mr R.S. LOVE: I am curious about clause 75(b). Clause 75 states —

> **Use of photographs**
>
> The CEO is authorised, for the purpose of producing a towing worker authorisation document or other identification document for a person required under this Act but not for any other purpose, to use any photograph that was provided by the person —
>
> (a) under the *Road Traffic (Authorisation to Drive) Act* …
>
> (b) within 10 years before the grant of the authorisation to the person.

Perhaps 10 years is the length of time for the driver's licence; I am not sure. Perhaps the minister could explain that. That would already be on record, and it would be at least 10 years. The intention is not to ask the person to get a fresh photograph and to just use the old photograph. Is there not an opportunity, at the commencement of this legislation,

to get everyone to go to the little booth to get an up-to-date photograph for the information of the public? The minister might recall that today, after the announcement of the member for Mandurah's retirement, he was exhibiting an old photograph of the member. It might have been only 10 years ago, I do not know, but he did look somewhat different. Time does not treat everyone kindly. Perhaps the minister could just explain a bit about the 10 years.

Mr D.R. MICHAEL: The photo was from the 2001 election. I might find some other photos from that one, given that I have an extensive video collection at home of the election night coverage.

The ACTING SPEAKER (Ms M.M. Quirk): Get a life, minister.

Mr D.R. MICHAEL: I know—that and *Hogan's Heroes,* of course.

Part of what the member said in terms of the photos was correct. I think making tow truck drivers or workers go to have another photo taken would be onerous when the most important master photo that is used for most things is their driver's licence photo. Imagine someone applying to be a towing worker who had their photo taken only a year earlier; they would be forced to go back a year. We think that having it linked to their driver's licence photo is quite appropriate.

Clause put and passed.

Clause 76: Persons in relation to whom information may be exchanged —

Mr R.S. LOVE: Clause 76 is the first clause under division 3, "Exchange of information". I might just generally talk about the division so we can save a bit of time. The persons in relation to whom information may be exchanged are laid out there. I am interested in clause 76(1)(b) —

> … an employee or agent of a towing service provider in relation to a regulated towing business; …

Will every employee, rather than just those tow workers, down to the person working in the yards and keeping the accounts et cetera be subject to that information sharing?

Mr D.R. MICHAEL: That is correct.

Mr R.S. LOVE: Will the department ask for a list of every person who is working for a tow service provider or a storage yard provider? If those are both the same thing—they probably will be—will all those employees be disclosed? How often will that disclosure have to take place? Will it be a continual disclosure? What will be the requirement there?

Mr D.R. MICHAEL: This will not ask the employees of a towing service provider to disclose all the time for every provider. This will give the power to do that. In the course of the department's investigations, if it wants to look at a particular employee or company, it will be able to ask everyone who is working there, and obviously on request from police.

Mr R.S. LOVE: We are just widely ranging over division 3 a little bit here because I think it is more convenient. It contains clause 77, "Exchange of information between CEO and Commissioner of Police". The CEO will have to tell the police what the rules are and a few other things. She will also have to tell the road traffic CEO. Pardon my ignorance, but is that not the same person? When the minister stands up, can he also talk about the relevant authorities that might also be involved in this exchange of information, including authorities that may not be in Western Australia? Can the minister talk generally about who the information sharing will be with and some of the conditions as to why that is necessary?

Mr D.R. MICHAEL: The first question was about the CEO and the road traffic CEO. They are the same person, but those two functions are within different acts so that is why it is written like that.

In terms of other agencies, the legislation will provide for the CEO to share information with relevant authorities and law enforcement officials and for regulations to specify those organisations. It will allow the Department of Transport to provide information when it considers that the information will be required for the purposes of that organisation's functions. It is intended that in addition to the Western Australia Police Force and Main Roads, which are defined at the act level, it will include the following and may be expanded; Australian, state and territory police forces; the Corruption and Crime Commission; Australian Border Force; Australian Taxation Office; CEOs of WA local government authorities; CEOs of WA departments; and heads of commonwealth agencies. Those organisations may reasonably use information from the department for their compliance and regulatory functions and the department may seek information from them. Does that answer the member's question?

Mr R.S. LOVE: Yes, almost. Would interstate towing authorities be the equivalent of the Department of Transport or are there specific authorities in some states other than departments as such?

Mr D.R. MICHAEL: Yes. Other Australian jurisdictions have regulated crash towing industries. The CEO may exchange relevant information with interstate towing authorities in other jurisdictions and may seek information from those authorities. In some states, that is an organisation similar to Main Roads and the Department of Transport. In some states, it is done more in the consumer protection realm.

Clause put and passed.

Clauses 77 to 83 put and passed.

Clause 84: Terms used —

Mr R.S. LOVE: This clause is at the very start of part 6 of the bill. Can the minister explain the definition of "premises"? Clause 84 states —

> ***premises*** includes any structure, building, vessel or place (whether built on or not) and any part of any such structure, building, vessel or place;

Can the minister give me an explanation of what "premises whether built on or not" will cover?

Mr D.R. MICHAEL: The clause defines "premises" as having its ordinary meaning and makes sure the definition is not limited to allow the department to enter premises. That is why the clause refers to —

> … any structure, building, vessel or place (whether built on it or not) any part of any such structure, building, vessel or place;

We are making sure the use of the word "premises" is not limited by its ordinary meaning.

Clause put and passed.

Clause 85: Authorised officers —

Mr R.S. LOVE: This clause is in division 2, which deals with authorised officers and their designation. Clause 85(2) states —

> The CEO may designate as an authorised officer a person employed in, or engaged for the purposes of, the Department.

We know that a police officer and any such designated person can be an authorised officer and that the authorised officer status was developed as part of the development of the new legislation. Earlier in the evening, the minister mentioned that the government is not expecting that people will be out on the road much. Will the authorised officers be part of the enforcement group the minister spoke about, or is this a different group of people? Can the minister give me some idea of the number of people who will be needed to fill those roles in the first instance?

Mr D.R. MICHAEL: The department has a very good compliance team that looks at lots of things, including marine issues and other things we have discussed about the new legislation as well as on-demand transport and many other functions such as Public Transport Authority assessments. We have nine people currently dedicated to the towing reforms. Once this legislation is passed, it is envisaged that they will get the authorised officer designation, but that does not mean other compliance people within the department who do other things cannot assist or be an authorised officer from time to time.

Mr R.S. LOVE: The designation could be for only a short period of time or for a specific part of a person's activities. The minister said there is a range of people who act in the marine or some other area. Will the designations be for only a short period of time or for a specific purpose, or will the government authorise a whole band of other inspectorates to be authorised officers under this act?

Mr D.R. MICHAEL: That is correct. The on-demand transport compliance team might be dual-badged, if you like, as authorised officers to assist when required.

Mr R.S. LOVE: How will the identity card mentioned in the clause describe that a person is an authorised officer? What is the description of the person's role that the public will see?

Mr D.R. MICHAEL: It will be very much based on the existing cards used by transport wardens and maritime inspectors. They all have slightly different requirements due to their legislation but I envisage there will be a photo, information, a number and those kinds of things.

Clause put and passed.

Clause 86: Purposes for which powers of authorised officers may be exercised —

Mr R.S. LOVE: Clause 86 states —

> An authorised officer may exercise the powers set out in this Subdivision for 1 or more of the following purposes —
>
> (a) to monitor compliance with this Act;
>
> (b) to investigate a suspected contravention of this Act;
>
> (c) to investigate whether there are grounds for suspending or cancelling an authorisation granted under this Act.

In effect, will those authorised officers be the actual delegates on the ground for the CEO for most of the provisions we have spoken about?

Mr D.R. MICHAEL: That is correct.

Clause put and passed.

Clause 87: Powers in relation to vehicles —

Mr R.S. LOVE: Clause 87(1) outlines the things an authorised officer can do in relation to a vehicle. Over the page, on page 68, is clause 87(1)(d), which states —

> direct the driver of the vehicle, a person engaging in towing work using the vehicle, or any passenger, to —
>
> (i) state the person's name, residential address and date of birth …

Why is it necessary for a passenger in the vehicle to be included in the description here?

Mr D.R. MICHAEL: It is to monitor compliance should an investigation be required following a complaint or, if the authorised officer thought that something was going wrong, to have all the information to do an investigation into who was the authorised towing worker, who else was there, who was a member of the public and those kind of things.

Mr R.S. LOVE: I am surmising that the vehicle in question is the tow vehicle or a vehicle as defined in subclause (2). Is the supposition that because there is a passenger in that vehicle, they may be an unauthorised assistant or associate of the authorised tow truck worker?

Mr D.R. MICHAEL: It is important to read this in conjunction with subclause (2), which limits subclause (1) and can be exercised only in relation to a tow truck or —

> (b) a vehicle that the authorised officer reasonably suspects is being or has been used to travel to a place for the purposes of obtaining, or attempting to obtain, an authority to tow a vehicle for the purposes of a regulated towing business.

We are not talking about —

Mr R.S. Love: That is what I said.

Mr D.R. MICHAEL: Yes.

Mr R.S. LOVE: The suspicion is that any passenger in that vehicle is possibly in some way assisting the tow truck operator and, in doing so, has not necessarily received the authority they should have received to carry out that work.

Mr D.R. MICHAEL: That is correct, and getting all that information from them will allow the department to check the validity if there is a suspicion or a complaint.

Mr R.S. LOVE: I refer to the specific questions that can be asked. Subclause (1)(d)(iii) states "answer a question put to the person". The expectation is that the person must respond to the authorised officer and answer whatever question is put to them. Will there be a limit to the reasonable nature of those questions or will there be no limit to the questions that can be asked?

Mr D.R. MICHAEL: The powers can be used only for the purposes listed in clause 86, which are to monitor compliance with the act, investigate a contravention of the act or investigate whether there are grounds for suspending or cancelling. The questions will have to relate to those purposes.

Mr R.S. LOVE: The bill states that the officer can seize a record and retain it for as long as is reasonably necessary. Will that include, for instance, an electronic device, such as a mobile phone or iPad, or some other method by which the information is being collected?

Mr D.R. MICHAEL: In the case of an iPad, we can look to paragraph (j), which states that the driver or a person in possession of the vehicle must give the authorised officer any assistance that the officer reasonably requires for the purpose of the subclause, which presumably would be to open the iPad. Paragraph (h) gives the authorised officer the power to make a copy of, take an extract from, download or print out any document or thing. Yes, but hopefully that would not be required.

Mr R.S. LOVE: The minister has just read out subclause (2), but can he explain the circumstances in which the authorised officer would reasonably suspect that the vehicle was being or had been used to travel to a place for the purposes of obtaining or attempting to obtain an authority to tow a vehicle? This could be the driver of a car who headed off and showed up at an accident and they quickly got an authority signed. Is that the correct reading of that provision? It might not be designated as a company vehicle, but just any vehicle. It would depend on the use of the vehicle. Can the minister explain how that could be interpreted?

Mr D.R. MICHAEL: The officer would need to reasonably suspect that it had been used. The member is correct about the purpose; it would be about trying to get a signature on an iPad or a form. In terms of the powers, the authorised officer would need to reasonably suspect that the vehicle had been used to travel for that purpose. Obviously, that test would need to be met.

Clause put and passed.

Clause 88 put and passed.

Clause 89: Entry of premises —

Mr R.S. LOVE: "Premises" has been defined in a broad sense to include vessels. Presumably, there are barges on the Swan River from which cars are disappearing or luxury yachts on which information is being kept. I am not sure why vessels have been included. Subclause (1) states —

> An authorised officer may, in accordance with this section, enter premises occupied by a person mentioned in subsection (7) and do all or any of the following at the premises —

It then lists lots of things, which seem to be fairly intrusive, including operating a computer or other thing at the premises. It also states in subclause (2) that the power may be exercised at any time under an entry warrant issued under division 3. Will the requirement to get a warrant be absolute? Will there be circumstances in which the authorised officer can enter the premises without a warrant or will it always be subject to subclause (3), which states that they need to get a warrant?

Mr D.R. MICHAEL: Under clause 89(2), an authorised officer may enter premises at any time if a warrant has been issued. They can also enter without a warrant at any time with the consent of the occupier of the premises. Subclause (3) states that if a business is carried on at the premises, the authorised officer can enter —

> … at any time during the usual business operating hours … at the premises (whether or not the premises are actually being used for that purpose), and without a warrant and without the consent of the occupier of the premises or any other person.

If the occupier is happy or if the business is operating during its normal business hours, the authorised officer will not need a warrant to enter the premises.

Mr R.S. LOVE: Earlier in the discussion we talked about how the premises of a storage yard could not be a residential property, but is it possible that an individual's home could also be the office of that individual; and, if so, will that be captured in the same way as the minister just described in that the power to enter may be exercised at any time during business hours?

Mr D.R. MICHAEL: Proposed section 89(4) states —

> An authorised officer must not exercise the power to enter premises mentioned in subsection (2)(c) —

That is the ordinary business hours provision —

> without a warrant or the consent of the occupier if the premises are, or any part of premises is, used predominantly for residential purposes.

Therefore, they would need a warrant or consent.

Mr R.S. LOVE: Clause 89(6) states —

> An authorised officer who is a police officer may use reasonable force in the exercise of powers under this section.

I take it that the authorised officers of the department will not have any powers to force their way into premises?

Mr D.R. MICHAEL: That is correct; they would have to have police there if that is what they wanted to do.

Clause put and passed.

Clause 90: Requirement to comply with directions —

Mr R.S. LOVE: Clause 90 states —

> If a person is directed under section 87, 88 or 89 to give any information, answer any question or produce any record —
>
> (a) the person cannot refuse to comply with the direction on the ground that the information, answer or record may tend to incriminate the person or render the person liable to any penalty; but
>
> (b) if the person is an individual — the information … is not admissible in evidence against the person in any criminal proceedings …

My reading of that is it seems to be a little contradictory, because the person is incriminating themselves, but then they are not. Either way, it is almost a privilege that prevents the information being used in that way. Can the minister explain the operation of these provisions?

Mr D.R. MICHAEL: What the member has just described preserves an individual's common law privilege against self-incrimination.

Clause put and passed.

Clause 91: Assistance to exercise powers —

Mr R.S. LOVE: Clause 91(1) states —

> An authorised officer may authorise as many other persons to assist in the exercise of the authorised officer's powers … as are reasonably necessary in the circumstances.

Can the minister explain how that is envisaged to play out? Will those other authorised persons be given all the powers held by the authorised officers themselves, and how do we know that they will have the expertise or the necessary understanding of the legislation to carry out those powers?

Mr D.R. MICHAEL: This provision is based on the Criminal Investigation Act, which allows authorised officers to bring in specialists. One example might be a forensic auditor to look through the books of a company; another might be an IT specialist to assist with accessing a computer containing towing records.

Mr R.S. LOVE: I refer to clause 91(5). Is this just a provision that will protect the state and the individual from any possibility of any prosecution or any penalty that may arise from the use of these powers?

Mr D.R. MICHAEL: It is a civil protection that means they will not be liable, so, yes, that is correct.

Clause put and passed.

Clause 92 put and passed.

Clause 93: Duty to take reasonable measures to be able to comply with identity request —

Mr R.S. LOVE: Just quickly, clause 93(2) states —

> A responsible person for a vehicle commits an offence if the responsible person fails to take reasonable measures, or make reasonable arrangements, to ensure that if an identity request is made in relation to the vehicle, the responsible person will be able to comply with it.

Can the minister give me an idea whether there will be any defence to that if they are unable to provide that information?

Mr D.R. MICHAEL: This clause will impose a duty on a responsible person to identify the operator or person in charge of a vehicle when the vehicle is alleged to have been used in connection with a relevant offence. I am told that these provisions mirror those in the Road Traffic (Administration) Act 2008.

Clause put and passed.

Clause 94: Offences —

Mr R.S. LOVE: It is probably common in other legislation, but clause 94(2) states —

> A person must not hinder or obstruct an authorised officer in the performance of a function under this Part.
>
> Penalty for this subsection:
>
> (a) for an individual, a fine of $9 000;
>
> (b) for a body corporate, a fine of $45 000.

What might be included in hindering or obstructing an officer? Would it be a physical prevention? Would it be a failure to provide information? What would constitute that?

Mr D.R. MICHAEL: In terms of the request for information, that is probably covered under subclause (1). In terms of the hindrance or objection, that would be covered under subclause (2). It would be a lot more physical, such as getting in the way, standing in front of records, destroying a computer or records and that kind of thing when an authorised officer is trying to go about their business.

Clause put and passed.

Clause 95: Terms used —

Mr R.S. LOVE: As we did with some of the other clauses, there are a couple of questions here. This clause is in division 3, "Entry warrants". There are a couple of questions, so I might spring from one thing to another. Clause 100 deals with the form of entry warrants. Can the minister explain the need to have remote communication for an entry warrant? Is this something that might happen while someone is at a premises? What will be the circumstances for that matter to occur?

Mr D.R. MICHAEL: This deals with accessibility to magistrates. The member can imagine after-hours situations, or someone not being near a courthouse, especially in the regions. This mirrors procedures under the Criminal Investigation Act that are currently used by police through the Department of Justice.

Clause put and passed.

Clauses 96 to 105 put and passed.

Clause 106: Application for orders to produce —

Mr R.S. LOVE: Division 4 deals with obtaining business records. Clause 106(1) states —

> An authorised officer may apply for an order to produce a business record for the following purposes —
>
> (a) to investigate a suspected contravention of this Act;
>
> (b) to investigate suspected grounds for suspending or cancelling an authorisation granted under this Act.

How much information would there need to be for there to be a suspected contravention or grounds for suspension under the legislation? Is there any idea of how much information would need to be provided, or how much certainty that there was some sort of contravention?

Mr D.R. MICHAEL: It is covered under clause 107. The JP has to be satisfied that there are reasonable grounds for the authorised officer to suspect that grounds exist for suspending or cancelling an authorisation granted under the legislation.

Mr R.S. LOVE: An application can be made to a justice of the peace. Is that something that is done in any other legislation surrounding the principal legislation?

Mr D.R. MICHAEL: It is similar to the Criminal Investigation Act and provisions for on-demand transport.

Mr R.S. LOVE: Clause 106(3) states, in part —

> An application for an order to produce a business record must —
>
> (a) state the applicant's official details; and

What exactly are the applicant's official details? Are we talking about some record of their authorisation?

Mr D.R. MICHAEL: That is under clause 95(1), which states —

> ***official details*** means —
>
> (a) in relation to a police officer — the officer's surname, rank and registered number; or
>
> (b) in relation to a person designated by the CEO under section 85(2) — the person's full name and official title;

Mr R.S. LOVE: A range of things are required under clause 106(3)(a) to (h), for an application for an order to produce a business record. If any of that information is missing or incomplete, would that render the order invalid? Sorry; I said "incomplete"—I meant "incorrect".

Mr D.R. MICHAEL: It will be a must, so one would have to have all that information.

Mr R.S. LOVE: Sorry; I said the wrong thing. I meant to say "incorrect". If someone inadvertently put incorrect information in there, would that at some point mean that the orders were invalid?

Mr D.R. MICHAEL: If the error were not picked up and the evidence that was obtained made its way to court, it could cause some difficulties. But if the error were picked up, there would be a way to rectify it before it hit court.

Clause put and passed.

Clause 107: Issue of orders to produce —

Mr R.S. LOVE: If someone goes to a justice of the peace, a JP may issue an order to produce a business record if satisfied that, in relation to each of the matters in proposed section 106(1) that the applicant suspects, there are reasonable grounds for the applicant to have that suspicion. That will be a decision that a JP will make on the balance of what they are being told and the information given. Subclause (4) states —

> If a JP refuses to issue an order to produce, the JP must record on the application the fact of, the date and time of, and the reasons for, the refusal.

Where will that information be stored? If someone were to go to a JP and the JP said no and gave their reason, the person might just go to the next JP on the list. If that JP then said yes, how would that difference be recorded, or if someone is refused by a JP, will they stand refused and not be able to get it from somebody else?

Mr D.R. MICHAEL: The record itself will be stored by the Department of Transport as a state record, which includes the reasoning of the decision and those kinds of things. In practical application, if the application were refused, we would expect that the authorised officers of the department would go back and look at the reason for the refusal and the investigation so far and reassess what to do next. That refusal would form part of what would be disclosed to the defence if it ended up in a prosecution. Therefore, that document will get kept, and it will be an important document for the department.

Mr R.S. LOVE: Would one be able to JP-shop for an authorised officer, or if they wished to get an order, would they have to resubmit information of a higher quality?

Mr D.R. MICHAEL: If the department shopped for a justice of the peace and then at some point ended up in a prosecution again, all those prior refusals would be disclosed and would potentially undermine the prosecution. Again, I think the department and their authorised officer would look at the reasons for that refusal and then potentially go back and check the investigation and all the information that the department has and then at that point make a call on whether to resubmit an application.

Clause put and passed.

Clause 108: Service of orders to produce —

Mr R.S. LOVE: Simply, clause 108(1) states —

> An order to produce must be served on the person to whom it applies as soon as practicable after it is issued.

What will be the effect of it not being served as soon as practicable? Will there be a limit on the length of time for which the order could remain open?

Mr D.R. MICHAEL: The department will have to serve the order as soon as practicable because it will have a date by which it must be complied with on it. The department will have to get it to whoever it is being served to as quickly as possible so that there is opportunity for it to be complied with.

Clause put and passed.

Clause 109 put and passed.

Clause 110: Powers in relation to order to produce —

Mr R.S. LOVE: This clause states, in part —

> (1) An authorised officer to whom a business record is produced under an order to produce may retain it for a reasonable time to determine its evidentiary value.

In terms of what is a reasonable time, is it possible that it might be somewhat important to the business to get back the business record? I do not know; perhaps it might contain a raft of very sensitive information that the business does not really want to have sitting out too long. Will there be any restrictions on the length of time that could be considered reasonable in simply trying to determine its evidentiary value? Will it automatically be returned as soon as it has been determined that it has no evidentiary value?

Mr D.R. MICHAEL: Clause 110(1) is very preliminary. The business record will be retained for a reasonable time to determine its evidentiary value. It will not be a seizure; it will be to check whether it has value. Then it rolls on to subclause (2), which refers to seizing the record. I draw the member's attention to clause 113, which relates to some things the member said. That clause covers records and the ability to make copies of them. Clause 113(4)(a) states —

> if it is reasonably practicable to do so, give a copy of the record to the person as soon as practicable after it is seized …

If the records are critical to the business continuing while the investigation is ongoing, clause 113 covers the ability to give things back as quickly as possible.

Mr R.S. Love: Does that occur under subclause (3)?

Mr D.R. MICHAEL: It is under subclause (4), but it is all of clause 113.

Mr R.S. LOVE: We do not have to talk about clause 113 then, so that is good!

Clause 110(3) states —

> A person who produces a business record in compliance with an order to produce is not liable to any action or remedy by any person at common law for producing that record.

Is that a protection for an employee of a business who is named in the order to provide that information? Is that the person to whom we are referring there?

Mr D.R. MICHAEL: Yes, it is a protection. Another example is that it will protect a bank from giving a person's financial records on request.

Clause put and passed.

Clause 111 put and passed.

Clause 112: Grounds for seizing things —

Mr R.S. LOVE: This clause relates to the seizing of things, as opposed to records. It states —

> … that an authorised officer may seize a thing, the authorised officer may do so only if the authorised officer reasonably suspects that it is necessary to seize the thing for 1 or more of the following purposes —
>
> (a) to prevent it from being concealed, disturbed or lost;
>
> (b) to preserve its evidentiary value;

(c) to subject it to forensic analysis;

(d) to prevent it from being used in the commission of an offence.

Can the minister give me an idea of the sorts of things they are under this bill? So far, we have been talking about records and the like. I am trying to think what the government is trying to capture under this provision to seize things.

Mr D.R. MICHAEL: It could be a computer, a hard drive, a camera and those kinds of things.

Clause put and passed.

Clause 113 put and passed.

Clause 114: Seizing of devices and equipment —

Mr R.S. LOVE: This clause is to seize devices and equipment, which has been covered by what the minister just said about the seizing of things, so perhaps it is a bit of duplication. Will it be necessary for a passcode to be provided before seizing devices and equipment? I think the clause implies that that will be the case. What will happen if the item has an encryption or other protection within it? Can the minister talk briefly about what the authorised officer's seizing power will allow them to do with the device?

Mr D.R. MICHAEL: That is covered in clause 115(3) and clause 115(4), which sets out how an authorised officer may direct a person whom they suspect knows how to gain access to or operate a device or equipment and provide reasonable and necessary assistance to seize the record or exercise the power.

Mr R.S. LOVE: What penalties will be available to the department if the measures set out in these clauses are not complied with?

Mr D.R. MICHAEL: That comes under clause 94, which relates to the failure to comply with the direction of an authorised officer.

Mr R.S. LOVE: If an order is issued that leads to the seizure of a device, will it be a separate offence if someone does not abide by the order, in the sense of being in contempt of the order, or will it be strictly limited to the clause 94 penalty that the minister mentioned?

Mr D.R. MICHAEL: If someone fails to comply with a direction, they will be penalised under clause 94. If they disobey an order to produce, it will come under clause 109, noting that the penalty in this bill is the same for both offences.

Clause put and passed.

Clause 115 put and passed.

Clause 116: List of seized things to be supplied on request —

Mr R.S. LOVE: Subclause (1) states —

> If an authorised officer seizes any thing, the following persons may ask the authorised officer for a list of what was seized —

Subclause (3) states —

> If it is not reasonably practicable to list all the things seized because they are too numerous, the list may give a general description of the things that contains as much detail as is reasonably practical.

Can the minister give me an idea of what could be seized that is so numerous that it cannot be listed?

Mr D.R. MICHAEL: It might be bundles or boxes of authority to tow forms. Rather than list every single one, it might state "every authority to tow from this date to this date" or something along those lines, or when talking about things and devices, rather than list every single file on the hard drive or something like that, it might be every document listed on the hard drive.

Clause put and passed.

Clause 117 put and passed.

Clause 118: Seizure or production of privileged material —

Mr R.S. LOVE: This clause states —

> A record that is seized under this Part or that is produced under an order to produce a business record issued under section 107(1) must be dealt with in accordance with this Subdivision if —
>
> (a) a person entitled to possession of the record claims that all or some of the information in it is privileged; or
>
> (b) the authorised officer seizing the record or to whom it is produced reasonably suspects that all or some of the information in it is privileged.

The authorised officer will know that privilege is attached to this information but the statute allows that information to still be gathered by that authorised officer. Will this include information that has been gathered directly from the organisation's legal adviser or other people? Is this a power that is generally granted elsewhere within legislation or is it something quite new?

Mr D.R. MICHAEL: This process will mirror the on-demand transport legislation in the Criminal Investigation Act. The member will see that the "terms used" covers legal professional privilege, which is the most common, and public interest privilege. The practicable implication is that when privileged material is seized under clause 118 and the officer reasonably suspects that some or all of it is privileged, there is a process to be followed in sealing it, making applications to court and going through those processes that happen under the other acts.

Clause put and passed.

Clauses 119 to 126 put and passed.

Clause 127: Issue of improvement notices —

Mr R.S. LOVE: We are dealing with division 6, which is about the improvement notices that might be issued by the CEO. Clause 127 states —

> (1) This section applies if an authorised officer reasonably believes that a person —
>
> (a) is contravening a provision of this Act; or
>
> (b) has contravened a provision of this Act in circumstances that make it likely that the contravention will be continued or repeated.

When we say "contravening a provision of this act", is that an ongoing matter? Can the minister explain what those likely contraventions might be? I understand when there has been a historic contravention and there is a concern that it might reoccur, but what action would contravene the provisions of the act?

Mr D.R. MICHAEL: From a safety point of view, it would be things like not wearing hi-vis or similar standard safety things that might slip, which are serious but relatively minor in the scheme of things and could be easily rectified with an improvement notice. From a business point of view, there may be records that are not kept to a required standard on a regular check, and there may be an improvement notice to up the record keeping.

Mr R.S. LOVE: Clause 127(2) says that the authorised officer may, by written notice given to the person, issue an improvement notice requiring various things. This provision will apply for relatively minor transgressions against the legislation. Where will the line be drawn between when it would not be considered appropriate to give an improvement notice and, rather, simply carrying out an active prosecution or issuing a fine under the provisions of the legislation?

Mr D.R. MICHAEL: It would be based on the authorised officer's professional opinion, their experience and what they see in the industry as part of their ongoing duties, with the intention of getting compliance. If there are relatively minor issues, we would want the company or person to be compliant as quickly as possible, noting that there must be compliance; and there are penalties under clause 129.

Mr R.S. LOVE: Will it be necessary for some explanation to be given of why the department has chosen to issue an improvement notice? I know that clause 128 over the page refers to the contents of the improvement notice, but will a record be kept internally of why an improvement notice has been issued rather than there being a prosecution because of a contravention of the legislation?

Mr D.R. MICHAEL: The officer's discretion would also be recorded for the department as a state record, so there would be a record of why they had made that decision.

Clause put and passed.

Clause 128: Contents of improvement notices —

Mr R.S. LOVE: The contents of the improvement notices are set out here. It is fairly straightforward, but will the measurement of the compliance also have to be included in the notice—that is, how the authorised officer will go about measuring it? Who will be responsible for assessing the rate of improvement and the success of that improvement?

Mr D.R. MICHAEL: Clause 128(3) refers to the directions and measures that will have to be taken to the satisfaction of the authorised officer and subclause (5) states that those measures —

> … may include a requirement that the measures be taken to the satisfaction of an authorised officer.

Clause put and passed.

Clause 129: Compliance with improvement notice —

Mr R.S. LOVE: The last paragraph of the clause refers to a penalty of $60 000. I will ask a little bit about that in a minute. Does the minister think that the penalties for someone contravening the improvement notice are really sufficient? I would have thought that if the department gives someone a direction to make an improvement, we would look to have more substantial penalties on that person if they wilfully do not comply.

Mr D.R. MICHAEL: These penalties are just for not complying with the notice. The substantive issues will not have been complied with because of that. These are just for the notice. The department will obviously then make the call on the substantive issue whether to suspend, cancel or charge.

Mr R.S. LOVE: If the person has not complied with the improvement notice, they will be fined. They may not necessarily be suspended; they may be given a second chance or something. Is it possible they could be fined again, or would it be a one-off situation?

Mr D.R. MICHAEL: In that scenario, the most likely outcome, as I just said, would be a suspension, possible cancellation and a charge. As the member will remember from earlier this evening, the suspension could have a condition on it to improve something.

Clause put and passed.

Clause 130 put and passed.

Clause 131: Affixing sticker to tow truck —

Mr R.S. LOVE: I would just like to know the rationale. When an improvement notice is issued involving a tow truck, will that be an improvement to the tow service provider or the towing worker, or will this provision apply to the actual tow truck? Perhaps the minister could explain who will have contravened an improvement notice and how that truck will have been selected. We have spoken about the fact that we could have many tow service operators. Tow workers may not necessarily be linked just to a provider. Can the minister explain the process for how we will end up with a tow truck with a sticker on it?

Mr D.R. MICHAEL: The sticker will be used when there is a safety standard issue with a tow truck.

Mr R.S. LOVE: Will the safety standard issue that has been identified not prevent the tow truck from being used or will it prevent the tow truck from being used?

Mr D.R. MICHAEL: It may. Clause 128(4) reads —

> An improvement notice may include directions prohibiting or restricting a person from engaging in towing work for the purposes of a regulated towing business, or causing or permitting another person to engage in such work, until the measures required to remedy the contravention or prevent the likely contravention have been taken.

Again, the officer, depending on the safety problem, might issue that improvement notice condition.

Mr R.S. LOVE: On the information that will be provided, will it be a standard form or will it be a list of the issues? How will it look? Is it intended to inform the public? Who is intended to be informed?

Mr D.R. Michael: Is it the form or the sticker?

Mr R.S. LOVE: It is the form of the sticker. We are not talking about a form, as such, but the form of the sticker. What information will be on it and whom is it supposed to inform?

Mr D.R. MICHAEL: Similar to a yellow sticker on a passenger vehicle, it will not have too much information on it because, even if it did, no one would get close enough to read it. The information will be on the improvement notice.

Mr R.S. LOVE: What is the rationale for this development being brought forward? Has there historically been a problem with the unsafe operation of tow trucks? Will the sticker apply to only tow trucks that are operating in Perth and Peel or is this one of the provisions that could operate statewide?

Mr D.R. MICHAEL: Obviously, the idea of the sticker is to draw attention to the vehicle, especially for authorised officers, police and consumers. If a tow truck has a sticker on it, they could ask to see the improvement notice to determine whether they are operating in accordance with it, how long they have to comply with the improvement notice or whether they have been banned temporarily. This is about making the tow truck industry safer. I am told it will be statewide.

Clause put and passed.

Clause 132 put and passed.

Clause 133: When prosecution can be commenced —

Mr R.S. LOVE: Clause 133(1) states —

> A prosecution of a person for an offence under this Act, other than an offence prescribed by the regulations as an offence to which …

The shorter distance applies —

> … must be commenced within 2 years after the date on which the offence was allegedly committed.

Regardless of when the offence was discovered, the time that it was actually committed is the relevant period. Two years has been chosen. Why? Is it consistent with other aspects of the legislation?

Mr D.R. MICHAEL: It is consistent with similar acts such as the Road Traffic (Vehicles) Act, which also applies to tow trucks, and again the on-demand track report that a lot of this act was modelled on.

Mr R.S. LOVE: Under subclause (2), provisions prescribe for the purposes of this proposed subsection how some of these acts must be commenced within 12 months, rather than two years. Can the minister give me an understanding of the types of differences there might be between the various offences when these shorter periods to commence a prosecution may occur?

Mr D.R. MICHAEL: It is likely that less investigation would be required for the offences from the regulations. A lot of them would be infringeable as well, rather than having to go to court.

Clause put and passed.

Clause 134: Evidentiary certificates: records and authorisation —

Mr R.S. LOVE: This is the first clause of division 8, "Evidentiary provisions". According to the explanatory memorandum, this clause is about certificates that may be given in court in lieu of a person attending court and giving oral evidence on those matters. Can the minister explain, in general, the effect of having this ability for the CEO to provide these certificates and whether that is something that is found in other parts of the legislation?

Mr D.R. MICHAEL: It is very similar to the on-demand transport legislation and the Road Traffic (Administration) Act. This will allow the department CEO to issue a certificate stating a fact—for instance, that an application was refused—without having to send a departmental officer to court. That goes for all the records that the department might have.

Clause put and passed.

Clauses 135 to 137 put and passed.

Clause 138: Infringement notices and *Criminal Procedure Act 2004* —

Mr R.S. LOVE: In terms of bringing the towing services into this, can the minister explain exactly what this provision will achieve? I read through the explanatory memorandum and it did not really enlighten me very much as to the purpose here.

Mr D.R. MICHAEL: Any new legislation that has infringements within it has to contain this provision. This will allow the department to use the infringement regime of the Criminal Procedure Act. It is standard across several pieces of legislation.

Clause put and passed.

Clause 139: Term used: reviewable decision —

Mr R.S. LOVE: There are only three clauses in part 7, so, with the Acting Speaker's indulgence, I might talk about them generally and then move on. Clause 139 deals with decisions that will be reviewable. The definition contains a lot of paragraphs that I am not going to go through one by one. In essence, of the decision-making that will be done under this bill, will any decisions not be reviewable?

Mr D.R. MICHAEL: This will cover times when the CEO has to make a decision. Some parts of the bill that we have been through—for instance, the disqualification offences—will be automatic. If someone is convicted of something, it will be automatic. Other than that, when the CEO has to make a decision, it will be covered as a reviewable decision.

Mr R.S. LOVE: Clause 140 deals with the reconsideration of reviewable decisions. Subclause (2) states —

> A request under subsection (1) must be made within —
>
> (a) 28 days after the day on which the decision-maker gives the person notice under this Act …

Will that be a recorded date of service? Why will the date of giving that notice be included? Will a record be kept of the service, or will there be other ways for the provision of service for which it is not necessarily so easy to give a precise date?

Mr D.R. MICHAEL: Under clause 155, "Giving documents", there are heads of power to make regulations for timeframes. It might be for a letter or such things. It is common to do it this way in other legislation.

Mr R.S. LOVE: In looking at the timeframe, after 28 days the decision-maker could make a decision, which might be about an improvement notice, a suspension notice or some other matter. When a person seeks a review, will there be a stopping of the clock, if you like, on the implications of that order or will it continue until there has been a review, it has gone to the State Administrative Tribunal and so forth?

Mr D.R. MICHAEL: It is not in the legislation. Obviously, if a matter ended up in the State Administrative Tribunal, it could make orders to do the kinds of things the member is talking about, but such a provision is not included in this legislation.

Mr R.S. LOVE: It is not the case that the CEO or some other person will say, "While we're reviewing the decision, you carry on and do your business"—that will not happen. Only an order from SAT could do that. An application

to the State Administrative Tribunal for a review will occur only after all the other steps. We are looking at a process that could be up to 70 days in length before the person could apply to the State Administrative Tribunal, let alone get to the State Administrative Tribunal. Is it possible that a person will be able to apply to SAT before the end of the internal review process?

Mr D.R. MICHAEL: Under clause 141, a person could elect to go straight to the State Administrative Tribunal or they could go after the clause 140 process of reconsideration; that will also be possible, noting that sometimes SAT will send it back if they have not been through the internal review process.

Clause put and passed.

Clauses 140 to 142 put and passed.

Clause 143: Regulations may refer to published documents —

Mr R.S. LOVE: This clause deals with matters around the regulations. We have just passed clause 142, which provides the power to make regulations. Proposed section 143(1) states —

> ***code*** means a code, standard, rule, specification or other document, published in or outside Australia, that does not by itself have legislative effect in this State;

Can the minister give me some idea of any codes that are in existence that he expects the regulations will seek to incorporate?

Mr D.R. MICHAEL: It will be things like the Australian Standards to do with safety, high-vis and boots, and potentially some of the equipment on the tow trucks.

Mr R.S. LOVE: I have a copy of the New South Wales *Tow truck industry code of practice*. Is the department's intention to develop a similar code of practice for Western Australian tow truck operators, or, indeed, is there already some sort of code of practice?

Mr D.R. MICHAEL: The department is actively considering something along those lines. We would not point to a document like that in the regulations under this clause, but the department is actively considering having our own code or something along those lines.

Mr R.S. LOVE: The department could develop a code titled "Western Australia", because we have seen documents like this—there are a couple of examples over the years—whereby we have just changed the name and used it. If that were to occur and the department were to produce that code, would it potentially be reflected in the regulations that there is a requirement to abide by the code of practice as published in the *Government Gazette* from time to time?

Mr D.R. MICHAEL: Obviously, the regulations would set the standards, but it is possible we could refer to a guide like that that might be on the department's website.

Mr R.S. LOVE: Although the department may develop a code and the regulations may refer to it, would the department not make it a requirement under the regulations to abide by that code of practice?

Mr D.R. MICHAEL: Again, the regulations are likely to refer to things like high-vis and Australian safety standards, whereas a code is more of a best practice guide. Again, it is unlikely to be referred to in regulations. But given that we do not have a code of practice yet and we are not committing to have one—it is under consideration—these are things to be determined.

Mr R.S. LOVE: If there is no intention to refer to a code, why does clause 143(1) set out in detail what a code is and how it could be incorporated?

Mr D.R. MICHAEL: Clause 143(1) states, in part —

> In this section —
>
> ***code*** means a code, standard, rule …

Obviously, that includes Australian standards. The member referred to a code of conduct from New South Wales; I am saying that regulations may refer to a code that, in this definition, includes "standard", which potentially could mean Australian standards and specifications.

Mr R.S. Love: It also says it means a code.

Mr D.R. MICHAEL: It could.

Clause put and passed.

Clause 144: Safety standards for towing service providers —

Mr R.S. LOVE: There are four clauses under division 2, so as we did before, we might just talk generally about this area and then move past it. Clause 144 makes provision for safety standards for towing service providers, and clause 145 for towing workers. Some of this is pretty straightforward. I am wondering why these matters are all laid out in this way and not just done by regulation. There seems to be a plethora of things here, but there could

also be many other things that could need to be taken into account in respect of safety standards. I would have thought that safety standards would move with time and it might have been more convenient to have just put the whole lot in regulations. Can the minister explain why this part of the legislation has been made quite prescriptive?

Mr D.R. MICHAEL: These standards are here to highlight their importance and provide a head of power for each of them. Clauses 144(3) and 145(3) provide that subclause (2) of both clauses will not limit the matters in relation to which safety standards may be prescribed, but they are obviously incredibly important, so having them listed highlights to the industry that they are definitely things to take care of.

Mr R.S. LOVE: Clause 146(1) states —

> The regulations may make it an offence for a towing service provider or towing worker in relation to a regulated towing business to contravene a safety standard prescribed by the regulations.

If there is a standard within the regulations, there are some that it is okay to contravene but others that are not. Is that actually what that is saying? Why is there a distinction between "may" be subject to an offence and "must"?

Mr D.R. MICHAEL: It will allow us to apply just one standard to towing service providers and towing workers.

Mr R.S. LOVE: At clause 147, "Reasonable steps defence", a person who is said to have committed an offence then needs to go to a court somewhere. Where will these offences be played out? Will it be at the State Administrative Tribunal? Will it be at the Magistrates Court? Where would one go to to take the reasonable steps defence?

The ACTING SPEAKER (Mr P. Lilburne): Minister, are you happy with jumping between clauses at this point?

Mr D.R. Michael: Yes. We are all good.

The ACTING SPEAKER: You are fine with that? Thank you. Please continue, minister.

Mr R.S. Love: We're covering this section, basically.

The ACTING SPEAKER: Sure. It just makes it awkward for Hansard.

Mr D.R. MICHAEL: The "any reasonable steps defence" under clause 147 would be taken into consideration as part of the investigation by the department because if the department thought that the defence was accurate and could be proved, obviously it would be unlikely to succeed in court, so the department probably would not go through the prosecution.

Clause put and passed.

Clauses 145 to 147 put and passed.

Clause 148: Safety management systems for towing service providers —

Mr R.S. LOVE: This provision will require towing service providers, not the actual workers, to have a safe management system. Is this not something that is already required of the towing industry or is this completely novel for the towing industry? I was staggered to see that this was not something that was already happening. In other transport industries, these systems have been required for many years.

Mr D.R. MICHAEL: This provision will complement existing work, health and safety provisions and duties, and it will give the DOT the power to go in and to look at minor issues in that space.

Mr R.S. LOVE: Will there be a standard model produced for a safety management system or a standardised list of things that must be addressed so that there is some direction for companies so that they are not all running around trying to reinvent wheels of all different sizes and shapes?

Mr D.R. MICHAEL: The regulations will specify some of those requirements that are needed. The department, as part of that whole compliance and enforcement, will then also try to assist when it can to lift compliance with those as it goes about its business.

Clause put and passed.

Clause 149: Towing industry authorisations —

Mr R.S. LOVE: As we have done before, we might just go from clause 149 through to clause 151 because they are all in division 4 and just ask any questions that might pop up.

Clause 149(2)(b) states —

> conferring power on the CEO to conduct any check (including obtaining a criminal record check or a traffic record check) into the character and background of a person to determine any of the following for the purposes of this Act —
>
> (i) whether the person is a fit and proper person;

It goes on; there is quite a list of things. Are the criminal record check and the traffic record check done federally? Or are they simply a state check?

Mr D.R. MICHAEL: As part of the application process, the applicants have to provide their own national criminal record check. The department has information sharing provisions with the Western Australia Police Force, so it can inquire into any other issues using the police system. In terms of the traffic record check, the department has that system and it links data sharing with all other states and territories.

Mr R.S. LOVE: Some matters listed here are quite straightforward, but when we get into topics such as when people cease to be responsible officers, as in subparagraph (i), I wonder whether there will be any guidance around the timeframes for those reports and making sure that there is a system in place that makes sure that the authorisation is up to date. But how up to date will it need to be and what is the expectation on how this will actually work?

Mr D.R. MICHAEL: There will be a positive duty to tell the department of any change, which mirrors somewhat the requirements of the on-demand transport system, and that will be specified in the regulations.

Mr R.S. LOVE: We can move on to the disqualification offences under clause 150. There is quite a list of offences that will apply under clauses 150(1) and (2). Subclause (2) states —

> Any of the following may be prescribed as a disqualification offence by regulations under subsection (1) —
>
> (a) an offence under this Act or another written law;
>
> (b) an offence under a law of the Commonwealth;
>
> (c) an offence under a law of another State or a Territory.

Is this the provision whereby things like the contravention of those matters that the minister spoke about earlier for consorting and the insignia regulations et cetera are brought to bear?

Mr D.R. MICHAEL: They will be prescribed in the regulations, but yes.

Clause put and passed.

Clauses 150 to 160 put and passed.

Clause 161: Exemption from requirements of this Act —

Mr R.S. LOVE: This clause states —

> (1) The CEO may exempt a person from the requirements of any provision of this Act, on a case-by-case basis, if the CEO is satisfied that —
>
> (a) there are exceptional circumstances to justify the exemption; or
>
> (b) there is sufficient public interest to justify the exemption.

I am wondering whether the minister can talk me through a circumstance in which the CEO would exempt a person from the requirements of the bill. There are certain things we could imagine could not be exempted by the CEO from the provisions of this bill.

Mr D.R. MICHAEL: Obviously, it uses the word "exceptional" for a reason. All people involved in a crash requiring the towing of a light vehicle in WA will require authorisation. However, in acknowledging the difficulties that can be faced in meeting regulatory requirements in regional WA, there will be some flexibility in meeting some requirements in regional areas. For example, it is difficult to arrange a medical assessment in regional WA. The CEO will be able to issue an authorisation with limited conditions prior to the provision of this evidence. However, there are some requirements that must be met, including the requirement that the applicant not have a conviction for a prescribed disqualification offence.

Mr R.S. LOVE: Will there be some guidance on what can and cannot be exempted, or will it simply be up to the CEO to determine? If a person approaches the CEO and says they wish their case to be treated as an exceptional circumstance, how would they go about doing that?

Mr D.R. MICHAEL: It will be done on a case-by-case basis. It is likely that the person applying will have to justify any exceptional circumstances to the CEO. It will be in the public interest to justify the exemption. The CEO, as the decision-maker in what would probably be quite a rare example, would have to keep records of the reasons decisions were made and all the supplementary documents. That would form part of the state record.

Mr R.S. LOVE: Would the authorised officers who have been acting as delegates of the CEO be the people who would be making these decisions or would it be done at a higher level?

Mr D.R. MICHAEL: The CEO can delegate powers, as we have discussed throughout the bill. I would imagine that in exceptional circumstances, it would be the CEO or a very senior officer.

Mr R.S. LOVE: I think it would be a risk to enable an authorised officer to determine whether there are exceptional circumstances in any case. I wonder whether it would be best if it was made explicit that decisions could not be made by the officer who is responsible for the gathering and carriage of the ordinary conduct of the case. It seems to have some inherent risk. What is the minister's opinion?

Mr D.R. MICHAEL: The department publishes its delegation schedule, so the member could look at the delegated officers in the future if there is a concern.

Mr R.S. LOVE: That is not really the issue. The person who wishes to be exempted, whether they be a service provider or a tow truck operator, will have had their case laid out against them. If the person pleads exceptional circumstances to the same officer, that is a risk. I do not think that is something that should sit unchallenged and not be discussed. There could be very good reasons why someone would provide an exceptional circumstance, but there may be other reasons.

Mr D.R. MICHAEL: All I can say is that the CEO, which is a very senior position in government, will ultimately be responsible for the decisions made under delegation. Firstly, I am sure that the CEO would make sure that that never happens. Secondly, I cannot imagine that decisions made under this clause would be delegated to officers at that level.

Mr R.S. LOVE: Subclause (2) states —

> An exemption given under subsection (1) must —
>
> (a) be granted by written notice given to the person to whom it applies; and
>
> (b) specify the person to whom, and circumstances in which, it applies.

Is that notice required to be published?

Mr D.R. MICHAEL: No, it is just given to the person under subclause (3).

Mr R.S. LOVE: I move to subclause (4), which states —

> The regulations may —
>
> (a) exempt a class of person from the requirements of any provision of this Act …

Can the minister give me an idea of what class of person might be exempted from the requirements of the provisions of this bill? I am not sure that I quite understand why we can exempt a whole class of persons who are specifically caught up by the provisions of this act.

Mr D.R. MICHAEL: There are no intentions to draft regulations from the commencement regarding this clause, but a potential class of persons could be those in the north west of Western Australia. It could potentially be a location-based one for some reason.

Mr R.S. LOVE: These changes would only be made on the recommendation of the minister of the day, and that will not be able to happen unless a public interest test has been held. I think that is all fairly straightforward from my point of view. The last one is clause 142. It states —

> (1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as practicable after the 5th anniversary of the day on which this section comes into operation.

The minister must also have regard to the attainment of the objects of the act, the administration of the act, the effectiveness of the operation and any other matters that the minister deems to be relevant. Although a review of the act might be stipulated there, I would hope that there was a review of the effectiveness of the regulations and the changes because, as we know, this has been going on for a long time, and we are finally getting to the point at which there may be light at the end of the tunnel. Some of the things we have seen happening in the industry need to be cleaned up. If he does not mind, can the minister comment on what sort of internal reviews might go on apart from that review every five years?

The ACTING SPEAKER: Just for the record, the Leader of the Opposition mentioned clause 142. It was a minor error, but he was referring to clause 162.

Mr D.R. MICHAEL: Sorry, we have not voted on clause 161 yet, and the member moved to clause 162.

The ACTING SPEAKER: The member did mention 142.

Mr R.S. LOVE: Did I?

The ACTING SPEAKER: Yes. The record will show it.

Mr D.R. MICHAEL: There will be continuous improvement through the compliance and enforcement function, and the regulations could potentially change if required as we go along. We talked about data publishing, statistics and those kinds of things earlier, which are things that will be made public. The review of the legislation in five years will also include the subsidiary legislation. I am sure a member who is very interested in this legislation, like himself, will continue asking the government should he still be here over the next few years.

Mr R.S. LOVE: I think I might be on the other side by then.

Clause put and passed.

Clause 162 put and passed.

Clause 163: Convictions of disqualification offences before commencement day —

Mr R.S. LOVE: I guess these are the transitional provisions of the bill. Clause 163(2) states —

> The commencement and end of the period for which a person is disqualified from holding or obtaining a towing business authorisation under section 31(1) is to be determined as if sections 31 and 32 had been in operation when the conviction that resulted in the disqualification, and any previous conviction of the disqualified person for a disqualification offence, occurred.

Just to be sure, will this ensure that any criminal history that has occurred during this period will still be considered in decisions going forward?

Mr D.R. MICHAEL: Correct.

Mr R.S. LOVE: Will that criminal history preclude someone from being authorised? We are yet to see the exclusion period specified in the regulations. An exclusion period is mentioned, but I am not sure what and how long that will be. Can the minister explain how that will operate?

Mr D.R. MICHAEL: The exclusion period is just the disqualification period, so it will be what is prescribed as we go back in time.

Clause put and passed.

Clauses 164 and 165 put and passed.

Clause 166: Section 80 amended —

Mr R.S. LOVE: This will amend section 80 of the Criminal Organisations Control Act 2012 by deleting paragraph (i), which reads —

> operating a tow truck in circumstances where the tow truck is required to be licensed under regulations made under the *Road Traffic Act 1974*;

The clause will replace that with —

> conducting a towing business, or engaging in towing work for the purposes of a towing business (as those terms are defined in the *Towing Services Act 2024* …

Although that power will be transferred from one act to another, the power to act in those circumstances has always been there under the Road Traffic Act. If that power has only been there to help minimise criminal elements operating in the industry, could the minister give me an idea whether it has been used often, whether it has ever been used or whether there is a realistic expectation that it will be used in the future as it is transferred into this new regime?

Mr D.R. MICHAEL: To the best of the department's knowledge, it has never been used, but by including the provision this way it probably will allow it to be used in the future.

Mr R.S. LOVE: I think we are trying to ensure that the people under a control order will never be anywhere near a tow truck operation, either at the level of the vehicle or otherwise. The penalties under this legislation will perhaps be somewhat more severe than others. These other regulations and powers to investigate have perhaps been there under other acts with other agencies, but now the department will have those powers itself. Is that seen as a prospect of having more prosecutions under this regime in the future?

Mr D.R. MICHAEL: Members of the controlled organisation under this act should not be able to get through because they will not pass the test. That is the whole idea of it, obviously. However, in terms of the industry itself and those kinds of organisations, as the member said, the department will obviously build up much larger knowledge of the operations of the industry with its compliance and the operation of this act and the information-sharing provisions we have with the Western Australia Police Force. Prosecutions will be easier to manage under this bill than what we are replacing.

Clause put and passed.

Clauses 167 to 177 put and passed.

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MR D.R. MICHAEL (Balcatta — Minister Assisting the Minister for Transport) [10.41 pm]: I move —

> That the bill be now read a third time.

MR R.S. LOVE (Moore — Leader of the Opposition) [10.43 pm]: We are now dealing with the third reading. In doing so, I will just reiterate the fact that the opposition supports this important piece of legislation. I have raised

this issue a number of times in this house in grievances, questions and other avenues. It has been the subject of great affront to many people over the years with the price gouging, dodgy practices, violence and contraventions of road safety that have been going on. I think it is high time that the industry be pulled into line. There are a lot of good and honest people who work in the towing industry who are being progressively forced out by elements that are not as highly principled. It is very important that this legislation gets through. I hope that the government puts it into the other place with enough time for it to successfully make its way through both houses of Parliament so it can become law as quickly as possible. I urge government members in the other place to act on this legislation and not sit on it until the last minute so it fails to get through in the remaining time of this Parliament. There are only a few scheduled sitting weeks left in both houses.

We had good advice from the minister's advisers. I would like to thank them for their time here. I would also like to put on the record that they were very helpful to the minister in giving very straightforward and well considered suggestions on ways he may answer the question. I would also like to thank the minister for going through the consideration stage with a good deal of grace and patience, and not losing his temper too often.

With that, I commend the bill to the house and will allow the business of the house to continue on other matters.

MR D.R. MICHAEL (Balcatta — Minister Assisting the Minister for Transport) [10.45 pm] — in reply: I thank opposition members for their support of the legislation. I also thank Carolyn Monaghan and the team from the Department of Transport and Parliamentary Counsel's Office for their hard work on the bill. I thank Minister Saffioti and her office for starting the process on this critical bit of legislation. I agree that as the last state to regulate the industry, this legislation is sorely needed. The complexity of the bill was on show today. I look forward to getting the regulations done and getting the phases of regulation in to protect the consumers and the road users of Western Australia. For tow truck industry participants who have done the wrong thing over the last couple of years, I very much look forward to seeing that bad behaviour be taken into consideration by the department once the new regulations come in with approvals of new tow truck authorisations. I commend the bill to the house.

Question put and passed.

Bill read a third time and transmitted to the Council.

COMMUNITY PROTECTION (OFFENDER REPORTING) AMENDMENT BILL 2024

Second Reading

Resumed from 14 August.

MS L. METTAM (Vasse — Leader of the Liberal Party) [10.47 pm]: I rise as lead speaker for the opposition alliance to speak on the Community Protection (Offender Reporting) Amendment Bill 2024, which is legislation aimed at strengthening the safety and protection of our communities, particularly the most vulnerable among us—our children. From the outset, I wish to express our support for this bill. It represents a necessary evolution of the existing framework to ensure that we stay ahead of those who pose a risk to the lives and safety of others, especially at a time when society is increasingly concerned about the adequacy of measures to protect against repeat offenders of sexual crimes. We have always stood firmly in support of legislation that protects our communities, ensures law and order, and seeks justice for victims of heinous crimes. This bill will achieve these outcomes by updating and improving the Community Protection (Offender Reporting) Act 2004 through various amendments that have been recommended by the Law Reform Commission of Western Australia and other critical review bodies.

As background, the Community Protection (Offender Reporting) Amendment Bill 2024 is the result of several formal reviews conducted into the Community Protection (Offender Reporting) Act, including by the Law Reform Commission and the Legislative Council Standing Committee on Environment and Public Affairs, as well as statutory reviews in 2013 and 2019. Additionally, the Western Australia Police Force has conducted operational reviews to identify areas requiring improvement in the monitoring and reporting of offenders who have committed sexual offences against children.

The bill has been structured in three stages, each addressing specific issues that have arisen over the years since the Community Protection (Offender Reporting) Act was first introduced.

Stage 1 is about tightening the reporting obligations. It introduces critical reforms aimed at strengthening and reporting obligations for reportable offenders. These reforms will impose stricter requirements, including the obligation for offenders to report every contact they have within 24 hours of the operation to ensure that the WA Police Force has a real time, accurate understanding of the offender's interactions, particularly with children. Additionally, offenders will be required to disclose a broader range of personal information, including any foreign citizenship details, ownership of premises, software usernames and financial institution details. These amendments will provide WA police with the necessary tools to track offenders more effectively, ensuring that they do not disappear off the radar. This stage also includes provisions that will allow the Commissioner of Police greater discretion to suspend reporting obligations for certain offenders who no longer pose a risk to the community. We welcome the amendments that will give WA police greater authority to monitor offenders' compliance with their

obligations. Under these changes, police will have the ability to enter and search the premises and vehicles of certain offenders without a warrant, provided they receive written approval from a police officer ranked inspector or higher. This is a significant but necessary power to ensure that the worst offenders are kept in check. Failure to comply with these reporting obligations will attract penalties, including up to two years' imprisonment and fines of up to $24 000. This step is especially important as we have seen instances whereby reportable offenders have gone missing while on the register, creating a significant public concern. These reforms will close the gaps to ensure offenders can be more effectively monitored and held accountable if they breach their reporting requirements.

The stage 2 amendments introduce court discretion for juvenile offenders. It is an important amendment as it recognises that not all juvenile offenders should be treated in the same way as adult offenders. Although the Liberal Party supports strong penalties for all offenders who commit sexual offences against children, we also acknowledge that young people can and do change. There must be room within the law for judicial discretion, particularly for offenders who were juveniles at the time of their offence. Under this amendment, courts will have the power to determine whether a juvenile offender should remain on the Community Protection Offender Register. If the court is satisfied that a juvenile poses no ongoing risk to the safety of the community, they may be exempted from the reporting requirements. However, this discretion must be exercised with great care, as the risk posed by those offenders must always be assessed on a case-by-case basis. The introduction of a juvenile offender reporting order will ensure that in cases in which a juvenile continues to pose a threat, they will be required to remain on the register and report as is necessary. At a time when the public is increasingly concerned about juvenile crime and sexual offences in particular, these provisions strike an important balance between rehabilitation and community safety.

The stage 3 amendments seek to futureproof the community protection act by introducing provisions that will enable WA police to develop and use technologies to monitor offenders. These include electronic monitoring systems such as geolocation tracking and photo-matching technology that will allow WA police to keep track of offenders more effectively. In an age when technology plays a pivotal role in law enforcement, these amendments will ensure that our police force is equipped with the necessary tools to manage offenders in the community. Offenders who refuse to comply with electronic monitoring requirements will face significant penalties, including up to five years in prison. The use of electronic monitoring has already proven to be successful in reducing reoffending rates in cases of family and domestic violence, so it is only right that we extend this technology to the monitoring of sexual offenders to further protect the community from harm. We believe this will lead to better outcomes for both the public and law enforcement because it will provide an extra layer of accountability for offenders.

In conclusion, the Community Protection (Offender Reporting) Amendment Bill 2024 is an essential step in protecting the most vulnerable members of our society. The alliance opposition strongly supports this bill as it will introduce critical reforms to enhance the reporting and monitoring of offenders, particularly those who have committed sexual offences against children. These amendments will help WA police better track offenders, strengthen reporting obligations and ensure that juvenile offenders are treated appropriately. At the heart of the legislation is the protection of children and the community. By providing WA police with the tools they need to monitor offenders effectively and by updating the legal framework to address modern changes, we are taking a significant step towards ensuring that justice is served and public safety is upheld and prioritised. I will be going through the consideration in detail process, but we are supportive of the intent of the bill that has been presented. Community safety is and will remain our top priority. We will continue to support and fight for laws that protect the most vulnerable amongst us. I commend the bill to the house.

MR P. PAPALIA (Warnbro — Minister for Police) [10.56 pm] — in reply: I thank the member for Vasse for her contribution on behalf of the opposition and her indication of support for the Community Protection (Offender Reporting) Amendment Bill 2024. As the member so comprehensively reviewed, this bill will amend the Community Protection (Offender Reporting) Act 2004. The bill was informed by a range of reviews that have taken place since 2012. The Law Reform Commission of Western Australia published its report in May 2012 and the Legislative Council's Standing Committee on Environment and Public Affairs tabled its review in May 2020. There was not a lot done in the eight and a half years of the former government, but it is good to see that members opposite are supportive of the legislation now! There were two statutory reviews. The first was done five years after the commencement of the act and tabled in June 2013, and a further statutory review of the operation and effectiveness of the public notification scheme established in 2012 was tabled in August 2019. The WA Police Force also conducted operational reviews of the legislation and identified that a number of legislative reforms were required to improve the management of reportable offenders. All of that has informed the bill. As the member for Vasse indicated, there are three stages. I do not want to hold things up—I want to get moving as well—so I commend the bill to the house.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

Clause put and passed.

Clause 2: Commencement —

Ms L. METTAM: Under subparagraph (b), the rest of the act will come into effect on a day fixed by proclamation and different days may be fixed for different provisions. The bill has three stages and they will take effect separately. Can the minister outline his expectation of when the different stages will become law and the reasoning behind bringing in the three stages at different times?

Mr P. PAPALIA: Stage 1 will commence in the first half of 2025 and stage 2 will commence in the second half of 2025. Stage 3 is reliant upon technology being developed to enable the use of the powers afforded in the bill, so stage 3 will commence after the development of that capability.

Ms L. METTAM: In relation to the timing of stage 3 and the development of that capability, what measures need to be undertaken and roughly what timeframe does the minister anticipate for that?

Mr P. PAPALIA: The bill will enable the use of facial recognition and geolocation for identifying an individual who might be being monitored. It will be something like, for example, a G2G pass, which we used during the COVID pandemic, so that people can be pinged by the central location, which can monitor their phone. They will be given a timeframe within which to provide a selfie to confirm that it is them and that they are in the location they are supposed to be in. Clearly, we know that that technology is around and available, but it would be something like an app, I imagine, with the additional monitoring system established in the State Operations Command Centre, I expect.

As to when, it is a little unclear; we have to get through the first two parts. I imagine that next year, there will be a proposal for budgeting to enable the development of the technology and rollout of the capability.

Ms L. METTAM: In terms of the timing for stages 2 and 3, is further consultation required in relation to their implementation? Technology will obviously hold things up for stage 3. Are there any other groups that the government has to liaise with that may hold up other parts of the bill?

Mr P. PAPALIA: Stage 2 deals with establishing discretion for the courts with regard to juveniles, so, yes, there will be additional consultation with the Children's Court and likely the Director of Public Prosecutions before it is commenced, rolled out or employed. With respect to stage 3, it will not necessarily be the case because this legislation will futureproof by enabling the use of future technology. It is about developing the capability. Based on the rapid way the police have adopted other technology and capabilities, it will just be a matter of assigning the task and seeking the funding necessary to achieve it.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 3 amended —

Ms L. METTAM: I note that this bill provides a definition for "senior police officer". When we dealt with the Police Legislation Amendment Bill 2024 quite recently, we discussed the non-requirement for the inclusion of a definition of "senior police officer". Is there a reason it is required here in this legislation when it was not required in the police amendment bill that we dealt with?

Mr P. PAPALIA: I think that in the other legislation the member is referring to we utilised the rank of inspector as a senior police officer, because that legislation required 24/7 availability of somebody with the authority to authorise use of the powers, and there is an inspector at the State Operations Command Centre 24/7. In this legislation, the required rank is sergeant or higher. That is to enable operational practice, for which sergeant is the appropriate level. In other parts of the legislation, it is specified that it must be an inspector or otherwise, but for most parts of this legislation "senior police officer" means sergeant or above.

Clause put and passed.

Clause 5: Sections 4A and 4B inserted —

Ms L. METTAM: Under this provision, a reportable offender has reportable contact with a child if, among other activities, the offender befriends or attempts to befriend the child. What actions or activities will be deemed to be seen as befriending or attempting to befriend a child?

Mr P. PAPALIA: I am informed that there is not a finite list of types of activities, but an example is that asking for the name of the child or exchanging contact details like telephone numbers or things of that nature would be considered to be attempting to befriend the child.

Ms L. METTAM: Will reportable contact require the offender to have taken certain actions or spent a certain amount of time with the child?

Mr P. PAPALIA: I am informed that it is beyond merely saying hello or exchanging a greeting. It would be attempting further engagement to seek to befriend the child, so, as I indicated, things in the nature of exchanging contact details, seeking out personal details of the child and exchanging their own or things of that nature.

Ms L. METTAM: Will information or guidance on these new reporting conditions be provided to all reportable offenders? How will that be done?

Mr P. PAPALIA: Yes, I am informed that that will be the case and they will be provided with guidance on the new rules prior to them being able to be enforced. It will be either a hand-delivered hard copy or potentially sent electronically.

Ms L. METTAM: The minister has answered the question in terms of the form that guidance would take.

Mr P. PAPALIA: I am informed that there will be a notice of reporting obligations interview with police, at which time they will be provided with the instructions.

Ms L. METTAM: Taking into consideration proposed section 4A(2), is the minister confident that the activities provided for under proposed section 4A(1) will be exhaustive enough? For example, reportable contact occurs only if a reportable offender supervises or cares for the child, visits or stays at a household where the child is present, gives their contact details to the child or befriends or attempts to befriend the child. I am wondering whether other circumstances that could occur that might be captured by the definition of reportable contact might have been missed? Is there a way of capturing any other potential contacts?

Mr P. PAPALIA: I am informed no. The assumption is that this is adequate. It also mirrors legislation in other jurisdictions. The understanding is that this is adequate to cover what should be reportable contact.

Ms L. METTAM: In relation to the feedback received from other jurisdictions, does this list mimic that? Are we seeing this definition in other states? Has there been any discussion about what this list could have included or does not include?

Mr P. PAPALIA: I am informed that it models the type of language employed in New South Wales, Queensland, South Australia, Tasmania and Victoria.

Ms L. METTAM: If a reportable offender is sitting in a car outside a school, monitoring a child or watching them play sport from a boundary on a regular basis, will that be captured?

Mr P. PAPALIA: I am informed that that particular action is captured in the Criminal Code. It is an offence, but it is not required to be in this part of the legislation.

Clause put and passed.

Clauses 6 to 13 put and passed.

Clause 14: Section 25 amended —

Ms L. METTAM: When the amendment to section 25 was considered, did the minister consider reducing the time in which to report personal details to the commissioner from seven days to three days or a shorter period?

Mr P. PAPALIA: The amendment is about the terminology reporting order that will be included in the act. The amendment has nothing to do with the length of time after the order is made. That will retain the current status.

Ms L. METTAM: I understand the minister's point, but the amendment includes the reference to seven days.

Mr P. PAPALIA: The current act that the bill will amend refers to seven days. All that will be changed is the type of order—the reporting order terminology in this amendment.

Clause put and passed.

Clause 15: Section 26 amended —

Ms L. METTAM: I refer to the proposed amendments to section 26, which are supported. I am wondering, however, if a reportable offender becomes or is homeless, what information will they be required to provide and how will they do that?

Mr P. PAPALIA: I am informed that in the current act, such a person would be required to notify the police of where they can generally be located. Therefore, each day, if they go to a certain location, that would be the site of which they would have to inform the police. That is already the case. Nothing in that regard is changing.

Ms L. METTAM: With new information required to be reported once this bill is passed, how will reportable offenders be notified to provide any additional information that they will be required to provide, and in what period?

Mr P. PAPALIA: Sorry, member, to which part of the clause are you referring?

Ms L. METTAM: It is clause 15, "Section 26 amended".

Mr P. Papalia: I am not sure what part the member seeks clarity on. Is the member talking about the amendment to section 26(1)(l)? I am not sure what the member's question is about.

Ms L. METTAM: This clause is about the new information and details that are to be provided. I am just asking about the period of time captured by the amendment to section 26. The question just covers the general thrust of what this section is about.

Mr P. PAPALIA: Thanks, member. I am not really sure. I think the general answer to the member's question would be that in that interview that I referred to earlier, reportable offenders would be served a notice that specifies their reporting obligations and how long they have to report all the changes. They will be given a written or potentially electronic notice. They will have all of those details provided to them in that interview.

Ms L. METTAM: How will police monitor reportable offenders to determine whether they have provided all the information required under section 26, which includes details of foreign citizenship, the address at which they reside and other details.

Mr P. PAPALIA: Police will conduct police operations if necessary to determine or confirm the compliance or accuracy of the information provided. Ultimately, in the event that reportable offenders have failed to comply or have failed to provide required information, they will be in breach of the order and they will suffer the consequences. Police will just do police operations as they do to identify whether or not there is compliance.

Ms L. METTAM: In terms of how this will work, when a reportable offender has been determined, they will have an interview with police in which their obligations in providing that information will be outlined. How will they be monitored going forward? How will that work? Will it be ongoing?

Mr P. PAPALIA: Yes, member. They will receive their new obligations, or the orders, and they will have to comply with them. Then the police can conduct police operations to determine whether or not they are. If they fail to comply, they breach their obligations. Bear in mind that we will be affording police additional powers in other parts of this bill to check and search without a warrant reportable offenders' devices to confirm that they are complying with the order they have received if the search is related to imagery and other material that is unlawful.

Ms L. METTAM: What are the penalties associated with breaching this provision of the bill and were the penalties reviewed as part of the changes?

Mr P. PAPALIA: I do not think we are at that part of the bill yet. This is clause 26. The penalties and amendments to the penalties are later in the bill. If we leap ahead to clause 30, that refers to the penalties if the member wants to wait until we get to that. Does the member want to pass a few other clauses?

Ms L. METTAM: No, not yet.

Clause put and passed.

Clauses 16 and 17 put and passed.

Clause 18: Part 3 Division 2 Subdivision 2 inserted —

Ms L. METTAM: Will proposed section 33C(1)(b) include an exemption coming to an end if a reportable offender initially had an exemption on the basis that they lived with the child but subsequently moved out?

Mr P. PAPALIA: This proposed section refers to when a reportable offender has been afforded an exemption because they are regularly meeting with the child and that is understood and authorised. However, in the event that is no longer the circumstance, that exemption will be removed, as the member suggested.

Ms L. METTAM: Will reportable offenders be advised of these obligations, and how frequently will they be advised?

Mr P. PAPALIA: At the outset in their interview, they are provided with their reporting obligations. They may receive another notice of reporting obligation interview on a regular basis, but it is subject to the risk assessment of the individual. It might be more frequent if the risk is deemed higher and less so if it were deemed lower.

Clause put and passed.

Clauses 19 to 21 put and passed.

Clause 22: Section 40A inserted —

Ms L. METTAM: I refer to the amendments under proposed section 40A to back capture and record the DNA profiles of reportable offenders when their DNA profile is not already held. Is the minister aware of how many reportable offenders will be required to provide their DNA profile?

Mr P. PAPALIA: I understand there are around 2 900 with reporting obligations in the community. Roughly 10 per cent of those have not had their DNA collected.

Ms L. METTAM: Does the minister know the offences of the 10 per cent of reportable offenders who do not currently have DNA profiles? Are there 290 people? Why are their DNA profiles not currently held?

Mr P. PAPALIA: I cannot tell the member that. It is roughly 10 per cent. I imagine that this is reflective of the legacy state of many of our IT systems. I experienced this with the firearms information technology. I assume this is the same. We cannot type in a question and get the answer as we would expect from a modern system. We do

not have that in many parts of government, across all of government. We are upgrading and changing our systems as rapidly as we can and investing significant amounts of money to modernise them. We would have to collect this data manually and it is very time-consuming. When we give the member those numbers, those are the numbers that we can give her. There are in the order of 2 900 offenders in the community. Of those, about 10 per cent have not had their DNA collected.

Ms L. METTAM: When the member says he has a manual collection of their DNA —

Mr P. PAPALIA: No, it is not DNA; it is data. When we try to interrogate the database, it has to be done by an individual officer, sitting there, searching a particular person and determining their status. We cannot collectively interrogate a large number of individuals and ask the same question of all of that data and get the answer. I know that is the case with a few of the police legacy databases.

Ms L. METTAM: Will there be a period in which reportable offenders will be required to provide their DNA profile or will the obligation be on police to make sure they fulfil the requirements under this new section?

Mr P. PAPALIA: I am informed that at the first opportunity once the law is passed, the powers will be afforded to police. It will be at the first interview that their reporting obligations are explained to them. That is when police will move to capture their DNA.

Ms L. METTAM: Going forward, can the minister see a time when the obligation will be on the individual to provide their DNA? As the current situation stands, it is police who must make sure that they fulfil their obligations in attaining the requirements under the section for the DNA. Does the minister believe that there will be a time when reportable offenders will be required to provide the DNA?

Mr P. PAPALIA: They effectively are. Once the law passes, an offender will be obliged to provide their DNA. It can be demanded of them. It is a practicable method that will be employed as the first interview is conducted post the passage of this bill and its commencement. They can then be required to provide their DNA sample. Once the police have it, it is on the database and can be exploited or utilised further in the future. Ultimately, nobody after that point in time will come into the system without having their DNA taken, because they will be compelled to provide it—unless it has come from elsewhere. As soon as they do that first interview, that is when they will be captured. At the moment, 10 per cent of those people will be cleared once this legislation is passed and the powers are afforded to the police.

Ms L. METTAM: I guess I was asking can minister see a shift over time towards the DNA profile itself being managed by the individual as opposed to something that the police have to capture and manage themselves? We are talking into the future.

Mr P. PAPALIA: It will be just a one-time sample. Once that sample has been taken, that DNA profile will be on the database. Thereafter, it will not need to be done again because that individual reportable offender will be on the database. This bill will enable back capture of people who the police have not yet had the opportunity to get their DNA. They can now demand it of them when they do their first interview post the passage of this bill and its commencement. They will then be able to collect a sample. Thereafter, any new offender who comes to the police's attention and is subject to this legislation will have to give a DNA sample the moment they get that interview.

Clause put and passed.

Clauses 23 to 27 put and passed.

Clause 28: Section 61 amended —

Ms L. METTAM: This amendment will allow the Commissioner of Police to approve the suspension of reporting obligations of any reportable offender. Will the commissioner be required to provide details, such as in the annual report, of any occasions that he suspends reporting requirements? Will the commissioner be required to provide the details of the offender without identifying, for example, their age?

Mr P. PAPALIA: Essentially, the commissioner will have to satisfy themselves that the reportable offender does not pose a risk to the lives or sexual safety of one or more persons or persons generally. That drives the determining factor, but the commissioner does not report that determination to anybody. It is just a determination made by the commissioner.

Ms L. METTAM: Just to clarify what the minister is saying, will the commissioner not have to provide an explanation of why the reporting obligations have been suspended?

Mr P. PAPALIA: It will always be driven by the risk. Therefore, whether the reportable offender poses a risk to the lives or sexual safety of one or more persons or a person generally is the determination that the commissioner will use. If they do pose a risk, they will not get any suspension. If they do not, the commissioner can determine to give them a suspension.

Clause put and passed.

Clause 29 put and passed.

Clause 30: Section 63 amended —

Ms L. METTAM: Clause 30 deals with penalties. In the debate on clause 15, I asked about section 26—what the penalties would be for breaching that section and whether they were reviewed as part of these changes. Just as a starting point, can the minister outline what the justification for this amendment to section 63 is and how it will relate to section 26?

Mr P. PAPALIA: Parts of the penalties have been increased in the amendments that the bill includes. I am told that they have all been doubled. It is not just this clause; subsequent clauses list penalties. There are penalties for other breaches that have remained unchanged, but these have all been doubled.

Ms L. METTAM: Just to clarify, what is this breach for? Is it for non-reporting?

Mr P. Papalia: Sorry?

Ms L. METTAM: What is the penalty of $24 000 or two years' imprisonment for?

Mr P. PAPALIA: The member refers to the penalty in clause 30. The penalty for failing to comply with the reporting obligations is five years in prison, and the summary conviction penalty will be two years' imprisonment and a fine of $24 000.

Clause put and passed.

Clauses 31 to 34 put and passed.

Clause 35: Section 82 amended —

Ms L. METTAM: This clause will make changes to the prohibition on disclosing information. Does the minister have information available of the number of offences that have occurred under section 82 in the previous five years?

Mr P. PAPALIA: I am informed that there have been no breaches of that particular offence.

Ms L. METTAM: Were there no breaches in the last five years?

Mr P. PAPALIA: There were no breaches of what I think the member is asking about. I am not entirely clear. I think the member is asking whether anyone disclosed information that they were obliged not to disclose. If it is the case that that is the question the member was asking then no, there has not been.

Ms L. METTAM: Is there any information on the issues or concerns that have led to the proposed amendments to section 82 under this clause? Can the minister explain what was the reason or impetus for these changes?

Mr P. PAPALIA: I think the part the member is concerned about is at clause 35(1)(1A) and the definitions there. It talks about "agency official". Is that the part the member is concerned about—whether there have been concerns and whether that is why that has been included?

Ms L. Mettam: Yes, which have led to the drafting of this bill.

Mr P. PAPALIA: That is not the case. The intent here is to enable the greater sharing of information with other agencies. They were not defined under the current act, so the only people who could be given senior information were senior officers. In the current legislation, they could only share information with the written approval of a senior commissioned officer. This provision here will amend the legislation to enable the sharing of information with people with whom they work for the purpose of protecting children. It might be Department of Communities people or people of that type.

Clause put and passed.

Clauses 36 to 39 put and passed.

Clause 40: Sections 85GA and 85GB inserted —

Ms L. METTAM: This clause deals with proposed section 85A and proposed section 85GB, which will be inserted. I refer to these changes and I ask: what was the trigger behind the changes?

Mr P. PAPALIA: I am informed that this provision will make the website better with the opportunity afforded to police to demand more recent photos or regular updates of photos, for instance, which would then be placed on the website to improve the nature of the information that is available on the register.

Ms L. METTAM: Have there been any incidents in which children have been endangered and the commissioner has had to limit what he or she could do under the current legislation?

Mr P. PAPALIA: This provision is just to improve the website. The website is accessible by the public. It provides photos of offenders. This provision is just to ensure the photographs are more current.

Ms L. METTAM: Under proposed section 85GB, the commissioner must apply to the minister to publish the photograph and locality of a relevant person. Did the government consider just giving discretion to the commissioner? Can the minister explain why it is important for the minister to sign off on it?

Mr P. PAPALIA: I am informed that nothing will change regarding the minister providing authorisation. It is changing only the section number. As a consequence of other changes, the number of the subsection the member referred to will change. The actual process will be the same as the current process. Proposed section 85GB states —

> (1) On application from the Commissioner, the Minister may authorise the publication … of a photograph and locality …

Ms L. METTAM: Okay. I have another question on that. I will give it a go anyway. Under this change, the commissioner may make an application if satisfied that the person poses a risk to the lives or sexual safety of one or more persons or persons generally. What information or evidence will they be required to provide to indicate they are concerned for the lives or sexual safety of one or more persons? Is the minister able to answer that?

Mr P. PAPALIA: The part the member read out will not change. It is already the current law. This will change only the number. If the member reads proposed section 85GB(4), it lists the types of information that must be considered.

Ms L. METTAM: Is that within this clause?

Mr P. PAPALIA: Proposed section 85GB(4) states —

> In determining whether to authorise publication under subsection (1), the Minister may take into account the following —

This is a little bit further on from the part the member just referred to. There is a list of things that the minister may take into account. The final point is "any other matter the Minister considers relevant", so it is pretty broad. This is the current legislation. Nothing has changed. All that has changed is the section numbers. I am informed there is one other change, which is that the authorisation period cannot be greater than five years. It was not finite before. Once it was published, it would be indefinite.

Ms L. METTAM: Can the minister clarify why that change was made to make it finite?

Mr P. PAPALIA: It is to compel a periodic review of the case so that the person is not indefinitely placed on that website. It may be that the risk associated with that individual has diminished and the judgement of the commissioner means that they can be removed from the site. It will compel a periodic review; that is all.

Clause put and passed.

Clauses 41 to 49 put and passed.

Clause 50: Part 5B inserted —

Ms L. METTAM: I note that part 5B is modelled on South Australian legislation, section 66M of its Child Sex Offenders Registration Act 2006, which applies to repeat offenders and declared serious registrable offenders. Can the minister advise for how long section 66M has applied in South Australia and how many offenders in that jurisdiction have been subject to this section?

Mr P. PAPALIA: I cannot tell the member that.

Ms L. METTAM: I understand that this clause is based on the South Australian legislation. Is there any information on the success or otherwise of this section?

Mr P. PAPALIA: The part of the South Australian legislation upon which it is based enables the police to conduct a warrant-free search, which is what we are doing. That is the part that we are replicating. It will enable them to go in and not have to worry about a warrant to interrogate the devices of the individual. That is the part that is being replicated from South Australia. That works. It is better than what we currently have.

Ms L. METTAM: For how long has this applied in South Australia?

Mr P. PAPALIA: As I said, I do not know that. I know that the power is the thing that is being replicated.

Ms M.M. QUIRK: I have a query about this provision, about which I am somewhat perplexed. The message of the legislation is clearly about seizing devices that may provide evidence, for example, of the person breaching his conditions in relation to, for example, the storage of images that are unlawful, such as those of minors. The provision seems to be broader than that regarding searches without warrants. It does not seem to be limited to computers or devices wherein those storages apply. In that regard, the South Australian legislation does not seem to broaden the search to vehicles located in the neighbourhood. I need a bit of clarification on that because I am a bit perplexed. I understand the reason for not having the warrant; there is a need for urgency and a need for the offender not to delete the offending material in the time that it takes police officers to get a warrant. Given that it is a broad power, I would have thought that it needed to be somewhat restricted. Could we get an explanation on that? I will not bother the minister any further, but I looked at the South Australian legislation and it seemed to be narrower than this, so I am just a bit perplexed.

Mr P. PAPALIA: It is not intended to exactly mirror the South Australia legislation. I acknowledge that this provision is broader and will afford police greater powers. That is an intended consequence of the amendment.

Ms M.M. QUIRK: What are the police trying to do under this provision? Why was the South Australia provision regarded as unsatisfactory to the extent that the clause was broadened?

Mr P. PAPALIA: It is to monitor compliance with an offender's reporting obligations. It will afford police the ability to search without warrant, as the member acknowledged, to ensure there is no delay or opportunity for the reportable offender to destroy or hide material. Police will be able to search for more than just devices. Offenders might have physical material, such as printed images or other items that they have been compelled not to associate themselves with. It may even enable police to search for children. The building in which they reside can be searched as well. It is not just for devices.

I acknowledge that it was not intended that we exactly mirror the South Australia legislation, but the part of the legislation to enable a search without warrant is the part that we drew from South Australia. Beyond that, exceeding the power was a conscious decision.

Ms M.M. QUIRK: I am conscious that I am keeping all my colleagues awake longer than they desire, so I will be quick.

That is fine. Are there other instances when a search without warrant could, for example, be extended to vehicles that may well not be currently driven by the person of interest but another person, and they do not necessarily need to be in proximity to the premises? That begs a question: how is "neighbourhood" defined and why is there the sentiment that the existing powers need to be extended to include the neighbourhood generally?

Mr P. PAPALIA: As I indicated in my response to the second reading contribution from the member for Vasse, a range of reviews informed this legislation, including a number of operational reviews by police. In conducting those operational reviews, the police determined that it is not unheard of or beyond the capabilities of reportable offenders to place material in the vehicle away from the place in which they reside to avoid discovery by police. That provision is intended to capture that circumstance.

Ms L. METTAM: I have a further question on this clause as it relates to the South Australia legislation. Is there similar legislation in other jurisdictions? If there is, was it considered? Why was the South Australian legislation the preferred model? I understand this bill is not exactly the same but is a version of the South Australian legislation.

Mr P. PAPALIA: By way of example, Detective Inspector Saunders has just informed me that the Queensland Police Service has similar powers. He was in Queensland last week exercising those similar powers under Queensland's law that is similar to this legislation. On three occasions, he found offenders in breach through the use of those powers.

Ms L. METTAM: This clause will confer additional powers on police officers. What training will be provided to police officers to educate them about these changes once the legislation is enacted?

Mr P. PAPALIA: I am informed that the sex offender management squad will be trained first. Training will then be provided more broadly, particularly in the regions, via an online training methodology. Sex offender management squad personnel will also travel the state practically training people—remembering, of course, that those searches can be conducted only with the authorisation of a commissioned officer.

Ms L. METTAM: How will the training for the sex offender management squad be rolled out and over what period will it happen?

Mr P. PAPALIA: They are not significantly different, and the additional training required to make police aware of the powers they will be afforded is not demanding. They are similar to the types of powers that are already afforded to them under the High Risk Serious Offenders Act. A couple of years ago, we created firearm prohibition orders under the Firearms Act that afford a power to search without warrant. In fact, we have done it in quite a few pieces of legislation. The actual demands of training will not be that significant. In regard to how long it will take, it will be as fast as they can do it. It will be completed before this legislation commences.

Ms L. METTAM: Will this be an additional cost to police or, given the nature of what the minister just described, will the cost of the training be absorbed within the current budget?

Mr P. PAPALIA: There will be no additional cost.

Ms L. METTAM: Proposed section 108B states —

> A power under this Part must not be exercised unless it is exercised —
>
> (a) for the purpose of monitoring a serious reportable offender's compliance with this Act; and
>
> (b) with the written approval of a police officer of, or acting in, the rank of an inspector or a higher rank.

Will a police officer be required to provide a reason for why the powers under part 5 are to be exercised—for example, suspicion of an offence having taken place?

Mr P. Papalia: Which part of the bill are you talking about?

Ms L. METTAM: It is proposed section 108B, "Restriction on exercise of powers under Part", which states that a power under this part must not be exercised unless it is exercised —

Mr P. Papalia: For the purposes of monitoring the serious reportable offender's compliance.

Ms L. METTAM: — or with the written approval of a police officer.

Mr P. Papalia: And with the written approval.

Ms L. METTAM: Yes.

Mr P. Papalia: It is "and" with the written approval, not "or".

Ms L. METTAM: Will a police officer be required to provide a reason for why the powers under part 5 are to be exercised—for example, evidence or a suspicion of an offence having taken place?

Mr P. PAPALIA: I think no is the answer.

Ms L. METTAM: What was the impetus for this proposed section? Does the minister have evidence that reportable offenders are engaging in activities that require it? Why do we need this provision?

Mr P. PAPALIA: I am not really sure what the member is getting at. This part of the bill confirms that these powers will not be exercised unless for monitoring the compliance of the serious reportable offender. That is the only time when this part of the bill will be utilised. If there has been an offence, the Criminal Investigation Act or something of that nature will be used, the evidence will be found and the offender will be charged. These provisions are for the purpose of checking on the offender. There is not necessarily —

Ms L. Mettam: A suspicion.

Mr P. PAPALIA: There is some suspicion because they are suspicious types of people, but, beyond that, this will be used as just a check.

Clause put and passed.

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

BILLS

Assent

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

1. Family Violence Legislation Reform Bill 2024.
2. Criminal Code Amendment (Prohibition on Display of Nazi Symbols or Gesture) Bill 2024.
3. Collie Coal (Griffin) Agreement Amendment Bill 2024.

House adjourned at 12.12 am (Wednesday)

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

WATER CORPORATION — DRAINAGE — BALCATTA AND STIRLING

1246. Ms L. Mettam to the Minister for Training and Workforce Development; Water; Industrial Relations:

I refer to the press release published on the Water Corporation website titled "A Balcatta urban drain to be transformed into vibrant living stream" announced on 22 June 2018, and I ask:

(a) What was the original expected total cost of this project:

  (i) What is the total cost of the project to date; and

  (ii) What is the forecasted final total cost of the project; and

(b) What was the initial expected completion date for the project:

  (i) What is the current forecasted date for completion of the project?

Ms S.F. McGurk replied:

(a) (i)–(ii) This information is available in the Budget Papers.

(b) Following extensive engagement with local stakeholders on the scope, the project is anticipated to be completed by November 2024.

WESTERN POWER — UNDERGROUND POWER — CITY OF CANNING

1250. Ms L. Mettam to the Minister for Energy; Environment; Climate Action:

I refer to Western Power's Targeted Underground Power Program, and I ask:

(a) Can the Minister please provide a list of suburbs in the City of Canning that currently aren't connected to underground power:

  (i) With a breakdown by suburb inside the City of Canning with no connection to underground power, what is the forecasted start date for works to commence to provide underground power for each suburb; and

  (ii) With a breakdown by suburb inside the City of Canning, what is the forecasted total cost of works to complete the transition from above ground to underground power for each suburb?

Mr R.R. Whitby replied:

(a) Underground power infrastructure exists in every suburb in the City of Canning (the City).

Western Power has delivered eight undergrounding projects that have included suburbs within the City. These projects have resulted in the removal of overhead street service cables in parts of Rossmoyne, Wilson, Shelley, Bentley, St James and Cannington. Additionally, the sections of Leeming and Canning Vale within the City were originally constructed with underground power, with some pockets of overhead.

Not all parts of these suburbs have underground power, and areas of other suburbs do have underground power.

(i)–(ii) Underground power infrastructure exists in every suburb in the City. There are no suburbs within the City that have "no connection to underground power". There are two active Targeted Underground Power Program projects within the City:

Canning Bentley

This project will include areas of the City of Canning and the Town of Victoria Park. Construction is expected to begin in 2026. Within the City of Canning, it will provide underground power to parts of Bentley, St James, Welshpool and Wilson at an estimated cost of around $23 million. The cost will be shared between Western Power, the State Government, and the City.

Lynwood Ferndale

This project is currently being scoped. Cost estimates and construction timelines do not yet exist.

Under the TUPP, other areas of the City will be prioritised for undergrounding in accordance with the age profile of the overhead network and overall network need. Western Power has published a Network Renewal Map, which provides an indicative outlook for future network renewal: www.westernpower.com.au/siteassets/documents/underground-power/network-renewal-map.pdf

Western Power does not maintain cost or construction forecasts for areas not subject to an active undergrounding project.

HEALTH — REHABILITATION SERVICES — SOUTH WEST

1251. Ms L. Mettam to the Minister for Health:

I refer to a media statement issued by the former Minister for Mental Health on 10 May 2018, titled: "Additional alcohol and drug rehab services in the South-West in 2019", and I ask:

(a) In which facilities, and by what operators, were the additional 33 treatment beds delivered;

(b) Are those 33 beds still operating within those facilities;

(c) Are all 33 beds still being delivered within those same facilities and by those same operators;

(d) If no to (c) have those beds which are no longer operating within the original facilities by the original operators been relocated to other facilities and operators; and

(e) If yes to (d) where are those bed services now being delivered?

Ms A. Sanderson replied:

(a) There are 34 additional treatment beds in the South West. The open tender for Alcohol and Drug Residential and Low Medical Withdrawal Beds in the South West Region of Western Australia was for 30 residential beds and three low medical withdrawal beds. From the available funding, the Mental Health Commission was able to purchase:

19 residential alcohol and drug treatment beds at Beela Valley Therapeutic Community in Brunswick operated by Palmerston Association; and

12 residential alcohol and drug treatment beds and 3 low medical withdrawal beds at Nannup Therapeutic Community operated by Cyrenian House.

(b) Yes.

(c) Yes.

(d) N/A.

(e) N/A.

MENTAL HEALTH — REHABILITATION SERVICES — SOUTH WEST

1252. Ms L. Mettam to the Minister for Mental Health:

I refer to a media statement issued by the former Minister for Mental Health on 10 May 2018, titled: "Additional alcohol and drug rehab services in the South-West in 2019", and I ask:

(a) In which facilities, and by what operators, were the additional 33 treatment beds delivered;

(b) Are those 33 beds still operating within those facilities;

(c) Are all 33 beds still being delivered within those same facilities and by those same operators;

(d) If no to (c) have those beds which are no longer operating within the original facilities by the original operators been relocated to other facilities and operators; and

(e) If yes to (d) where are those bed services now being delivered?

Ms A. Sanderson replied:

Refer to Legislative Assembly Question on Notice 1251.

HEALTH — REHABILITATION SERVICES — REGIONS

1253. Ms L. Mettam to the Minister for Health:

I refer to each health region across Western Australia, and I ask:

(a) How many (full-year equivalent) in-patient drug rehabilitation beds were available in each of the following years:

(i) 2017;

(ii) 2018;

(iii) 2019;

(iv) 2020;

(v) 2021;

(vi) 2022; and

(vii) 2023?

Ms A. Sanderson replied:

(a) Inpatient services of this type provided within WA public hospitals will utilise general and mental health beds, depending on presenting conditions. In addition, there are a number of dedicated in-patient drug rehabilitation beds available for community based residential alcohol and drug treatment bed, community based low medical withdrawal beds and high/complex medical withdrawal beds at Next Step Drug and Alcohol Services. The number of full-year equivalent in-patient drug rehabilitation beds available each year are as follows:

(i) 2017: 346 beds;

(ii) 2018: 344 beds;

(iii) 2019: 374 beds;

(iv) 2020: 381 beds;

(v) 2021: 396 beds;

(vi) 2022: 396 beds; and

(vii) 2023: 396 beds.

MENTAL HEALTH — REHABILITATION SERVICES — REGIONS

1254. Ms L. Mettam to the Minister for Mental Health:

I refer to each health region across Western Australia, and I ask:

(a) How many (full-year equivalent) in-patient drug rehabilitation beds were available in each of the following years:

(i) 2017;

(ii) 2018;

(iii) 2019;

(iv) 2020;

(v) 2021;

(vi) 2022; and

(vii) 2023?

Ms A. Sanderson replied:

Refer to Legislative Assembly Question on Notice 1253.