



# **Parliamentary Debates**

**(HANSARD)**

FORTY-FIRST PARLIAMENT  
FIRST SESSION  
2022

LEGISLATIVE COUNCIL

Thursday, 1 September 2022



# Legislative Council

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

## PAPERS TABLED

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

### INNOVATION BOOSTER GRANT

#### *Notice of Motion*

**Hon Dan Caddy** gave notice that at the next sitting of the house he would move —

That this house notes the McGowan government's commitment to foster innovation and grow entrepreneurship in Western Australia through the successful innovation booster grant and by providing initial funding for startups and small businesses to commercialise their ideas and create jobs.

### RURAL WOMEN

#### *Notice of Motion*

**Hon Jackie Jarvis** gave notice that at the next sitting of the house she would move —

That this house —

- (a) notes that 15 October 2022 is the United Nations International Day of Rural Women, a day when we recognise the contribution of rural women to the economic development of regional Western Australia as a vital labour force performing both paid and unpaid work; and
- (b) acknowledges the crucial role that women play in ensuring the sustainability of Western Australia's rural, regional and remote communities, and primary industries, including mining, agricultural production, fishing, food security, land and natural resource management, and in building climate resilience.

### BALI BOMBING — UMAR PATEK

#### *Motion*

**HON SOPHIA MOERMOND (South West)** [10.04 am] — without notice: I move —

That this house condemns the Indonesian government in the strongest possible terms for the possible impending release of terrorist and murderer Umar Patek (Hisyam bin Ali Zein), the maker of the Bali bomb that killed 202 people, including 88 Australians, 16 of whom were from Western Australia.

I understand that the first motion I have brought before the house today might be a surprise to some people as it is not necessarily a very Legalise Cannabis WA Party sort of topic. However, the ethos of the Legalise Cannabis WA Party is that everybody should be safe, everybody should receive justice and everybody should have the right to be happy and healthy. After recent reports that the Indonesian authorities were considering the release of terrorist Umar Patek, the man convicted of making the Bali bombs that killed and injured so many Australians, I thought it important that this Parliament said something to honour the memories of the lives lost—202 in total; 88 of them Australian and 60 from WA—and to express the outrage that so many have at this possible decision, which is one that I hope the Indonesian government will put the brakes on. Anyone in the house who saw the interview that was recently released in the media showing Mr Patek and his prison governor talking and laughing about how he has been deradicalised and was looking forward to early release might absolutely share that outrage.

On 12 October 2002, in the popular tourist district of Kuta in Bali, Indonesia, members of the violent group Jemaah Islamiyah, to which Mr Patek was aligned, detonated bombs in two nightclubs, killing 202 people. Umar Patek, without whom the entire terror attack would not have taken place, was eventually arrested and convicted. He was spared the death penalty and sentenced to 20 years in prison for his part in the horrific attack. Just over a month away from the twentieth anniversary of the bombings, this person is set to be granted release because in this short time, he has apparently been deradicalised—something I doubt. It is a slap in the face for all the families who lost loved ones there. It is re-traumatising for them and the victims who survived this nightmare. If his release goes ahead, it will be a disgraceful decision and one that we should condemn the Indonesian justice system for. We should urge the Attorney General of Indonesia to do something about it, just like we have done here from time to time for cases in Australia.

There will no doubt be some in this place who feel that we do not have the right to tell another country what to do or to meddle in another country's affairs. Although I can absolutely understand that sentiment, and I agree with it to an extent, I think we should be allowed to speak in this place about appropriate justice.

I also agree with shadow foreign minister Simon Birmingham, who said —

... it's not at all unreasonable to expect ... on behalf of all Australians who are outraged and all of those around the world who felt the pain and the outrage from the Bali bombings nearly 20 years ago, that those who were tried, convicted and sentenced should serve their full sentences.

He urged, as I do, Prime Minister Anthony Albanese to make representations to the government of Indonesia to ensure that Umar Patek is not released. The Prime Minister himself has said that his release would have a devastating impact on the families of victims. Although I would like to see this man remain in prison for what he did to our fellow citizens, I am by no means meddling in another country's internal affairs; I am simply expressing my shock at the possible early release of this man. It is not justice, whether we are Australian or Indonesian.

The bombing took a devastating emotional toll on so many in Western Australia, particularly the Kingsley Football Club here in Perth, which lost seven players in the blasts—seven young men and seven devastated families. For the record, those young men's names are Corey Paltridge, Dean Gallagher, Jason Stokes, Jonathon Wade, David Ross, Anthony Stewart and Byron Hancock. Upon the announcement of the news that Mr Patek may be released, the club's former captain Phil Britten, who was severely injured in the bombings, said he was appalled by the decision. I quote —

“Who gets to take so many lives away and just because they've been well behaved gets such a reduced sentence and go back out to the community ... It's disgusting how it has to happen now, it's terrible.

“We are victims again, victims of the Indonesian justice system, it never goes away.”

Perth mum June Corteen's 41-year-old twin daughters, Jane and Jenny, were killed in the attack. When she heard the news, she said that it brought a tear to her eye —

... I can't see how they could believe that he won't do it again ... a leopard can't change its spots. I'm just so disappointed that they're going to let him out ...

There is a memorial on a ridge at Mt Eliza in Kings Park that lists the names of the victims of the bombings from WA. It overlooks the city just across the way from here; I am sure many in this place have been there. The memorial is a special place for those affected by this tragedy. It is specifically designed to frame the sun's rays at dawn on 12 October each year. It also faces in the exact direction of Bali. I hope to be there with the families and others when the twentieth anniversary arrives in a few weeks' time. It will be a sad occasion that will be made even sadder if this release happens and further tortures the loved ones of those who died and those who still survive. Mr Patek's victims paid with their lives and he gets 10 years. The families of those left behind are serving the sentence of grief—a grief that has been shockingly brought back to life by this news, when many experienced closure with the appropriate sentencing.

We should stand up as a Parliament and let the government of Indonesia know that we find this decision unacceptable, and that Western Australians stand with the families of those who lost loved ones because of this heinous terrorist attack, and those who survived, whose scars may never heal. Thank you.

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [10.12 am]: I want to start by making a point and issuing a word of caution. We do not conduct foreign affairs through non-government business on a Thursday morning in the Legislative Council of the Parliament of Western Australia. Foreign affairs is conducted nation to nation, as it always has been and should be. Although I think the honourable member is trying to, in her words, honour those who died, the motion goes beyond that. I issue a word of caution to other members about the language, in future. When members think that the Legislative Council of the Parliament of Western Australia needs to at all debate matters that fall within the realm of foreign affairs, they should think about the language that they use. I say a word of caution to others who might try to go down this path.

Nevertheless, in October 2002 there was a cowardly bomb attack that resulted in the loss of 88 Australian lives. Of those who died in the abhorrent Bali bombings, 16 were Western Australians. There are many Western Australians who have kept alive the memories of those whose lives were lost, including the Kingsley Football Club, which had more than its fair share of the loss of lives, and many others across Western Australia. Both the former state government and this state government have provided funding over the years for the work of the Bali Peace Park Association, and the Premier has flagged that planning is underway for a special twentieth anniversary service to be held in Perth later this year.

In respect of the prospective early parole of the Bali bomber, there is no doubt that this will add to the trauma of the victims and their families, and we understand how distressing this is for them. I note the comments made, appropriately by the Prime Minister of Australia, when this was first published. Prime Minister Albanese said —

“It's not just about the 88 people, we are talking about thousands of people who have been impacted with trauma, who have lost loved ones.

“There have been reductions before, in the past, of the original sentence of this person. A further five months is obviously not something that Australia wanted to see happen.

“We continue to make diplomatic representations in Australia’s interest.

“We’ll continue to do that across a range of issues relating to security and relating to sentences, including the sentences of Australians who are currently being kept in Indonesia.”

As a state, we will always acknowledge this horrible terrorist attack and the effect it has had on both Western Australians and the Balinese people. Western Australians taken from their families and friends on that day will not be forgotten.

**HON TJORN SIBMA (North Metropolitan)** [10.16 am]: In addressing this motion, I want to echo the word of sensible caution expressed by the Leader of the House. This is not the chamber in which to conduct foreign policy. My issue with the motion, however, is not so much in the way that it is expressed; it is that an opportunity has been missed, I think, to honour the memory of the 202 victims of that terrorist incident, the 88 Australian lives who were lost and the 16 Western Australian lives who were lost.

Both Hon Sophia Moermond and Hon Sue Ellery have mentioned the enormous burden of loss sustained by the Kingsley Football Club. I am a sponsor of the Kingsley Football Club. My electorate officer Amanda McIlroy is a long-term official of that club. Her son Brad McIlroy is a survivor of that incident. He went with 19 clubmates and friends to enjoy an end-of-season trip to Bali, a rite of passage that is enjoyed Australia-wide by young people at the end of the season. Seven of his mates did not come back. I will read in their names because I think that if there are names that deserve to live in perpetuity through *Hansard*, it is their names, and not the name mentioned in this motion. They are Anthony Stewart, Jason Stokes, Corey Paltridge, David Ross, Byron Hancock, Dean Gallagher and Jonathon Wade. They were young men between the ages of 18 and 31 years, who, if they had been permitted to live, would now be fathers, possibly even grandfathers. They would have enjoyed their lives and they would have shared their lives with the families and friends who mourn their loss unto this day. The extraordinary reach of the savage, cowardly, criminal terrorist incident, however, was not contained to that small number of victims. The consequences of that event continue to reverberate unto this day in those clubrooms and beyond, and this is a particularly sensitive time as we approach the twentieth anniversary.

I should also acknowledge the subsequent passing in recent years of two of the survivors, Adam Nimmo and Laurie Kerr. Their memories should also be honoured.

I want to use this opportunity to convey a brief vignette of the event. I have taken this from the Kingsley Football Club website. Please feel free to read it. It is a story called “‘For the boys’ Bali October 12, 2002”. I want to read an excerpt of this because I think it encapsulates the character of these young men. This was immediately in the aftermath of the event —

The Kingsley footy club survivors were offered the opportunity to fly straight home from Bali. They chose to stay and search for their seven missing teammates, hoping against hope that they would be found alive in a Hospital somewhere. When this failed they searched the morgues looking for the bodies of their mates until they realised after a few days that they had searched everywhere and could do no more.

The eleven remaining survivors refused to fly home separately saying they came as a team and would return as a team.

What character, what courage and what honour was shown by a group of young blokes who should have been enjoying themselves. It is to their memory that I dedicate this contribution. I feel the anguish of the survivors across the world but particularly at home.

The potential release of one of the people responsible for their loss cannot be imagined, but rather than condemn the Indonesian government for a decision it has not yet made, I would prefer to humble myself in front of it and beg it not to. I understand that the release is being considered or reconsidered. The decision will be the decision, as unfortunate as that is. I also want to use this opportunity to highlight the fact that Indonesia is a strong partner of Australia. Indeed, it was the relationship formed between the Australian Federal Police and its Indonesian counterparts that led to the charging of those responsible. The Indonesian government is a partner in bringing these people to justice and in keeping people safe. I will not disparage the government, nor condemn it. That will bring no comfort to anyone, and it will achieve absolutely nothing.

When people come into this chamber, they have a certain responsibility. They have a responsibility to use their judgement and to not just take a series of vignettes of topical news stories and cobble them together in a motion that will effect no change, bring no healing and bring no resolution. I will leave it there.

**HON DR BRIAN WALKER (East Metropolitan)** [10.23 am]: I have to say, at the very outset, that I appreciate the contributions of all here concerned. The very moving contribution by Hon Tjorn Sibma was much appreciated, and I think it can be reflected on by all of us here.

What the Legalise Cannabis WA Party stands for is actually justice—social justice. We make this call within this country and beyond our borders. We stand for fairness. We stand for that which is right. Other countries have their own laws, so can we impose our will on other countries? No, just the same as other countries cannot impose their laws on us. But we can express our views. We have standards. I recall singing in church as part of the Hong Kong Welsh Male Voice Choir at the funerals for many of those who failed to return from Bali. The tears flowed freely.

It is very difficult to sing Welsh hymns when the tears are flowing down your cheek. It reflected the huge loss of international members of Hong Kong society, as well as those from Australia. It was not tolerable or civilised. What bothers me is reflected in both Indonesia and Australia. This was based on a religious idea that someone can kill people because they do not fit in with their particular way of thinking or they can force people to abide by a particular religious morality. We saw the same thing happen in Sydney when that man took over that cafe and murdered people until he was killed by the police.

I want to quote the first parts of the prayer that Sunni Muslims recite five times a day: *Bismillah, ar-Rahman ar-Rahim*, or in the name of God, the merciful. Mercy is a quality that is not always present, is it not? I remember very much the travails of those sad Australians who were arrested for trafficking drugs, the penalty for which was death. Despite having served eight years in prison and having been, as they said, completely rehabilitated—in fact, one became a pastor—they were shot while singing a hymn in praise of God. Another man of another religion who killed 202 people has also been rehabilitated in prison but is being freed. There is a disparity. There is a disconnect. It is something that we, as individuals, should be free to express when we are dealing with our major trade partner in South-East Asia. We ought to be able to express that which is unacceptable, without expecting that they will do what we wish. That is unreasonable.

There is a pattern here that Australians ought to be aware of. We know who killed the Balibo five. We know it was completely unjust and nothing was done, yet we are still giving South-East Asia and East Asia over \$1 billion in aid, a substantial chunk of which is going to Indonesia. We can look at Irian Jaya, where the Dutch left their colonial possessions after World War II. The Indonesians took those claims immediately. We can look at East Timor from recent times. Irian Jaya, which has nothing at all to do with Indonesia as such, was one of those countries that was ruled by a colonial state, and we supported that. We are the world's fourth largest contributor to Indonesia. It is something we ought to have a word in, but I will go further than this and say that if we are not looking after Australian lives in Indonesia, we ought to be focusing very hard on putting it across at a federal and state level that our people matter.

I will bring up the name of Julian Assange, which again is a federal matter and I am aware it is totally inappropriate to raise here, but it needs to be mentioned in this context. We are dealing with how we are looking after our own. As a state, we ought to be putting to Canberra that this is an area that we are concerned about. I would be sad if we were not concerned, but I feel that we are concerned. I support the motion. I appreciate the very valid points that have been made and I support them, but we ought to say and, indeed, do something.

**HON SOPHIA MOERMOND (South West)** [10.28 am] — in reply: I very much appreciate the contributions made by Hon Sue Ellery, Hon Tjorn Sibma and my colleague Hon Dr Brian Walker. I welcome their insight and opinions. Thank you.

Motion lapsed, pursuant to standing orders.

## CANNABIS — LEGALISATION

### *Motion*

**HON SOPHIA MOERMOND (South West)** [10.29 am] — without notice: I move —

That this house notes that Western Australia has been waging an illegitimate war on cannabis that has cost the state billions of dollars, wrecked thousands of people's lives and contributed to burgeoning profits in what is a thriving criminal market, and —

- (a) recognises that over the past two years there has been growing acceptance by Australians that cannabis should be legalised;
- (b) calls on the McGowan Labor government to immediately move to legalise cannabis for adult recreational use; and
- (c) urges the Western Australian Minister for Health to work with her colleagues in the Australian Capital Territory to examine the success of the decriminalisation of cannabis in that jurisdiction, as well as examine the Barr Labor government's current plans to decriminalise all illegal drugs, thus treating drug use as a health issue, not a criminal one.

Today, the Legalise Cannabis WA Party brings another motion to the house that well and truly lives up to our party name. Although I know that there are some who would rather Hon Dr Brian Walker and I had not been elected to this place, the fact is that we are here. That in itself should be the first clue for those who dismiss cannabis legalisation as a mainstream issue. People voted for us based purely on the party name; no-one knew who we were, so they were voting for something they specifically wanted.

The time has come to change the rules around cannabis legalisation. To back that up, at the recent federal election 501 421 people gave their first preference votes to the Legalise Cannabis Party—yes, over half a million people. Although we would have liked that result to have been converted into a Senate seat, it was not to be, but the message has certainly been sent and heard. Poll after poll shows that the general public, in ever-increasing percentages, believe

that the time has come for cannabis to become legal for adult recreational use in this country. That is not just coming from so-called stoners; it is coming from many people who do not even smoke cannabis, but who recognise that it is a ludicrous situation for cannabis to be an illegal drug when anyone can simply walk into a Dan Murphy's and legally buy a liquid drug called alcohol that is much more damaging. These polls show that more than one-third of Australians have tried cannabis, and, of those, just under half are semi to regular users.

It is not only voters sending that message; it is now Parliaments, too. In the Australian Capital Territory, the Barr Labor government has decriminalised small amounts of cannabis. In Canberra, a person can have 50 grams of dried cannabis and they can also grow two plants. Of course, this is not only available to those who wish to consume cannabis at home recreationally; it also helps those who use cannabis as a medicine—currently, a very expensive medicine. I receive quite a few emails from people who have treated their cancer symptoms with cannabis oil, concurrently with other treatments. I also get emails from an incredible number of parents who have children with epilepsy. They are finding it difficult to maintain their children's medication, based on cost, and that is a real shame.

Since the ACT enacted its new laws, guess what? The sky has not fallen in. There has not been an increase in drug use at all. Police are not having to deal with arrests for small amounts of cannabis; it has freed up police to focus on other things, while at the same time it has helped unclog the court system. In addition, Canberra is a university town, so many young people now no longer have to deal with convictions for such a minor offence that will follow them around for years.

In Victoria, the upper house Reason Party leader, Fiona Patten, introduced a bill to legalise drug use. This came after the powerful Legislative Council's Legal and Social Issues Committee, which Ms Patten chaired, produced a report on cannabis. After extensive hearings, it concluded that cannabis should be legalised. That report is now in the hands of the Andrews Labor government for consideration.

In New South Wales and South Australia, the Greens have introduced bills to legalise cannabis. Politically speaking, more and more people are picking up the cause of cannabis legalisation. Queensland is moving to change its driving laws so that drivers who use medicinal cannabis can drive with a small amount of tetrahydrocannabinol in their system. The presence of THC does not equate to driving dangerously or being impaired. Many people who use the cannabidiol plus THC combination of medicine take it to help them sleep at night. By the time they wake up in the morning, refreshed, THC may still be detectable but they are not at all impaired.

By the way, if anyone is looking for a great time, the annual Mardi Gras is being held in a few weeks, from 16 to 18 September, which is my birthday weekend, so I am quite excited about that. Many thousands of people, including me, will take part in drug law reform rallies, educational sessions, inspiring presentations and gatherings. Both Hon Dr Brian Walker and I will be conducting panels and making speeches around the journey of cannabis legalisation. It is not often we turn on the news and hear of a massive car accident caused by someone who smoked a joint. It seems that alcohol and meth are most likely to be implicated. Research shows why. Just over 20 per cent of serious road accidents are caused when alcohol is a factor. That figure is just over one per cent when cannabis is a factor. In this case, impairment testing would be very useful. In some areas, recent road accident data shows that up to a staggering 28 per cent of road accidents were caused by mobile phone use. I think that Facebook is more of the enemy here than cannabis ever would be.

I want to talk a little about the history of cannabis prohibition in Australia because it is really quite fascinating. Cannabis has been around for several thousand years. It was used medicinally and mentioned in Chinese medicine in 2727 BC. That was about 4 700 years ago. It was common for people in Asia and across the Mediterranean to grow cannabis in their gardens. It was used to make fibre for sails, ropes, cloth, paper and a variety of things, as well as being used to make tea for medicinal purposes. Historians believe that hemp cultivation was the main reason for the British colonisation of Australia. I was really surprised by that. I was equally surprised to learn that it was possible to sell "cigares de joy" over the counter well into the twentieth century in Australia. Australian cannabis prohibition started in the 1920s as part of a Geneva convention that related to dangerous drugs. It was initially designed to control the use of opium and cocaine. Cannabis was included at the request of Egypt. This, together with international pressure from the UK and the US, meant that all the states eventually banned cannabis from 1928 to 1959. Thus, prohibition is quite recent.

There are many myths around cannabis use and the cannabis plant. Scientists have shown that quite a few of those myths are false and often based on misguided morality, with a dash of racism and a range of real-life conspiracy theories, all leading to cannabis being banned. Claims to demonise cannabis included incredibly racist propaganda such as "a Mexican drug that leads men and women to the wildest sexual excesses" and "New drug that maddens victims". A more recent example is the link to mental health issues. Correlation does not always mean causation, meaning in some cases the propensity for a mental health issue was already present or those people who experience mental health issues are looking for solutions to reduce their suffering. One of the other myths is that cannabis is addictive. People can develop a cannabis reliance disorder. It is not necessarily addictive like opium or heroin and people end up going through major detoxification when they stop taking it. Having said that, anyone who has an unhealthy relationship with any substance should be cared for. It should be seen as a health issue whereby doctors and other healthcare providers can help them.

One of the big myths is that cannabis is a gateway drug. It is really very simple—it is trauma. People who are traumatised will have dysfunctional relationships with not only gambling, alcohol, tobacco and cannabis, but also other substances like methamphetamine and opiates. That cannabis leads to crime is not really quite true, unless it is made illegal and is hard for people to get. Then it becomes a crime. People who use cannabis are unlikely to go out and raid a bottle shop with a gun trying to get money for their next ounce. This is much more related to methamphetamine-style behaviour.

One interesting myth that goes around is that cannabis is harmless. This is something that we need to see in context in relation to people with illnesses and with different constitutions. Not everything out there suits everyone, and that ranges from antidepressants all the way through to peanut butter. Care needs to be taken that cannabis is used appropriately for those people who are in need of mental health care or other health care.

Another myth that comes up is that a person can die from an overdose of cannabis. Nobody ever has. People fall asleep or they might sit on the couch and eat a lot of Twisties. The myth that cannabis kills brain cells is not really conclusive. Alcohol definitely does that, but cannabis does not specifically kill brain cells as such. There is also a stereotype assigned to users. We have the hippie/stoner versus high-functioning members of Parliament—oops—society.

Western Australia should be a leader in legalising cannabis. The benefits would be many. Besides having a more chilled-out population, we could grow an entire new industry, gaining many jobs and reducing our carbon footprint through sustainable industries. We would dramatically decrease the police spending and court costs on pursuing personal cannabis users while simultaneously destroying criminal enterprises that rely on the millions of dollars in easy income from cannabis sales that prop up their methamphetamine trade. There would be a new crop for local farmers and increased tax revenue for government. What is the downside? I am not seeing any, to be honest, and I am one of many Western Australians who either does inhale or has inhaled or does not care whether other people inhale. It is our life; it should be our choice. It is time we kickstarted an informed community discussion about reforming laws around cannabis.

**HON WILSON TUCKER (Mining and Pastoral)** [10.43 am]: I think it is baffling that we are debating whether cannabis—I was going to say weed; I am not sure whether that is a parliamentary term—should be legalised in the year 2022. It is baffling. Western Australia is on the wrong side of history on this issue. A person can get on a plane, get off that plane and suddenly be in a place where cannabis is decriminalised and there is a thriving recreational industry. This has not been happening for just the last few years. There are a number of jurisdictions around the world where weed has been decriminalised and there is a successful and thriving recreational industry.

History will look back and judge WA; it is not a matter of if, but a matter of when. I understand that the Labor caucus voted to decriminalise weed in 2017. That has since been overturned. The Premier is now refusing to budge on the issue. As the honourable member pointed out, the Legalise Cannabis Western Australia Party received three per cent of the vote at the last election. I am sure that some fantastic campaigning happened in the background, but this vote was predominantly based on the name of the party, which indicates that there is a lot of support for this issue in the community.

I lived in Seattle for four years and I can confirm that the sky did not fall in. It has a thriving recreational cannabis industry. As the honourable member pointed out, cannabis is a less harmful alternative to alcohol. After work in Seattle, if the sun is shining, people can go to the park and smoke a joint instead of drinking beers and engaging in antisocial behaviour. The by-product of that behaviour is that a person then eats a packet of Twisties and goes to bed. I used cannabidiol to help with my sleep and found it to be very effective. When I got on a plane and came back to Perth, it felt like I had stepped back into the Dark Ages because it was illegal to use the substance here. CBD is not a psychoactive substance, but we are not allowed to use it in WA, which is mind-boggling.

Yesterday, I discussed this motion with a few members who shared my viewpoint and supported it, whether it was official support or not. One member raised the point that if cannabis were to be decriminalised in WA, we could potentially have eight-year-olds running around using smoking implements. My response to that is that if the government moved to regulate this industry and support it, nothing would destigmatise the industry more or make it less cool than the government supporting it. A lot of evidence shows that where the recreational industry is thriving, usage goes down. The thriving industry in Seattle was a bit of a drawcard. For the first couple of weeks after I flew into Seattle, I saw how people could go to the local marijuana store. It was all quite interesting and new, but certainly that shine and initial appeal wore off quite quickly. A body of evidence over the last decade shows that usage actually decreases in jurisdictions where the recreational industry is supported.

We are trying to attract people back to WA. One way to do that is to get onto the front foot on this topic. WA has an opportunity here. We are certainly behind on a lot of the issues. This is one issue on which we can take a more proactive stance and embrace the industry that is going to come—it is not a case of if but when—and use that as a drawcard to get people back into the state. I support this motion and the comments made by Hon Sophia Moermond.

**HON DR BRIAN WALKER (East Metropolitan)** [10.48 am]: Of course I am going to support this motion. I am going to speak to the motion. Members might note that we have had very similar motions in the past. I make



absolutely no apologies for bringing on this topic again and again, because it matters. Why does it matter? Because it is a matter of life and death. This is not a trivial subject. In my frontline position as a doctor, I see people suffering because we have a difficulty with accepting the concept that cannabis is a safe, healthy and healing herb, which can be misused. By the way, my honourable colleague made the point: is there any evidence for cannabis causing brain cell death? On the contrary, we know that cannabis can actually encourage new brain cell growth and neural connections, suggesting that it is useful for helping people who have had a brain injury through, for example, concussive damage from playing AFL. That really was not what I wanted to say. I just wanted to clear up that particular scientific point.

We are, however, waging a war. All wars are expensive and all wars have casualties. We are waging a war against all drugs, but let us take cannabis in particular. There is collateral damage. I am not talking about buildings being destroyed, like we are seeing in Ukraine just now. It is not buildings but people who are being destroyed. We are seeing children orphaned because of the cannabis war. We are seeing women widowed because of the cannabis war. The police are also suffering because they are fighting a war against a healthy, healing herb that has resulted in their status in society being reduced. They know and we know they are fighting against a healthy, healing herb that is much safer than freely available alcohol. How does that reflect on the police force? It is dealing with trivial stuff, causing major damage, and respect for police is then diminished. We cannot allow this to continue. We depend on our police. We need them to be in the best health. Their morale has to be of a standard. At the moment, if police are fighting against cannabis use, however unwillingly, their own morale is going down. The moral values they represent are being destroyed. Alcohol really is the enemy. We ought to accept that and deal with it. Cannabis is safer than alcohol.

In war there are victors. The victors write the history books, do they not? The victor in this war against cannabis is not society or government; it is the criminals. The criminals are the ones who benefit from the war against cannabis. The continuing war against cannabis benefits criminals but the losers are us, the people. We, the people, are suffering with a war, which we are actually losing by the way.

Let us look again at the concept of war. Is war ever just? Have we ever seen a just war? It depends on which side you are on—the winning side or the losing side. The losers are always the unjust ones. It is a moral and philosophical question. The winners usually think they fought a justified war. If we look at recent events, say, World War II—which was not that recent—we can see that for the people living in Germany, there are questions about Dresden being obliterated by carpet bombing. That helped end the war by destroying the morale of German society. Yes, it made the war easier to win and lives were saved. I think we can all agree that what happened in Dresden was certainly unjust, but it happened in the course of a war. We can maybe justify such actions if the reason for the war was just. The motion says that this is “an illegitimate war”.

Why was cannabis banned in the first place? The reason is not medical at all; it is social and political. The main reason that this war on drugs came into force was the need to find an alternative to alcohol that could be used to attack, if you like, the Hispanics and blacks in the southern states of America. Later in the Nixon era, when the Vietnam War was ongoing, hippies were smoking cannabis. That led to them being called un-American, anti-war, unpatriotic and evil people. Therefore, the authorities continued to cause damage by fighting against those who supported cannabis. The same thing is also true, by the way, of heroin users. It is a terrible drug, of course, but is that any excuse for invading their privacy, beating them up, killing them or shooting them on the streets?

This war on drugs is a political and social action on the part of governments that did not have the benefit of the people they represent in their eyes, only their own benefit. One could put across the argument that it was a fascist decision of an authoritarian regime that sought to retain control. That is a major claim. I put it to members that oppression and racism are the outcomes of what happened. Are we happy to fight for that war? Why are we still fighting an unjust and illegitimate war? Are we fighting a just war or are we just fighting a war? We are just fighting a war that we are losing. We are losing an illegitimate war that is causing collateral damage and bringing no benefits to the people we came here to represent.

There are, however, brighter lights on the horizon. We have the example of the ACT, which is Labor-led government. I wonder whether McGowan is going to follow that wonderful example. I note the current Liberal attitudes of law and order and the by-election coming up in the North West Central electorate, where the Liberal Party put us behind the parties espousing Nazi doctrines. I am wondering whether there is a pattern. I am not suggesting that the Liberal Party will support such things, but it certainly is not supporting enlightened political views regarding cannabis, but I wish it would, because that would save lives. Labor, on the other hand, may not be running a candidate in the North West Central by-election. We could say the Labor Party is abandoning the regions, although I suspect it is probably not. But we could maybe suggest that it is abandoning the farmers because I spoke to one farmer who reckons he could get \$25 million from growing one hectare of cannabis from the whole spectrum of the hemp plant. That is not a trifling sum. That would benefit farmers. I encourage members on the Labor side to view this as an aid to our hardworking, science-based farmers in areas where they need all the support they can get.

I mentioned that the Labor Party may be abandoning those farmers, which I know it is not, but the Labor Party is not considering the law of unintended consequences by persisting in this unjust, illegitimate war. The unintended

consequence is the collateral damage. One of those collateral damages is not supporting our agricultural regions and, as a result, not supporting sensible approaches to managing climate change, the regeneration of our waterways and enhancing Western Australian business, which is being deprived of billions of dollars because of our inability to let go of that desire to pursue an unjust and illegitimate war that is causing collateral damage. It is a war that is damaging the honour of our police force and the safety of society, and it is a war that puts power back into criminal hands. I put it to members that by supporting this motion we will be taking active steps to support Western Australian society and Western Australia's medical, social and financial health.

**HON DARREN WEST (Agricultural — Parliamentary Secretary)** [10.56 am]: It gives me great pleasure to give the government's response to this motion today. I acknowledge the member for bringing it on and I also acknowledge the passion and advocacy from the members of the Legalise Cannabis WA Party on what is a very important issue for them and their supporters. However, there is an element of *deja vu* about this. We talked about this in May and in 2017. If the members of the Legalise Cannabis WA Party keep bringing this issue back to the chamber, they will hear the government's position that they have heard before. The government will not be supporting the motion before us today.

This is not a priority for the McGowan government. The Premier has been very clear about this. A lot of very important things are going on in Western Australia, and for us, as a government, the legalisation of cannabis is not anywhere near the top of the list. We have a health system that is under pressure and our focus is to manage the health system and get people into it. We are also delivering a lot of important infrastructure projects in the regions. We have turned around the state's economy, we supported the resources sector and we kept Western Australians safe throughout the COVID-19 pandemic. They have been, and will remain, our priorities. The legalisation of cannabis is not one of those priorities. We acknowledge that the Legalise Cannabis WA Party members in this house have been democratically elected as members for the South West Region and the East Metropolitan Region and that they have a mandate to bring these types of motions forward, but that does not mean that the government will change its position on this issue.

We have done a few things in this space. The government has supported Hon Dr Brian Walker's idea to have a Select Committee into Cannabis and Hemp. I understand that the committee is doing its work. Also, in 2019, the Select Committee on Alternative Approaches to Reducing Illicit Drug Use released its report. Recommendation 21 of that report was —

A health-based response to the use and possession of drugs makes provision for the cultivation of cannabis for personal use.

This government supports a health-based approach to the treatment of people with drug and alcohol problems. That is a very important distinction to make. It supports a health-based rather than a criminal-based approach, but our government's position has been made clear in response to that report: it does not support the recommendation to make provision for the cultivation of cannabis for personal use. The simple fact is that the evidence of the risks associated with the decriminalisation of cannabis for personal use—outside the use of medicinal cannabis, which this government supports and has enabled—currently outweighs the possible benefits in the view of the government. There is a large body of evidence of significant physical and mental health harms that can be attributed to cannabis. I know that we may disagree on that, but there is a large body of evidence. Regular cannabis use can lead to dependency and can increase the risk of mental health problems, including psychosis. Due to its nature, it can also lead to respiratory problems. The long-term effects from regular cannabis use is associated with anxiety, depression, dependence, paranoia and psychosis in people who have a vulnerability to mental health problems. I am not suggesting that everybody has that vulnerability, but some people do. The use of cannabis is associated with adverse health effects on the developing brains of young adults and enduring mental health risks in the adolescent population. Frequent cannabis use is also associated with changes in the areas of the brain involved in attention, memory, decision-making and motivation. Higher doses of cannabis can cause restlessness, confusion, anxiety, hallucinations, paranoia, panic attacks and detachment from reality. It can be a very harmful drug.

The government remains committed to ensuring access to medicinal cannabis for people with medicinal needs. As part of the government, we are quite proud to have enabled that to happen. I think that medicinal cannabis has an important role. We enabled GPs to prescribe medicinal cannabis to patients. I note that Hon Dr Brian Walker is a GP. That is a product he can now prescribe that was not available under the government before ours. We support that. The government has announced initiatives in that area, including \$2 million for a medicinal cannabis operation in Collie and making it easier for people to access medicinal cannabis from a GP.

While I am on the subject, the member referred to the North West Central by-election. I make the very good point that we have four outstanding members of the government who represent the area of North West Central—Hon Stephen Dawson, Hon Kyle McGinn and Hon Peter Foster, who spends quite a lot of time in that electorate; and, of course, Hon Rosie Sahanna—so our government's representation in the north west is thorough. The North West Central has been a great beneficiary of the McGowan government.

Other jurisdictions that have decriminalised drugs such as cannabis have had mixed experiences. In Portugal, decriminalisation is seen as a success, while in Oregon, just down the road from where Hon Wilson Tucker lived,

it is seen to have been a failure. In a Senate committee earlier this year, Australian Federal Police Commissioner Reece Kershaw made the following statements on the Australian Capital Territory's proposed decriminalisation laws. He said —

“It will become a more dangerous society, it wouldn't be as safe as what we are enjoying today—so, for me, it would lead to chaos.” ...

“I don't think there's ever a safe level when it comes to those particular drugs. They are destructive.

“We're always open to different strategies, but so far the evidence is not stacking up that decriminalisation necessarily leads to less crime.”

**Hon Dr Brad Pettitt:** When did he say that?

**Hon DARREN WEST:** It was earlier this year to a Senate committee, from the information I have here, member.

I refer to the notion of a war. I think we have a very different definition of war. I am not sure it is the case that the government is embarking on a war against legalising cannabis. I think that might be quite inflammatory language and I do not see that as an appropriate way to describe what I think is a very sensible way of managing cannabis. We are open to the idea of medicinal cannabis and we have legalised that.

Clearly, as in the other times that we have debated this before the house, the government will not be supporting this motion.

**HON DR BRAD PETTITT (South Metropolitan)** [11.04 am]: I stand in support of the motion. I would like to thank Hon Sophia Moermond for bringing it forward. Members would not be surprised to know that the Greens have long had a policy of supporting the decriminalisation of medicinal and recreational cannabis use because of some of the benefits that would flow from that. To give members some examples, the South Australian Greens introduced a bill to legalise recreational use in 2021 and, similarly, the Greens in New South Wales introduced a bill to legalise cannabis products produced and distributed under a licensing scheme through a cannabis authority. Hon Darren West made some comments about the Australian Capital Territory—that is perhaps the most interesting example, because there the Labor Party and the Greens share government—which decriminalised small amounts of cannabis for personal use. It is interesting to reflect upon that. That happened in early 2020. An analysis of the impacts has been undertaken and is worth going through.

I asked Hon Darren West to provide the dates on which the negative comments were made because I do not think they reflect the evidence that is well documented and on the public record. I will provide a bit of background. In 2020, the ACT passed a law to allow 50 grams of cannabis per person and a small number of plants to be grown—two plants per person and four per household. What was the result of that? The following year, an analysis was done and it showed some interesting results. Cannabis offences dropped by 90 per cent and, interestingly, there was no uptick in the use of cannabis. People stopped being prosecuted. I note, of course, that people outside the ACT and those under 18 years of age who reside in the ACT still cannot legally possess cannabis. Cannabis became legal for adults in the ACT and the number of simple cannabis offences dropped 90 per cent from 56 to five, which is really interesting. In fact, Detective Acting Superintendent Callum Hughes said there have been “no significant issues” following the implementation of these laws. They have been rolled out quite smoothly.

The other interesting thing, of course, is that there was a lot of fear about increased hospital admissions and other impacts. That did not happen. In fact, there was no increase in the number of hospital visits on the back of this. At the time, Greg Hunt and others were concerned about the health harms and the like on the back of the decision to legalise cannabis. The evidence from the ACT—it has a very sensible policy position—is that there have been no increased hospital admissions, nor the realisation of some of the other concerns. As I said, the rate of cannabis use in the ACT has remained relatively static. As has been highlighted by previous speakers, I think there is broad consensus in the centre and left of politics that this is a sensible policy; it is not a radical policy. We are seeing it happen; indeed, as Hon Wilson Tucker said, it is happening in large parts of North America and we are seeing it roll out across Australia. All the evidence is that it is working quite smoothly and calmly. Although legalising cannabis might not be a priority of this government, there are benefits to rolling it out. As Hon Sophia Moermond's motion indicates, things have changed in the last few years and there is growing acceptance of cannabis use. We have seen the success of the ACT rollout. It is time that the WA government looks at this issue again. It should recognise the benefits that might flow into the Western Australian economy and that cannabis use should be managed as a health issue, not a criminal one.

**HON JAMES HAYWARD (South West)** [11.09 am]: I stand today to say that I cannot support the motion before us. I cannot support paragraphs (a) and (b), but I show some support for paragraph (c), which states that we should work with our colleagues in the Australian Capital Territory to examine the success of the decriminalisation of cannabis. I do not think we have anything to fear from looking at how other jurisdictions deal with matters such as this: nothing to fear at all. It is important that we get the latest information and understand what is at the forefront of how these issues are managed in not only Australia, but also around the world. I would also like to acknowledge the work of the Legalise Cannabis WA Party in this space. Yes, there is some *deja vu*, and I am sure we will be hearing much more of it. The Legalise Cannabis WA Party members have been elected with a mandate, with

something they believe in, and they have consistently turned up in this place and made a case for what they believe and what they have been elected to do. I congratulate them both for their work in that space. I also note that the government has created a select committee that is looking into cannabis and hemp. Again, that is an acknowledgement of the work and the contribution that this party has been able to bring to the Parliament of Western Australia and the people of Western Australia. I congratulate them on that. I know that they are doing good work in that space and I look forward to seeing the final report from that committee. The work that that committee is doing is important.

The reason that I cannot be supportive of decriminalising cannabis is that I am still of the belief it is a gateway drug to other drugs that cause serious harm within our community. I, and I am sure others in the community, will always be reticent until we are convinced otherwise. Having said that, there is no doubt in my mind, and in the mind of others, that there is a legitimate place for the use of cannabis in our society generally and in Western Australia as well. We need to be striving to see those changes made as urgently as possible. I think about the people who are self-medicating by accessing illicit cannabis, because legal cannabis is still difficult and expensive to get. Those are some of the issues I think the government should turn its mind to, and I understand that there is some work being done in those spaces.

I note that there was a fellow in front of the Manjimup court in the last week who suffers from terrible back pain. He grows marijuana plants and told the court that it was so he could relieve that pain. I think all of us can understand the difficulty of having severe pain and the need to be able to find an affordable remedy. Unfortunately, people are turning to these illicit drugs because there are no other pathways; all the other pathways or alternatives are too difficult or expensive for them to access. The issue with this fellow is that he had 16 plants in his backyard, and it is a little bit difficult to understand how that could just be used for personal use—albeit, I think the court accepted that it was. He has paid a penalty and now has a criminal record—actually, he does not have a criminal record in this particular instance, but people do get criminal records and are subject to difficulties that they now face.

There are other people who have a prescription for medical cannabis who are taking it and driving to work. but that is illegal and they could fall foul of a saliva test that the WA police give them. The potential danger for them is that every day of the week they take the risk that they will get caught driving with traces of THC in their body if they are stopped—even though they may have a prescription for that medication that significantly helps their wellbeing. I think these are the issues that the government needs to be addressing. I am pleased to say that some of the work of the Select Committee into Cannabis and Hemp will no doubt come to the fore. I think those are the important things. Again, I thank and encourage the cannabis party for bringing this forward. It is important that we continue to debate these things.

**HON SOPHIA MOERMOND (South West)** [11.13 am] — in reply: I would like to thank Hon James Hayward, Hon Wilson Tucker, Hon Dr Brad Pettitt, Hon Darren West and Hon Dr Brian Walker for their contributions. I believe that Hon Darren West has presented the nicest, “We will not support your motion, ever”, response. I thank him for that.

It is interesting to note that some of the myths around cannabis use were repeated here, and that is a shame. We have scientific data that shows cannabis is not a gateway drug and that cannabis legalisation can actually improve the safeguarding of children and reduce crime. We would be happy to present that at any stage. That is all. I thank the others so much for contributing.

Motion lapsed, pursuant to standing orders.

## **MENTAL HEALTH — CHILDREN AND YOUNG PEOPLE**

### *Motion*

**HON KLARA ANDRIC (South Metropolitan)** [11.14 am] — without notice: I move —

That this house commends the McGowan Labor government for its commitment to delivering record mental health funding, particularly for children and young people.

We all know that our mental health is incredibly important. As with every area of our health, it is crucial that we look after our mental health. My health is not the greatest today, but I shall push through to be able to speak on this very important issue.

The impacts of poor mental health include negatively affecting how we think, how we feel, how we act and how we get through our daily lives. At every stage of our lives, from childhood and adolescence right through to adulthood, our mental health plays a key role in enabling us to live a fulfilled life. It is crucial that if people are experiencing poor mental health, they have access to the help they need, as well as preventive measures to ensure that it does not spiral. In 2022, mental health is an area that still carries with it quite a lot of stigma, which in turn can make a sufferer less likely to seek help. It is essential that we break the cycle of stigmatisation for everyone, especially children and young people, and ensure that they have the resources available to them to look after their mental health.

As a mother of two girls, it is imperative to me that my daughters’ generation is more open to talking about and discussing their mental health, as well as taking the necessary steps and precautions to take care of their mental health and wellbeing. I know that mental health was not discussed as much during my younger years and certainly

the awareness of it was not what it is today. I am glad to see that we have made some progress. It is vital we ensure that children and young people have the resources available to them to develop good strategies to manage their mental health from a young age, and it is essential that we help all Western Australians to build mental strength and resilience, whilst reiterating to them the importance of reaching out for support when they need it.

I am pleased to see that the McGowan government is committed to delivering on mental health for our children and young people. This year's state budget has seen significant investment into mental health. I was delighted to see that a record \$2.5 billion in additional funding for health and mental health was allocated in the 2022–23 budget. This is going to go a really long way towards improving the mental health and wellbeing of Western Australians, and particularly young Western Australians. With a whopping \$1.3 billion allocated to WA's mental health, alcohol and other drug services this financial year, I am proud to say that this is an increase of 13 per cent on the funding in last year's budget.

I am sure members in this chamber understand the influence that drugs and alcohol can have on a person's mental health and life. We also know of the direct impact that drugs and alcohol can have on a person's mental health. The McGowan Labor government expanded the "Alcohol.Think Again" campaign in July this year to help protect young people from alcohol-related harm. This campaign aims to reduce alcohol-related harm amongst Western Australians between the ages of 12 and 17 by targeting the parents and caregivers of these young people. The new "Alcohol.Think Again—We all need to say no" campaign was informed by research that showed that the decision by some WA parents to provide alcohol to children under the age of 18 was guided by a common misconception amongst parents and carers that other parents allowed their under-18s to consume alcohol, which is not the case. Created by the Mental Health Commission and the Cancer Council Western Australia, through research with young people, parents and experts, the campaign raises awareness of the fact that two out of three parents are already saying no to under-18 drinking and urges all parents to join the movement to protect their children's developing brains. This is the first stage of the McGowan government's \$6.7 million commitment to expand awareness of the dangers of alcohol.

The McGowan government has also committed \$47.3 million to support the immediate recommendations from the Ministerial Taskforce into Public Mental Health Services for Infants, Children and Adolescents Aged 0–18 Years in Western Australia, and I want to commend Minister Sanderson for that. The task force was created following a recommendation by the Chief Psychiatrist, Dr Nathan Gibson, in response to the tragic death of 13-year-old Kate Savage in 2020. The ICA reform work needed is not just about funding, though; it is about getting the right model of care, building our workforce capacity and its capability, ensuring that services across all levels of government work together, and enhancing the infrastructure and the technology that underpin the system itself.

The final report from the ministerial task force was released in March this year. The McGowan government is firmly committed to implementing all 32 recommendations, with the most immediate challenges being addressed in this year's state budget. We have committed \$18.5 million to expanding the child and adolescent mental health service frontline workforce across seven regions by 11.6 FTE workers. This frontline service offers support, advice and treatment to young people, and their families, who are experiencing mental health issues. It is available to young Western Australians until they turn 18, and it is primarily focused on recovery. Some of the services offered include: complex attention and hyperactivity disorder services for children and young people experiencing persistent and severe attention difficulties; multisystemic therapy for families with young people aged between 11 and 16 experiencing serious behavioural and mental health problems; pathways, assessment, treatment and support for young people aged six to 12 with complex mental health issues; and the Touchstone day program for young people aged 12 to 17 years of age who are struggling with self-harm behaviours and associated mental illnesses. Further, \$12.9 million has been allocated for additional peer support workers.

It is really important that the people who are working in this area have lived experience with mental health issues and are now living well. They support young people with poor mental health and help empower them so that they can improve their wellbeing. As one can imagine, it is quite important to be supported by people with lived experience, as they understand what the young people are going through and have come out on the other side. This gives sufferers the hope that they, too, will overcome the challenges that they are facing.

The McGowan government has also committed \$10.5 million to deliver a two-year virtual support service for at-risk children. This will help reduce the likelihood of emergency department presentations and keep children supported in the community. Given the amount of time we all spend online these days, it makes sense to ensure that mental health support services are available online as well. This is particularly relevant for children and young people. The McGowan government has committed \$1.3 million to mental health workforce initiatives. The initiative's aim is to proactively identify the workforce skill mix required and deploy training and development across the health system in response.

Our youth mental health workers are amazing at their jobs and the McGowan government is here to ensure that they are the best that they can be. Most employers find that investing in the workforce is a worthwhile investment and our youth mental health workforce is certainly no different. In March this year, the McGowan government launched the new Here For You mental health telephone hotline. It offers one-on-one contact with qualified

counsellors from 7.00 am to 10.00 pm every single day. This service helps support people who are experiencing mental health issues or have a loved one experiencing mental health issues. It also helps those who are experiencing issues with alcohol and other drugs. It can help provide coping and prevention strategies, and opportunities to discuss other options. Mental health support is just a phone call away. This is going to assist those who are struggling because it can sometimes take weeks before people can see a psychologist in person. The new telephone hotline provides support when someone is in crisis or has a time sensitive issue and needs more immediate support.

The McGowan Labor government is also investing in 11 new innovative solutions aimed at strengthening mental health and building confidence and resilience. The government is funding the Innovation Challenge 2021: Child and Youth Mental Health, which is supporting some of WA's brightest minds to find new ways to help children and young people experiencing poor mental health. The Western Australian future health research and innovation fund will run the challenge and provide a secure source of funding to drive health and medical research innovation and commercialisation. The 11 applicants have been awarded up to \$50 000 each to undertake feasibility studies or build prototypes to progress their ideas, and they are competing for up to \$1.5 million to fully develop and implement their concepts. These successful proposals include interactive apps delivered in real-time, better screening, digital solutions to engage teenagers, and a safe haven cafe for young people experiencing mental health issues in the Peel region. I, for one, am very interested to see the success of these innovative solutions.

The McGowan government has dedicated almost \$3 million to pilot the state's first short-term youth residential service for young people experiencing suicidal thoughts and behaviours. The service is expected to assist up to 300 young people and their families each year. The pilot is expected to be operational next year, in 2023. The innovative model will provide support for 16 to 24-year-olds with suicidal thoughts in a residential environment. It will offer young Western Australians an evidence-based alternative to hospital emergency departments, which will reduce the stress on our hospitals. We are also delivering a 16-bed youth homelessness facility for those aged between 16 and 24 years who have mental health issues and are experiencing or at risk of homelessness. An eight-bed interim facility is currently up and running in Queens Park to help young people and their families to get the help they need and deserve. Addressing mental health issues can significantly help young people experiencing homelessness to get their lives back on track.

We are also committed to delivering a youth-specific step-up, step-down service in the Perth metropolitan area. This will be a 10-bed facility that will help young people and their families get assistance. The step-up, step-down service will prevent the escalation of mental health issues, which helps reduce the need for hospital admission and takes the pressure off our emergency departments. We have delivered \$27.7 million for youth long-term housing and psychosocial support services, with elements of co-design by young people.

The McGowan government is helping young people live in the community while accessing mental health and alcohol and other drug support. We can trust that this government will remain committed to delivering for our community's mental health needs. As a government, it is crucial that we deliver on the mental health needs of the children and young people of Western Australia. We must ensure that they have support available to them in times of need and the resources available to build up their resilience.

Mental health illnesses do not discriminate and I encourage all my parliamentary colleagues to think about what changes they themselves can make to ensure that they too stay mentally healthy.

**HON SAMANTHA ROWE (East Metropolitan — Parliamentary Secretary)** [11.29 am]: I rise this morning on behalf of the Minister for Health to give the government's response. I begin by thanking my colleague and friend Hon Klara Andric for bringing this important motion to the house this morning.

I think it is important, and I think everyone in the chamber would agree, that our children and young people have good mental health. We know that good mental health affects their ability to enjoy the healthy development of relationship building and allows them to make sure that they have healthy development throughout their lives so they can deal with the many challenges that will end up being thrown their way as they navigate school life, family life and work life. It is important that we always bring mental health issues to the forefront of this chamber, and it is timely that my colleague has brought this motion forward.

Improving mental health outcomes for children and adolescents remains a very important area of focus for our government. In 2020, the then Minister for Mental Health, Roger Cook, asked the Chief Psychiatrist to undertake a targeted independent review into the public mental health system following the tragic death of 13-year-old Kate Savage. The Ministerial Taskforce into the Public Mental Health Services for Infants, Children and Adolescents aged 0–18 years in WA undertook the targeted review, which resulted in seven recommendations to close critical service gaps in child and adolescent mental health services and to rebuild the system. Minister Cook acted immediately on one of the report's key recommendations, which was to establish a task force, with an independent chairperson, to collaboratively engage with families, children and staff from the Perth metropolitan and regional public child and adolescent mental health services.

The task force into public mental health services for infants, children and adolescents, or ICA, in WA was established to outline a comprehensive plan for a contemporary, world-class child-and-adolescent-service operating model,

incorporating best practice nationally and internationally. In 2021, the ICA task force was informed by expert advisory groups comprising more than 100 members, including children, young people, families, carers, staff who work in mental health services and government and non-government agencies involved in supporting children and their families. There was a program of engagement with health service providers' executive teams and all clinical teams, which provide mental health services to children and adolescents, in collaboration with ICA task force members. There was also a review of the reports, reviews and strategies published over the last decade that were relevant to the public CAMHS in Western Australia and across Australia, which summarised the findings and recommendations for a system-wide improvement of services.

The task force delivered its final report to government earlier this year. The new Minister for Mental Health, Hon Amber-Jade Sanderson, committed to implementing all 32 recommendations. In the recent state budget, a record \$1.3 billion was invested to bolster mental health and alcohol and other drugs services in WA, representing an almost 13 per cent increase on the year before. That increase includes \$47.3 million to respond to the 32 recommendations of the ICA task force, including \$18.5 million to expand the child and adolescent mental health service frontline workforce across seven regions by 11.6 FTEs; \$12.9 million for additional peer support workers; \$10.5 million to deliver a two-year virtual support service for at-risk children; and \$1.3 million for mental health workforce development. That is in addition to the \$4 million allocated to ensure that the immediate and short-term recommendations of the infant, child and adolescent task force are effectively designed, overseen and implemented.

Implementation will be a complex and challenging task. To be successful, implementation needs to be well planned, effectively governed and appropriately resourced. Involvement from people with lived experience and clinicians will clearly be critical. The Mental Health Commission has initiated an implementation program, and a governance structure has been established. To implement the new ICA system, new models of care will be needed for all existing services, as well as new statewide services to address the gaps in the system. Reconfiguring services and establishing integrated pathways and supported transitions—for children moving between infant, child and adolescent services and youth or mental health services—will be essential. Also essential will be collaboration and co-design with children, families, carers and those who work within the services.

Thirty-two workshops for consumers, carers, health service providers, clinicians and community organisations are scheduled across September, October and November. The workshops will kick off the development of 12 models of care, which cover five general models of care, including crisis response, and seven specific models of care, including specialised services and partnerships.

The Mental Health Commission has also been allocated an additional \$181 million for new and expanded mental health, alcohol and other drug services. That is in addition to the \$129.9 million for a youth package that was funded in last year's state budget. Some of those initiatives have already been spoken about by my colleague Hon Klara Andric, so I will not repeat those.

In closing, it is important to acknowledge the task force that undertook this really important work under the leadership of its chair, Ms Robyn Kruk, AO. I acknowledge the task force for its extremely important work and the many hundreds of children, parents, carers, families and clinicians who contributed valuable insights to the task force's findings and its recommendations.

I want to put my support on the record, and I commend the motion moved by my colleague this morning.

**HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition)** [11.37 am]: I rise on behalf of the opposition to speak on the motion moved by Hon Klara Andric about mental health funding here in Western Australia. It may surprise no-one in the chamber to hear that I would be happy to stand every single day and talk about mental health. Mental health is an affliction that affects our society in a very pervasive way. It does not matter how old people are. It does not matter what their backgrounds are. It is not selective, and it affects our children right through to our elderly. Wealth, or any of those demographic traits, does not matter.

There is no doubt that poor mental health has an impact across our society in many ways, including, of course, in the education of our children. I have seen this firsthand with my own children: the effects of the mental health challenges children face mean that they cannot undertake the normal classroom processes of testing, examinations and those sorts of things for a period of time. What we do not know is the long-term impact on children further down the track, when they are trying to go to university or further on. Those effects are incredibly powerful.

I will stop short of supporting the motion. It may surprise members across the chamber to hear that. Any funding into mental health is welcome—absolutely—and I do not think that anybody in the chamber would disagree that we need to do all we can to fund mental health as well as we can across the state. However, I think it is a little bit early to be congratulating anyone on any mental health achievements when we have significant waiting lists.

We were talking about this only yesterday. There is a 12.8-month wait for children to access clinical psychology as at 11 August this year. Those waiting lists are blowing out. We can throw a lot of funding at mental health services. We can throw billions and billions of dollars at them, but will it achieve a reduction in those waiting lists? Perhaps. Workforce challenges are making it hard to find the professionals we need. The other thing is understanding why.

It is fine to treat the afflictions that result from poor mental health, but why are they happening? What is it in our society that is creating the seemingly growing pressures on mental health? Is it a problem with the way our education system works, for example? Is it solely to do with social media? We talk about social media and the impacts on kids. I do not think it as simplistic as saying that social media is a cause of mental health issues; it is about understanding what creates the challenges that our kids are facing.

I welcome funding for mental health services every day, but I do not think we are in a position just yet to be congratulating the government for its funding when we are still seeing these issues. We need to make sure that the funding is going towards understanding why mental health issues have become so prevalent in our kids and in society in general. We need to understand why more young women in particular are afflicted with mental health challenges. Numerous reports and inquiries have all come to very similar conclusions in that respect. The rates of mental health issues in our kids, and in young girls in particular, are really shocking. I am sure that many other members will know, as I do, that the effects that mental health issues have on our kids are very challenging and it is difficult to receive the right help at the right time.

I certainly welcome the funding. I look forward to a reduction in the wait times so that more kids can access the mental health services they need, but also so that adults and others can access those services. It is a discussion we need to have more of in this place. We need to be the leaders in this space and make sure that we talk about mental health and encourage others to talk about it. Suffering from depression or anxiety is not something to be ashamed of. It is a very common affliction across our society. The more we talk about these things, the more chance we have of understanding the causes and how we might better prevent these problems from becoming too pervasive across our society. I will not say any more than that. I know that other members are keen to speak. I just wanted to get a few of those points on the record.

**HON DAN CADDY (North Metropolitan)** [11.43 am]: I start by thanking Hon Klara Andric for bringing forward this motion and noting her discussion about the connection between mental health issues and homelessness in young people, and that is an issue that I will get to shortly. I also acknowledge the hardworking parliamentary secretary for her contribution. Today, I want to personalise it a little bit by talking about a specific youth service provider that I am very familiar with. I will look at one of the programs it runs and also, if time permits, some of the case studies that demonstrate the results that are coming directly from this funding, specifically those about a couple of young women, to pick up on what Hon Colin de Grussa had to say. This institution is Perth Inner City Youth Services. People have heard me speak about PICYS briefly in the chamber before. I have visited PICYS on several occasions in the past, as I know has the local member from the other place, Dr Katrina Stratton, the outstanding member for Nedlands, who is a big supporter of PICYS and the work it does.

Just a really brief, two-sentence history for members. The idea for Perth Inner City Youth Services was floated in the late 1970s and PICYS was born in the very early 1980s. It started originally as a drop-in centre for young people. It then became more of a drop-in centre for Indigenous youth. In 1982, PICYS applied for funding through the homeless persons' assistance program and within a few years was providing independent accommodation through a number of shared houses across Perth for both males and females aged 16 to 25.

The reason I see PICYS as being so vital is that Andrew Hall and his team work with young people who we may refer to as hard-to-reach clients—young people who are often not accepted by other services, for a variety of reasons. Generally, it works with young people who have a long-term history of homelessness; people who need ongoing support over the long-term; people who generally have a number of presented complex issues, such as mental health issues, which is what we are talking about today, drug use and, possibly, criminal behaviour; and young people with diverse sexuality and/or gender.

To my mind, the work that PICYS does is a stand-out when it comes to getting results and making a substantial difference to the lives of a number of young people who, as I said, would otherwise have possibly fallen through the cracks. I want to talk briefly about the PILLAR program at PICYS, because it shows how government spending on youth mental health can make a real and tangible difference. I want to look at it over the last two years, and also at the OPP40 program, which supercharged the PILLAR program. This was done in response to COVID. I will refer to data from a PICYS report, *PILLAR OPP40 report 2022*, which covers the period from June 2020 to June 2022. I am happy to pass that document on to other members if they would like to have a read of it.

OPP40 is an acronym for “optimising PICYS PILLAR to 40 young people”. As I said, it was a direct response to COVID. When the PILLAR OPP40 program started on 1 June 2020, it had an opening case load of 17 young people. We must remember that COVID hit everyone, but it hit this group of young people, who were already very isolated, very hard. Sixty young people took up this program over the following 25-month period, and a maximum case load of 77 young people was reached. Over this period, OPP40 managed to close “active case” status for 40 young people, which was the program's goal.

I spoke earlier about diversity and the complexity of—I do not like the word “clients”—participants in these programs, and the young people who define themselves as being part of these programs. I will run through some stats from the report I referred to, and some of the key identified data of the people who engaged in these programs.



Of these people, nine per cent identified as Aboriginal or Torres Strait Islander; 60 per cent identified as LGBTIQ+; 40 per cent identified as trans or gender-diverse; and 90 per cent had engaged with mental health professionals. That is what this is about. PICYS gives them a safe location, but it is the wraparound support and mental health support that makes this program so incredibly successful.

I go back to what Hon Klara Andric said: 25 per cent of these people identified their biggest issue with moving forward in their lives as homelessness; a further 25 per cent put suicide ideation down as a prominent issue. That is a very high number, and something that we should all bear in mind when thinking about youth mental health and where we need to go and what we need to do to address the problem.

Four conditions were listed under “primary diagnosis” in this report, three of which I will mention. One-third of young people experienced severe anxiety, one-quarter suffered from depression and one-quarter suffered from some form of post-traumatic stress disorder. That is why the service that PICYS provides is so critical. As we have heard, this government has taken a real lead in the funding for youth mental health. The current minister, the previous minister, whom the hardworking parliamentary secretary spoke about, and especially the parliamentary secretary in the previous McGowan government have made this a priority. PICYS funding has been a critical part of this service. As I have outlined, and I will say it again, PICYS services a niche group of our youth who may otherwise fall through the cracks due to a combination of housing, security and complex mental health issues.

I recognise that I am running out of time. I wanted to refer to some case studies. I will refer to the people by first name only, but their stories are public. I want to talk about Ruby, who had an incredibly complex case history that made it difficult for her to meet the criteria of any of the other agencies. PICYS engaged with her and worked with her to manage her mental health issues and lifestyle difficulties. I want to read a quote from her. She said —

... I know how to talk to people but still more skills than I had before. I think differently about my future now I used to think I would end up a junkie on the streets but now I think I'm going to have a good future.

You guys have helped so much, encouraged me with schooling, meeting people going through the same things and having somewhere to live that's safe.

I have read all the pages of what she wrote. Trust was the cornerstone. That is what PICYS does well; it builds trust with young people. Ruby, a young woman, was 21 years old when that was written.

The second story I wanted to read is from Sam. They said —

Since working with the youth worker I have conquered a meth addiction. I was a daily meth user for seven months and was working as a sex worker. Together, the youth worker and I worked on some goal plans and utilised many different techniques to help me cope with meth cravings and the trauma of ... work. Since November last year, I have on the most part stayed clean. I am now studying at Tafe. If it wasn't for the help I got at PICYS I would be homeless or dead.

This is the power of the funding that goes to the right places. These are the personal stories that show that the funding is doing what it is supposed to do. From drug-related issues and homelessness to a stable living environment and full-time study, this is a fantastic example of the outcomes of record funding in youth mental health and it is a credit to PICYS, which I have chosen to talk about today.

**HON PETER FOSTER (Mining and Pastoral)** [11.52 am]: I also rise today to speak in support of the motion moved by Hon Klara Andric. I thank her for moving this very important motion. I want to add my name to this motion in commending the McGowan Labor government for its commitment to delivering record mental health funding, particularly for both children and young people. I want to acknowledge Hon Klara Andric's contribution and also the contributions of speakers who have spoken before me on this important motion. As I have said previously in this place, I believe that mental health is everyone's business. I am glad that members on both sides of the house are continuing this very important conversation by participating in this debate today.

I have also said previously in debate that I live with anxiety daily. I know that many Western Australians do so as well, including young people and members of our LGBTQIA+ community. It is believed that as many as one in five Western Australians have a mental illness or a behavioural condition, with those aged between 15 and 24 years believed to have the highest proportion of mental illness and behavioural conditions. Numbers are estimated to be as high as three in every 10 young persons.

As has already been said, the 2022–23 state budget was handed down earlier this year and it contained a record \$1.257 billion for mental health, alcohol and other drug services right across Western Australia, an increase of 12.5 per cent on the previous year's state budget. I know that this investment was welcomed right across the sector. In the 2022–23 state budget, \$5.1 million was allocated towards the mental health emergency telehealth service operated by WA Country Health Service. This service is well utilised by regional residents in the electorate that I live. Additionally, the 2022–23 state budget included an allocation of \$181 million to the Mental Health Commission for new and expanded mental health, alcohol and other drug services.

I want to spend a bit of time in my contribution today talking about the Mental Health Commission. The Mental Health Commission, through that investment, purchased a number of services for the state from a range of service

providers. As a regionally based member, I want to focus my brief contribution on one of those services. If members have never visited the Mental Health Commission website, I strongly encourage them to do so. It is a good source of information. I played around with it yesterday. People can type in their region or address and it brings up their local provider. If members in their electorate office deal with people who are experiencing mental health concerns, I strongly encourage their electorate office staff to bookmark that page, because it is a really good source of information. For me, in Tom Price, I could see where local service providers are in Tom Price, in Newman and over on the coast in Karratha.

The needs of LGBTQIA+ youth in regional WA are very complex. According to studies undertaken by the LGBTIQ+ Health Australia organisation, almost 25 per cent of LGBTQIA+ young people aged between 14 and 25 years live in regional WA. That is one in four. The same study showed that almost 64 per cent of LGBTQIA+ young people aged between 14 and 21 have been diagnosed with a mental health condition. Only 45 per cent of those have reported to have received treatment. That is a considerable number of LGBTQIA+ young people in regional WA who cannot access treatment. Compared with the general population, LGBTQIA+ young people are more likely to experience and be diagnosed with depression, with those LGBTI six times more likely, and those in the trans and gender diverse community seven times more likely. Almost 50 per cent of LGBTQIA+ young people aged between 14 and 21 report being diagnosed with depression. Almost 50 per cent again are diagnosed with anxiety. An astounding 83 per cent of those aged between 16 and 17 present high levels of psychological distress, with over half experiencing suicidal ideation. I think that is really sad. Those statistics paint a very grim picture, especially for us in regional WA.

Last Friday, 26 August, was Wear It Purple Day, which is why I am wearing my badge today to show my support for rainbow young people. Too many young people experience bullying and harassment—I was one of those in my younger days—from lack of acceptance about their sexuality or their gender identity. I want to say to all rainbow young people that you are valued, you are accepted and you are loved.

In November last year, the Minister for Emergency Services, in his previous capacity as Minister for Mental Health, announced an investment of \$500 000 to support LGBTQIA+ youth in regional Western Australia, funded through the Mental Health Commission for a 12-month pilot program. This program commenced in Geraldton, Bunbury and Kalgoorlie, focusing on building healthy, inclusive and connected communities. The aim of the project is to provide direct support to young people; explore the broader issues they face in regional communities; deliver workshops; and deliver information to schools, educators, healthcare professionals, caregivers and parents. This project is being delivered by WAAC, formerly the WA AIDS Council, which has the aim to welcome and support people from all walks of life and build healthy, inclusive and connected communities.

I had the honour a few months ago to visit WAAC's offices just down the road in West Perth, and had a meeting with the CEO, Lisa Dobrin, and her team. They are doing fantastic work right across WA in tackling some of these really serious issues. We talked about the Freedom State program, which is what the \$500 000 was allocated towards. Lisa told me that her team is working collaboratively on the ground with local groups, community members and agencies and building referral pathways to other services to ensure that young people get the support they need. It was pleasing to discover this week that the Western Australia AIDS Council has had its pilot program extended for a further 12 months, which is great. This service will now continue until June 2023 and it is expanding. WAAC services Bunbury, Geraldton and Kalgoorlie. It is also moving into the south west region and Esperance and is looking at moving into Carnarvon. I had an initial meeting with a worker who is looking to build some connections in Carnarvon. In Bunbury and Kalgoorlie, WAAC is collocated with Headspace. In Geraldton it is collocated with a psychology service and it works with a number of local organisations including OUT South West, OUT Midwest, Goldfields Price and Margi Pride. It also works with other organisations such as the YMCA, the Cities of Bunbury, Greater Geraldton and Kalgoorlie–Boulder, Mission Australia, Youth Focus, WA Country Health Service, Geraldton Regional Aboriginal Medical Service and many of the local schools in their catchment area.

I will read from my notes a few of the comments made by staff who work for WAAC and deliver the Freedom State program. A staff member in Bunbury says that they have participated in youth events that have provided some young people within the LGBTIQ+ community with the first positive representation of queer people that they have ever seen in the region. This has shown them that people care and that times are changing. They said that they have met a lot of wonderful young people who have entrusted them with some of their deepest and closest inner knowings about their gender journey—something that this staff member holds very dear. A highlight for this staff member was working with the Shire of Capel and receiving feedback from young people who said it was the first positive LGBTIQ+ event that they had ever seen. A young person said that it was great to see that this will have a positive influence on school bullying, which was flagged as an issue, and another student at a local senior college had expressed their gratitude as they had to move schools due to bullying.

A community development officer in Kalgoorlie said that a key highlight for them was a community parents and carers workshop. All the attendees earnestly wanted to know how to support their young person through their journey and experiences. A few attendees spoke about someone in their young person's life who was not supportive of them and was making their life challenging. At the workshop, when discussing the challenges that the young

person was facing, a few people began to cry due to sadness, wanting their young person to be okay and not knowing what to do. The officer described how they held space for them in that moment and reassured them that they were taking the correct steps to seek help and that that would mean a lot to the young person knowing that they were safe in that moment.

Noting that I only have 20 seconds left—there is much more to talk about on this topic—I thank the McGowan government for its record investment, particularly for the Freedom State program, which is providing real benefits and saving the lives of regional people. I thank Hon Klara Andric for moving this motion and for giving me the opportunity to speak.

**HON SANDRA CARR (Agricultural)** [12.03 pm]: I rise to support the motion put forward by Hon Klara Andric. I thank her for putting forward a motion on such an important issue. I heartily agree with the celebration of, in particular, the record spending by the McGowan government in mental health and in embracing innovation and education to support the mental health of Western Australians. This is a topic that is close to my heart and very personal. I am sure it is the case for pretty much everyone in the room that we are, in some way, personally connected to someone who has at some stage of their life, or is currently going through, mental health challenges. For me, as I have mentioned in the past, it manifests in the form of anxiety and depression and also a diagnosis of adult attention-deficit disorder. I do not necessarily believe that people could have openly admitted these things in a context such as this place in the past. It is a very encouraging development that I can say that openly to my colleagues in the context of the Legislative Council chamber and feel no fear of repercussions or anyone undermining my credibility because of the particular mental health challenges that I, as well as the people around me, may face on a daily basis.

In my discussion of mental health, I will focus on youth, education and some of the McGowan government's contributions to regional spending. I will refer to a couple of measures in the 2022–23 state budget that are particularly important to me. First is \$18.5 million being spent to expand child and adolescent mental health services across regional Western Australia. I am a regional member and spending in the regions is very important to me. I always pay very close attention to that, making sure our regions are not overlooked or left behind. There is also \$5.1 million to continue mental health emergency telehealth services. That is about ensuring our regional residents can access mental health services, which is particularly important. As we all know, people in the regions rely more heavily on telehealth, apps and internet services to access a lot of essential health services. I noted that yesterday when Hon Donna Faragher, who is out of the chamber on urgent parliamentary business at the moment, talked about access to child health services, she gave the example of someone living in the metropolitan area who had travel to another suburb. It really made me reflect on how intensely those challenges are amplified for regional people who have to travel hours upon hours to access those services, if they get the opportunity to access them at all. It requires far greater effort and commitment for regional people to access those services.

The McGowan government is doing great things. In March this year, the Minister for Education and Training, Hon Sue Ellery, announced a new fee-free course. The mental health practice skill set course is now free, even for people who are already in the workforce. The course is about building capacity in our community to make sure there are people out there with the skills and attributes that can help support people who are experiencing mental health challenges. I think this is an excellent development because the cost barrier is one of the greatest challenges for people skilling up to provide the services we need or to fill that workforce need. Some of the most valuable people delivering mental health support often experience financial or socio-economic barriers. They have direct on-ground experience that enables them to relate directly to people experiencing specific mental health challenges and life experiences. It is so important that we have a diverse workforce to meet and engage with people experiencing mental health challenges so they can connect with people who they directly relate to. It makes communication open and so much easier for people with those challenges.

Minister Ellery also recently announced the great election commitment of \$42.2 million over four years for the employment of an additional 100 full-time psychologists in schools. This is an excellent initiative. Minister Ellery and the McGowan government have recognised the need to address these issues within the school and educational context to make sure that our young people are being looked after. We are meeting their areas of need in the educational context, where they are typically most open to that. From my own experience as a teacher, and perhaps also as someone who has experienced mental health challenges, often one of the educational barriers my students experienced was mental health challenges, but they did not have the personal insight or emotional intelligence to necessarily recognise that in themselves. Part of my teaching was to gradually coach these students to recognise that what they were experiencing were actually mental health challenges and then to connect them to the appropriate services. There are always barriers to young people recognising those things and they come in all different shapes and forms. Among the challenges may be that families do not necessarily want to talk about mental health, or there is a lack of emotional intelligence. It is a range of things. But the educational context is such an opportune environment to address mental health conditions.

I am also really pleased to note the development of the WA respectful relationships teaching support program in schools and the great collaboration between Minister McGurk and Minister Ellery. The respectful relationships

teaching support program delivers training that embeds respectful relationships in the way that teachers and staff deliver education and support to students in schools. It is particularly important at the moment, given the proliferation of social media identities, let us call them. I refer to the likes of Andrew Tate, who is having a significant impact on the thinking of our young male community. Respectful relationships is an excellent counterculture to that. Some of the media chatter that I have been listening to recently has been about young people engaging in and hearing that kind of content. Some might define it as toxic masculinity, but I can tell members right now that I do not like that term because I think of it more as toxic socialisation. I do not like the term toxic masculinity because I saw so often, particularly in the school context, young men feeling defensive when they heard that. They hear the words “toxic” and “masculinity” and they think that we are saying that males are toxic. That is not at all what we want our young men to think. We love our young men and want them to do well and feel equally valued across the whole community.

I think that the investment in respectful relationships is profoundly important as a counterculture to some of the toxic content and socialisation that our young people are experiencing on social media platforms. It is also a great way for schools to take some responsibility. We have to be mindful that education brought a lot of technology into young people’s lives with the insistence on using things like iPads as part of the delivery of the school curriculum. Although they can be incredibly helpful learning tools, and even great for lightening the load of schoolbags by reducing the number of schoolbooks and things, they have also opened up the world of the internet and some of its darker aspects. Our young people get very little respite from all that information these days. Some of it is useful and some of it is profoundly damaging. I put Andrew Tate in that category. His platform is designed to generate outrage, and that self-perpetuating outrage keeps filtering through the algorithm back into our young people’s worlds.

I am really grateful that we have programs like respectful relationships that allow our young men in educational institutions to recognise that that is unhealthy. Believe me, young men are saying that. They recognise that it is unhealthy. Some schools out there are writing to parents and encouraging them to talk about that kind of social media. Those schools are encouraging critical thinking in young people. They are encouraging young people to question who is being served by that kind of platform and to question whether it is healthy, what they think about it, and what is important to them.

I congratulate the McGowan government and Hon Klara Andric for her motion, which I fully support.

**HON DR BRIAN WALKER (East Metropolitan)** [12.12 pm]: In the few minutes left to us in this moment, I will also support the motion and congratulate the McGowan government. I thank Hon Klara Andric for presenting the motion and also the hardworking and reliable parliamentary secretary for all their words; indeed, I support all the words from all the contributors.

As a hardworking doctor who has been involved very heavily in mental health at the coalface, I can say that I very much appreciate every single dollar that the government can put towards mental health. But I would also counsel that measuring success by the amount of dollars put out does not actually work because for all we have invested in mental health, at the ground level we are not seeing much of an improvement. The model of care, the workforce and the infrastructure need to be looked at, as Hon Klara Andric mentioned.

I would heartily recommend looking closely at the child and adolescent mental health service because the experience I have had on the front line is that we are not getting a great deal of access or success. For members who are wondering why that is happening, it is not because money is not being spent. We need to look at how wasteful we are with our resources. It has been said that if we used our resources better, the outcomes would also be better. Effort needs to be put into that area as well, and I encourage doing that.

The community is also a major source of mental ill health. There are many, many causes for that. I could spend an hour talking about this. Every single aspect will be addressed by whichever government happens to be in power—alcohol use in the communities; indeed, alcohol use everywhere; drug use and abuse; but also the physical, mental and sexual abuse that seems to permeate vast areas of society, resulting in children being at risk. Members may not know but when I became a GP, I originally wanted to be a paediatrician, but I discovered I could not, because seeing children suffer made me suffer. I would have been dead long before had I become a paediatrician, simply with the pain of seeing the suffering. When I hear what is going on in society, and the issues of mental health in particular, I feel pain. Having experienced that in my own family, I feel pain. Action needs to be taken and I commend the McGowan government for this.

Motion lapsed, pursuant to standing orders.

#### **SELECT COMMITTEE INTO CHILD DEVELOPMENT SERVICES**

*Statement by Acting President*

**THE ACTING PRESIDENT (Hon Steve Martin)** [12.14 pm]: As required by standing order 169, I advise that the President has granted permission for the Select Committee into Child Development Services to meet today at 4.15 pm for 15 minutes.

**CIVIL PROCEDURE (REPRESENTATIVE PROCEEDINGS) BILL 2021***Committee*

Resumed from 31 August. The Deputy Chair of Committees (Hon Steve Martin) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

**Clause 33: Reimbursement of representative party's costs —**

Progress was reported after the clause had been partly considered.

**Hon MATTHEW SWINBOURN:** When we left this matter yesterday, we were in the process of responding to a matter raised by Hon Nick Goiran, and hopefully I will paraphrase him correctly: is the purpose of clause 33 to enable the representative parties' costs to be covered on an indemnity basis? We have had an opportunity to consider that in more detail overnight and I make the following points.

It is important to note that the representative party plays an important role in the representative proceedings in that they are responsible for running the action on behalf of group members. In this respect, they will bear the total professional costs and disbursements payable to their legal representative during the action, unless they obtain another form of funding such as litigation funding. A representative party is also liable for costs in the proceedings as set out under clause 31 of the bill. On the other hand, during an action, group members usually play a passive role and may not even be aware that they are a group member. They will not be liable for any costs under clause 31 of the bill and ordinarily would not incur any costs in running the action. Thus, given this unique set of circumstances, when compared with individual proceedings, clause 33 provides the representative party the opportunity to ask the court to recover any reasonable costs incurred in the proceeding that exceed the costs recoverable against the respondents from the award of damages in the proceeding. In a sense, the clause provides the court a discretion to order for the benefit of the representative party a type of indemnity for their costs, but that is not against the defendant in the matter; it would be against the award of damages. This recognises the financial burden that the representative party carries on behalf of group members. However, it is important to note that the clause operates concurrently with any cost rules, including the rules on indemnity costs.

**Clause put and passed.****Clauses 34 and 35 put and passed.****Clause 36: Abolition of torts of maintenance and champerty —**

**Hon NICK GOIRAN:** We are on the penultimate clause of this 37-clause bill. This is the one clause that differs from the earlier twin bill that was presented in the fortieth Parliament. This is the clause that seeks to abolish the torts of maintenance and champerty. We spent a little bit of time discussing that in the second reading debate and at clause 1. It is noted by the government and the opposition that this matter has its history in a Law Reform Commission report. Subclause (2) seeks to clarify the intended scope of subclause (1), which is absolute abolition of those two torts, yet subclause (2) seeks to clarify precisely the scope of that absolute abolishment. Subclause (2)(a) is, in my view—I welcome any comment the parliamentary secretary might have to make on this—technically unnecessary because it merely confirms that subclause (1) is not retrospective. I submit that if subclause (2)(a) was not there, it would have no meaningful effect. I assume that, once again, this has been included on the advice of the entity regularly mentioned but never present and that out of, if you like, an abundance of caution, one might say that it puts beyond doubt that this abolition has not occurred in a retrospective fashion. I do not quibble with that; I simply make the observation that in my view it is technically unnecessary. However, subclause (2)(b) is slightly different. I understand that it received some consideration in the Law Reform Commission's report that is the genesis of this matter. Obviously, the government has decided to proceed in the same way that has been recommended by the commission, but can the parliamentary secretary take this opportunity to outline the necessity for subclause (2)(b)?

**Hon MATTHEW SWINBOURN:** In relation to the point that Hon Nick Goiran made about paragraph (a), we agree that it is about putting it beyond doubt, so I can confirm that his understanding is essentially correct; we concur with that. In terms of subclause (2)(b), the provision is included in the bill because in its maintenance and champerty report, the Law Reform Commission was of the view that there is merit in including such a provision for the following reasons, which we endorse. Firstly, the provision underscores the legitimacy of the court's role in scrutinising funding agreements, provides a safeguard to balance the torts' abolition and addresses concerns about control of an action by a third party funder or situations in which contracts could obstruct or pervert justice or promote litigation considered against public policy. Secondly, based on the experience of other Australian jurisdictions legislating in this fashion, it will not prevent plaintiffs from accessing litigation funding to support them. Thirdly, including such a provision will ensure that Western Australia is consistent with other Australian jurisdictions. Further to that, other states, such as New South Wales and Victoria, have included similar provisions. This provision is also similar to the United Kingdom provision that abolished the torts in that jurisdiction. As I said, it is consistent with recommendation 1 of the Law Reform Commission's maintenance and champerty report.

**Hon NICK GOIRAN:** Have there been any problems for litigation funders in those other jurisdictions—I think the parliamentary secretary mentioned New South Wales, Victoria and the United Kingdom—as a result of that?

As I understand it, if anyone were to object to subclause (2)(b), the most likely stakeholder would be litigation funders in that somehow the inclusion of subclause (2)(b) might still call into question any possibility of them participating in or facilitating these proceedings. The last thing we want is forum shopping, as we discussed earlier. I think that concern might be put to bed if it is the case that Victoria and New South Wales have a similar provision and it has had no impact on litigation funders.

**Hon MATTHEW SWINBOURN:** Our understanding is that it has had no impact.

**Clause put and passed.**

**Clause 37 put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

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

**MINING AMENDMENT BILL 2021**

*Second Reading*

Resumed from 9 August.

**HON NEIL THOMSON (Mining and Pastoral)** [12.27 pm]: I rise on the behalf of the opposition to speak to this bill. In speaking to this matter, I would firstly like to say that the opposition is supporting the bill.

**Hon Kyle McGinn:** Are you the lead speaker?

**Hon NEIL THOMSON:** So that people are aware, I am the lead speaker on the bill.

There has been some commentary, and members have probably received emails recently from some parties. I think there has been some misunderstanding about some matters. I am sure the parliamentary secretary—I am assuming he will be speaking on —

**Hon Matthew Swinbourn:** I think I have received the same correspondence.

**Hon NEIL THOMSON:** I would say there has been some correspondence, and I am sure that will be explained.

**Hon Matthew Swinbourn:** Just to be clear, I have received that in my capacity as the Attorney General's parliamentary secretary.

**Hon NEIL THOMSON:** Right. That did sort of lead to a statement. I will read out a position on the matter, which is more formal, I suppose, from the opposition's point of view. I think that is clearly for the public record. It states that the bill offers a range of necessary and advantageous updates to what is an ageing document. The bill is expected to help ensure a more consistent and predictable assessment process, which may result in more efficient approvals and improve oversight of projects. The bill will not alter the grounds by which projects will be approved or rejected. The improved interface between mining proponents and the approvals process will not equate to a reduction in oversight or rigour in the analysis of applications for mining, as placing projects in a clunky and inefficient approvals system does not protect the community or environment from negative outcomes. That response has been circulated by some of our members on this side, so that should give some comfort to the government that we support the proposal.

In saying that, I note that there will be an opportunity within this process to ask questions and clarify points. I think that is a useful process for the public record. In a general sense—this is just a comment, I suppose—some elements of the explanatory memorandum may have been taken out of context and certain words within it probably fed into a certain narrative that might have led to a misunderstanding that the bill might erode certain rights and protections that currently exist. I am not saying that it will erode them, but people might have got the impression that there would be some erosion. The process in the Parliament today will be useful insofar as it will provide a bit of clarification around elements of the bill and what it will achieve.

As part of my commentary about explanatory memorandums, I think there is an opportunity for the government to be a little more careful in its wording of them. I am just providing some gratuitous advice to the government, because I have seen this in the past with some explanatory memorandums that may not have been clear about what the bills were trying to achieve. We will probably get into that in a bit more detail shortly.

We know that a number of factors led to this bill coming about. The bill will make a considerable number of amendments, but they are largely administrative. Some concerns were raised by industry at various stages of the development of the bill and I think they are worthy of being discussed today. My understanding is that this is part of an overall process that has been underway for some time; we have seen the whole process of red-tape reduction as a general trend across government. We see a tendency for governments, probably of all persuasions, to move towards

having acts being defined in a fairly generic sense and providing something more akin to an industry-managed process within a regulatory framework, if that is a way of describing it. That means that the level of prescription within the act is reduced, and through the regulation-making process, some requirements and onus are put back onto industry to manage certain things when the risk is lower. I think that probably sums up what this bill is trying to achieve, because it is within a risk framework that these things are managed. We are all hopeful that this will reduce the level of interaction that mining or exploration companies, in this case, will have with a regulator on an ongoing basis. We have seen this tendency in other spaces as well, not just in the portfolios I am more familiar with, such as planning. A risk-based framework has been achieved and certain plans have been developed and endorsed. That gives industry the flexibility to get on with the job of dealing with low-risk activities, but it also provides the necessary protections so that, if something goes wrong, the government has a process for managing it.

The proposed low-impact activity framework for prospecting and exploration was developed in 2015, which I assume was part of the genesis of this bill. The COVID period has led to a number of challenges to getting approvals done on time, as has the massive growth in the mining and exploration sectors, putting incredible pressure on our regulatory agency.

The explanatory memorandum sets out the three fundamental components of this bill. The first element is the low-impact notification process, as it was previously termed, though I think the terminology is different now. The second element is the introduction of a single approvals statement for mining operations, which seems to include the closure plans. In the committee stage, we will discuss mining operations and closure plans and how they link up. The third element is the consolidation of approval conditions within a single part of the Mining Act 1978. A number of provisions will be deleted from the massive tome that is the Mining Act 1978 and the conditions will be consolidated in a new part.

I flag the risk of some duplication in the committee stage of the bill later in the day. No doubt we will work through it, but it has been quite challenging to go through all the deletions and then the consolidation in clause 34. On behalf of the opposition, I ask for forgiveness if there is any duplication as we go through the process of scrutinising the bill. I had to create a rather large table to work through what is in and what is out. The marked-up copy of the act was useful in that process, but there are a number of quite administrative changes. Hopefully, we will not need to spend too much time on them during the committee stage and we can get to the nub of the issue: the fundamental reason for the changes, the consequences the changes will have for industry, and how they will play out in industry land and on the ground. I am sure that is what the industry is interested in and I am sure that is what the community is interested in.

I am here to represent the opposition today while one of my colleagues is on urgent parliamentary business, but I make this comment because, in my relatively short exposure to this particular bill, I have noticed the need for clarity around how this will ultimately work out. Will it actually achieve the goal of reducing the amount of red tape in the system and the unnecessary interaction with regulators? I think that is the question. I have heard comments from people in the industry—this is not from a peak body but from my interaction with people in the industry—who all hope that this bill will result in less prescriptiveness; however, there is always a risk that it could actually be more prescriptive. I think that is a reasonable concern. The area I am most familiar with is the planning space. I have said in this place that I was involved in the development of the strategic assessment process for the rezoning of land in my previous life. The negotiation process with the federal government started back in the period of the Carpenter government and, in my opinion, it ended up being a red-tape reduction process that is still to be finalised today. Once those processes are effectively taken over by well-meaning bureaucrats, they sometimes end up becoming more complicated than intended.

I will explain myself further as we get into those more detailed components of the act. I will specifically ask about how those programs of works—they were both statements—will be prepared and managed to actually result in a reduction of interaction with the regulator, as opposed to any upcoming, more prescriptive, interaction than is contained in the very legislation that we are putting lines through and deleting from the act.

We know that Western Australia is involved in probably the largest mining boom in its history. It is phenomenal what is happening in my region—the Mining and Pastoral Region; the amount of exploration that is underway is absolutely phenomenal. We know that there have been in the order of 4 000 work applications a year and a large percentage of those are low impact and low risk—for example, an auger drill mounted on a four-wheel drive. We know that there are rigs operating out there, to a large extent, across the state. I understand that these amendments target those sorts of applications to some extent. The small-scale operations that add to the administrative workload of our regulator can sometimes be disproportionate, and could, effectively, be managed through standard conditions defined by the regulations.

I would like the parliamentary secretary to comment on that because I think the fact that we will have an automated application process has created some concern; people have just assumed that an automated process will result in a lot of activity. I think there is confusion between the application of a licence and the approval for specific activity within the licence. Again, I think that the government probably needed to provide a better explanation of that to the community to avoid the concerns that were raised.

As I said earlier, a massive investment is going into mineral exploration. According to the Australian Bureau of Statistics, in the June 2022 quarter, we had a massive investment of \$673 million. To put that in context, Queensland had the next highest investment into mineral exploration at \$129 million. Mineral exploration in WA represented 63 per cent of total mineral exploration investment in Australia, which is a massive amount. A huge investment process is underway, and we know that employment is a massive component of this. The mining sector plays a critical role in employment, and we should not curtail that if it does not impact negatively on our communities and the environment in particular. That issue is at the heart of what the government is trying to achieve today.

The royalties component that flows from this has been much to the benefit of the Western Australian government and the Labor government that has been in place —

**Hon Kyle McGinn:** The Western Australian people benefit.

**Hon NEIL THOMSON:** I am getting to the Western Australian people, honourable member. I totally agree with the member's interjection. This is something that has been driven by markets overseas; we have seen that drive here. The opposition will do everything it can to help facilitate this within a proper parliamentary process, as we are today. It will make sure that a level of scrutiny is applied and that we have the clarity that the community demands and the outcomes that we hope will benefit all Western Australia.

The bill will introduce eligible mining activities, EMAs; the automated authorisation of low-impact activities, subject to standard conditions; and, as I have mentioned, the single approvals statement, which I think is important to comment on. My understanding is that the single approvals statement will combine a number of requirements into a single mining development and closure proposal, and provide approval for activities relevant to the environmental conditions across multiple tenements. We will go into that more in Committee of the Whole House, as we do.

I want to raise briefly some of the industry concerns that were mentioned previously at various stages. Again, these concerns could be addressed further in the committee debate. Clearly, the industry is concerned about the backlog of approvals. This is a big issue for the industry. Clearly, the government is concerned about the ability to deliver on the backlog. We saw some effort by government to provide additional funding, I believe, to help deal with some of these. An approvals response plan was to direct some regulative functions and resources to support the assessment process, and the Minister for Mines and Petroleum outlined in a press statement—in, I think, March this year—how some of those would be moved through more quickly. We know that the regulator has had some challenges to deliver all the approvals in time, and that has been a challenge to industry.

In taking this approach of removing prescriptions out of the act and moving them into what would be regulations—then defined through these single approvals statements—concerns were raised. There were concerns about the process being automated for eligible mining activities. There were concerns about an overly prescriptive approach that might be applied after legislation in regulations, and there were concerns about the possibility of a one-size-fits-all assessment approach. I think the intent is to move away from a one-size-fits-all approach, but then the challenge and question for approving those programs of work and approvals statements is how they will be assessed and defined. I assume that will have to be dealt with through the regulatory process. Guidelines will have to be developed if they have not already been developed. From the industry's point of view, a level of discretion will be needed about how those are put together. That raises the important question of how it has an impact on an operator's resourcing requirements. We know that the industry has many different types of operators. We have small operators and we have larger operators. Some are more prepared and organised than others. Some are more capable of producing those plans than others. I guess the onus will go back to industry; industry will need to be more prepared and drive that process. There might be some interpretation of that when those plans are assessed. The concern is about the potential transfer of compliance responsibility to operators, based on what might be prescriptive conditions. We do not see that because, effectively, a line will be drawn through a lot of those in the legislation. We assume that some definition will come through regulations and guidelines, and we hope that that will result in the bill's intent being achieved.

There was a concern about the potential lack of detail about what eligible mining activities are and how they will be defined. We saw that in some of the discussions about the Aboriginal Cultural Heritage Bill. The modern design process of legislation seems to be that we kick the can down the road into the future—so to speak—and end up having those details dealt with in the regulation process. We know that right now the government is trying to define activities within the Aboriginal Cultural Heritage Act through the regulation process. In this place, I predicted that it was going to be a difficult process to achieve that outcome. Will that achieve the government's goal? Will the same process be undertaken in this case? There will be questions about how long it will be before that clarity will be provided, either through regulation or guidelines, so that those eligible mining activities can be defined more clearly.

There was concern about the potential conflict with the Aboriginal Cultural Heritage Act, and I note that there will be some interaction between the two pieces of legislation. Some definitions certainly seem to be the same, so I will be interested to hear to what extent there will be some harmonisation of the ground disturbance activities that are effectively going to be managed.

As I mentioned earlier, the industry is made up of very different players and, as we know, some are very big players. The larger companies are very ably managed. They have large regulatory compliance units within their operations



and are probably well placed to provide the level of detail that might be required going forward. But the smaller operators might find that they have more work to do, as they may have previously relied on a regulator to tell them what to do and effectively complied, but did not have to produce much documentation. In saying that, I certainly have heard commentary that a lot of documentation has been provided in the past and there is a feeling within the industry that sometimes that documentation was not always necessary. When the department or the regulatory body has a very busy and stressed workforce, often the documents for some of the minor activities might not serve much of a purpose.

Another concern that was raised was about the capacity to change and adapt, and hopefully we can draw that out a little bit during the committee process. The single approval statement might impact on multiple tenements, for example. The question is whether there will be a level of flexibility for reassessment when operational processes and plans change and how that will impact on the single approval statement. There might be technical changes within a company's operations, so that may impact on its requirements in its interaction with the regulator. That issue has been raised.

There is also an issue about the timing of the operations currently authorised under a mining proposal. The approval will continue for a period of six years following the commencement of the bill. I think the Association of Mining and Exploration Companies said in its submission on a previous iteration of the bill that six years was too short. There was some desire—I do not know whether it was the Chamber of Minerals and Energy or AMEC, but I have it in my notes that the issue was raised—to have that transition to the end of the life of the approval. Obviously, a transition time is outlined in the process, so it will be interesting to get an explanation of the time line for the finalisation of the regulations, when the bill will come into full effect, the adjustment process, the support that the industry might get from the regulator to adjust and make the necessary changes, and how the process will work in practice.

The new mining development and closure proposal will allow the Department of Mines, Industry Regulation and Safety to work with the Environmental Protection Authority.

*Sitting suspended from 1.00 to 2.00 pm*

#### VISITORS — AUSTRALIAN ISLAMIC COLLEGE

*Statement by Acting President*

**THE ACTING PRESIDENT (Hon Peter Foster)** [2.00 pm]: Welcome back, members. Just before we get underway, I would like to acknowledge visitors from the Australian Islamic College here with us in the chamber today. We hope that you have a fantastic tour around Parliament and enjoy what we have to show you.

#### MINING AMENDMENT BILL 2021

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON NEIL THOMSON (Mining and Pastoral)** [2.01 pm]: Before the break, I was talking about some industry issues and concerns. Issues relate to opportunities as well. I had started to deal with the issue of opportunities that might exist in relation to serious regulatory reform. We know that regulatory approvals have multiple entry points, and we have multiple agencies involved in approving the processes associated with mining, as they do with other aspects of the economy of Western Australia.

A suggestion was made in one of the submissions about a mining development enclosure proposal creating an opportunity for the Department of Mines, Industry Regulation and Safety to work with the Environmental Protection Authority, the Department of Water and Environmental Regulation and the Department of Planning, Lands and Heritage to get some alignment and holistic documentation that would cover projects from operations through to closure and relinquishment, and avoid the onus of navigating the process residing solely with the proponent. That was a comment in one of the submissions to an earlier iteration of this bill. These are industry concerns. I think, overall, there is support from the industry for this change, but concerns exist with regard to where the onus is at the moment and how seriously the regulatory reform is being undertaken at this time.

Another issue was raised, and this is something that I would also like to address in Committee of the Whole—the cancellation of approvals without providing a reason. There is a provision in the bill that will provide the ability to cancel approvals, and I would be interested to know the government's reasons as to why approvals can be cancelled without providing a reason. There might be reasons why, so it would be good to hear in this place the government's explanation as to how an approval can be cancelled by the minister without providing reasons. I wonder whether reasons would have to be provided.

**Hon Matthew Swinbourn:** Member, what clause are you talking about, just to be clear?

**Hon NEIL THOMSON:** We will do that during Committee of the Whole, if that is okay.

**Hon Matthew Swinbourn:** I was just trying to give the advisers an opportunity, if you could identify the clause.

**Hon NEIL THOMSON:** If the parliamentary secretary does not mind, it is on my big list. I have many yellow tags. It is probably a little difficult for me to recall off the top of my head.

**Hon Matthew Swinbourn:** That is fine.

**Hon NEIL THOMSON:** If I can assist once we get to the committee stage, as soon as possible I will look that up as well. Obviously, the advisers are listening, so they may know the answer. Hopefully, they will.

**Hon Matthew Swinbourn:** They might. They are a lot more knowledgeable than I am, that is for sure.

**Hon NEIL THOMSON:** That is right—you and I together. That would be useful.

The Association of Mining and Exploration Companies recommended that that practice not be implemented and that the minister should continue to publish reasons why a cancellation has been issued.

Some of these concerns are not unfounded. It is worthy of discussion. I am sure that other members in this place will raise matters on some of the communications that we have received from the community. Along with the concerns that I have raised, I am sure there is a desire to have some clarification going forward.

Earlier I mentioned the process that I am more familiar with in the planning space. I gave the example of the strategic assessment of the Perth and Peel regions. Effectively, the delegation of environmental approvals to the state is still underway. I hark back to my background in regulatory reform. I point to the COAG agreement sometime back when a number of principles were outlined on how regulatory processes in jurisdictions should be developed. I will not go through all the principles. We know that the number one principle is a case for action, which will be explained more in response. In principle 5, the agreement states that regulatory processes in their jurisdiction are consistent with —

providing effective guidance to relevant regulators and regulated parties in order to ensure that the policy intent and expected compliance requirements of the regulation are clear;

I printed out the soon-to-be-old provisions, but they cannot be recorded in *Hansard* as they comprise a pretty thick tome of the marked-up copy. A number of the old provisions will be deleted upon passage of this bill and its promulgation into law after the regulations are finalised, I assume. I think the important matter here for the regulator and the regulated parties is that there is clarity around the policy intent. We all know that in high-level terms, we need to reduce the amount of double handling or triple handling by regulators and the intervention by regulators into the operations of mining operations, particularly prospecting. That is clear, but the expected compliance requirement is probably still to be determined. Of course, the response from government will be that until we have regulations, that will not be determined. With the passage of this bill, we will be passing laws, hopefully today, to achieve an outcome, but there is still a lack of clarity around the expected compliance requirements, how they will play out, and particularly the onus of compliance and how that will be assessed by the regulator, if there is a conflict. If something comes up that is deemed to be in breach, how will that be assessed and how much guidance and consistency will be given to the industry in the development of its own programs of work and plans that it has approved in the process? That part has yet to be achieved, and in that sense, by supporting this bill we take it that the government is acting in good faith that that will be achieved.

I am very interested in looking at the steps that go beyond this and I am certainly very interested in the level of feedback from industry about the development of regulations and the regulations in practice. I think that raises an issue about how the government will manage that process and with it, whether the government will be open to some sort iteration within that process so that we get it right for industry. Sometimes, even the best minds in agencies that can be found in government would be challenged to identify every contingency for every scenario that exists in industry land. It is because, as I said earlier, industry is an extremely varied entity. It ranges from people out there drilling, operating with small rigs, all the way through to massive mine sites where multibillion-dollar companies have been operating in situ in that environment for a long time. They are very different in the way they operate. That feedback needs to be provided.

This approach seems to be the way of government at the moment. It creates some risk into the future. We all know about Henry VIII clauses and the potential of regulators to go beyond the intent of the legislation. By making legislation less prescriptive, we increase the risk of some of that happening as well. That is also a challenge and we should make sure that there is a control mechanism or some way of feedback provided by industry to ensure that we do not end up with overreach with some of those decision-makers who might be looking at a program presented by a proponent. I hope there is consistency and a lot of key guidelines around that.

In summary, we support any red-tape reduction process. The opposition acknowledges the challenge faced by government with this massive boom in the industry. We understand the huge number of approvals that have to be dealt with. It is acknowledged that there is also a cost-recovery element in here; that is something else that needs to be considered. I suppose it raises the question whether there will be any impact on cost. A reduction in red tape will hopefully reduce the need for people to handle regulatory approvals. Will there be any sort of metric? I suppose the two major metrics from the industry's point of view are, first, the timeliness of approvals and, second, the cost of approvals. With regard to timeliness, we would all hope that the Mining Amendment Bill will ultimately reduce the time frame for approvals. But from a cost point of view, there is a risk that the cost of those up-front planning processes could increase with maybe the potential for a decrease in the cost of the application processes. Certainly,

nothing has been said about that in the presentations given by government on this bill or in its explanatory memorandum. I assume that if this bill achieves its intent, it will not impact on cost. If there is an overall impact on the cost of preparing for an approval and the cost of getting an approval through the process—the two distinct elements of cost, one being internal to the organisation seeking the approval and the other being the interaction that organisation has with the regulator—noting that there is already a cost-recovery model for those approvals, then one would hope that there would be a very big benefit in terms of a reduction in the time line for approvals. That has piqued my interest in terms of how these approvals are then reported and how we assess and monitor that over time, noting the backlog in the system in recent times due to the incredible demands placed on government.

These are the issues to be considered. As I said, we support the Mining Amendment Bill 2021. After other members have had their opportunity to speak and we go into the committee stage, I flag that I will have a number of questions. If the parliamentary secretary can work with me, we can try our best to go through this in a structured way, noting this challenge that I have—I am sure that others could do a much better job—with the deletions throughout the bill as we step through it and then the insertions in one place. It was a challenge to get my head around all those ins and outs, one could say. I will be relying on the interaction for practical purposes to make sure that we do a proper job of scrutinising and properly assessing the changes and at least get their impacts on the public record so that those watching on will feel that some of the matters have been aired and that they have garnered some clarification from our dialogue.

I reiterate that we support the bill. Thank you very much.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [2.19 pm]: Thank you, Acting President, for the opportunity to address some of the issues around the Mining Amendment Bill 2021, noting of course that there is also a Mining Amendment Bill 2022 on the notice paper.

**Hon Matthew Swinbourn**: It's not announced yet.

**Hon Dr STEVE THOMAS**: It has not arrived here yet. The parliamentary secretary raised the interesting point that the house that shall not be named, that other place—I do not know that I would get away with calling it Hogwarts, but let us see how we go —

**Hon Matthew Swinbourn**: I think the indication is you can't.

**Hon Dr STEVE THOMAS**: I probably cannot, no.

**Hon Matthew Swinbourn**: If anywhere is Hogwarts, it is here.

**Hon Dr STEVE THOMAS**: No, no. We are much higher than that, surely. Come on; lift, parliamentary secretary. We have got to be at the peak of legislatures!

**Hon Darren West**: This is the magic Faraway Tree.

**Hon Dr STEVE THOMAS**: We are going back in history now. I read that book when I was very young. Holy mackerel! Most younger members do not remember that particular book. Was it Enid Blyton? Yes. It is from many years ago. Hon Samantha Rowe knows it. In her wild past she read that one.

**The ACTING PRESIDENT (Hon Peter Foster)**: Member, noting that it is Thursday and we may be a little bit tired and distracted, if we could return to the bill before us, that would be greatly appreciated.

**Hon Dr STEVE THOMAS**: Thank you, Acting President. It is the unruly interjections from the other side that make life interesting sometimes.

**The ACTING PRESIDENT**: Perhaps refer your comments through the chair.

**Hon Dr STEVE THOMAS**: I will, Acting President.

I will reference the contributions of the members in that other chamber that shall not be named, because I thought it was interesting that about eight, nine or 10 government members made speeches on this bill. I note that one member out of those nine or 10 speakers addressed the bill and the rest of them addressed the wonderful contribution of the mining industry to the state of Western Australia. That probably behoves the opposition in the upper chamber to make a very brief contribution on the contribution of the mining industry to not just the economy of Western Australia, which it underpins, but also the budget and the cash flow to the state government.

**Hon Kyle McGinn**: Say “royalties”—say the word.

**Hon Dr STEVE THOMAS**: I accept that government members are very keen for us to discuss the level of contribution that the mining industry makes to the coffers of the McGowan government. The royalty flow from iron ore alone has been over \$10 billion a year over the last couple of years. Cash has flowed to the government. I was very pleased to read in the contributions of government members of that other house their recognition and acknowledgement of how much the mining industry contributes to the state because it is absolutely responsible for the McGowan government's budget surpluses. It is responsible for the position in which the McGowan government finds itself.

**Hon Kyle McGinn**: Solely responsible?

**Hon Dr STEVE THOMAS:** It is a good question, honourable member. The budget surplus last financial year was \$5.8 billion. How much more were iron ore royalties compared with the average year? If the average is \$5 billion to \$6 billion, how much more were the royalties that came in on top of that? If they were \$11-odd billion, there was between \$5 billion and \$6 billion worth of additional royalties and a \$5.7 billion surplus. How much did the mining sector —

**Hon Kyle McGinn:** In the 2011 mining boom, how much was your profits?

**Hon Dr STEVE THOMAS:** I was not in power in 2011, so there is no point asking me that question.

Obviously, the \$6 billion additional surplus is from additional royalties from the mining industry. It is nearly a \$6 billion surplus. Even government members should be able to manage the mathematics of that! It is a very important industry. I am sure that the minister, coming from the north west, understands the importance of the iron ore royalties rolling in and filling up the money bin. He is well aware of that proposal. It was great to see. It was very pleasing to see seven or eight members of the Labor Party in the lower house telling us how important the mining industry was. As I read through the debate in *Hansard*, I did not see that any of them thanked the mining industry for the government's budget surplus. It is probably one of those times when you have to read between the lines. It is a very important industry that has not only underpinned the economy of this state, but also held up the Australian economy. It certainly has lifted the current government to a position that it could not have found itself in without the mining industry. It is absolutely a highly important contributor to the Western Australian economy. I am pleased to see today that we in this august chamber have an opportunity to acknowledge that, as it was almost done in the other chamber that shall not be named. I thought it was important to raise that, which should make the second reading reply speech more interesting.

Apart from simply confirming that the opposition supports the bill, which has been put forward already, another thing that I think is absolutely worthy of spending time to congratulate the government on is a statement that can be read in the second reading speech delivered by this excellent parliamentary secretary not long ago —

**Hon Matthew Swinbourn:** That's the end of him.

**Hon Dr STEVE THOMAS:** That is the end of him. Sorry, I was just praising you again. Your preselection is looking as good as that of the Minister for Emergency Services!

The parliamentary secretary said —

The amendments will modernise activity approvals under the Mining Act and embed a risk-based, outcomes-focused regulatory framework.

I have to say that that sentence would be described in Sir Humphrey Appleby terms as brave. I give some credit to the Minister for Mines and Petroleum and, in this august chamber, the parliamentary secretary who has responsibility for the bill. Moving to a risk-based assessment process is an excellent outcome, but it is also a little brave. A risk-based outcome is designed to allow development in a sensible way whilst acknowledging the risk. Industry does that all the time, and obviously business does it, too. Governments used to do that regularly, but it has been avoided for a long time. The structure that we have set up around the public service, in my view, has moved far away from a risk-based assessment to what I call the no-risk-based assessment. It is very difficult to get a department or a public servant—no insult intended—to take a risk and make a decision that carries that associated risk with it, because it is very easy in the current climate for people to seek to blame and not allow those decisions to be made based on the acceptance of some risk.

I suspect that both sides of politics are a little responsible for this because over many years in this adversarial system in which we find ourselves—I think it has become more adversarial and more media and social media-driven, and less constructive over the decades that I have been involved in it—anything that goes wrong elicits calls for an immediate demand by the other side for accountability and the sacking of a minister or other people. It sounds silly to say that in a political forum, but the system has become so oppositional that it has become unwieldy, to some degree. I think that it has moved government away from risk-based assessment across the board, and that is a shame, because I think that we miss massive opportunities across government when we avoid risk-based decision-making and simply go to risk-averse decision-making. That is where we are at the moment. It is not just us; I think it also applies to the public service, in which often the people who get to the top are sometimes the very best in this modern system of demonstrating risk aversion—never taking a risk and therefore never delivering significant change, but also never making a mistake. I think that we face that issue in a lot of our legislation. We are so frightened of that risk that we become change-averse as well as risk-averse. I commend the government and the minister on shifting to a risk-based approach in this bill. I think that is a particularly good outcome. I do not know whether the Minister for Mines and Petroleum, Hon Bill Johnston, who is driving this process, is doing so out of a sense of duty, or perhaps—dare I suggest—he might be coming towards the latter stages of his career and is less frightened of the political fallout and more interested in actually getting a result. If that is the case, good luck to him. If that is the case, again, he is to be commended for the process.

**Hon Kyle McGinn:** He has been working very closely with the mining industry.

**Hon Dr STEVE THOMAS:** That does not necessarily mean that he is staying on past the next election. I am going to say nice things about him, which will hopefully kill off his preselection, along with the parliamentary secretary and the Minister for Emergency Services. I will get Hon Dan Caddy to the top of the ticket yet, if I keep working at it! I think it is a really positive move on his part.

**Hon Matthew Swinbourn:** He's a brave minister.

**Hon Dr STEVE THOMAS:** Thank you, parliamentary secretary; I agree. The bill before the house today shows — Several members interjected.

**Hon Dr STEVE THOMAS:** Hello—they are squabbling over the top spot on the unified ticket now, Acting President. This could end anywhere! I probably should have spoken before lunch.

I congratulate the minister and the parliamentary secretary, because I agree with the parliamentary secretary. What has been proposed requires a little courage within the political spectrum—a little bit of backbone—so well done to the minister for that. It is not the easiest thing in the world to introduce a risk-based process in a risk-averse, oppositional political system, and, in my view, a risk-averse public sector. It is certainly a blame-averse public sector and political system. I think that, to the credit of the minister, all of that stands in the bill before the house.

Of course, as part of that process, I think that we should identify, acknowledge and accept that risk. I am not inclined to let the government off the hook and say, “We accept that it's risk based, and that's great, but let's not talk about it.” I think that part of being honest about the fact that I think the risk-based system is a good system is that we can talk about the risk in a positive and acceptable manner. I look forward to that debate probably a little bit more in the committee stage of the bill.

Some of that risk features in probably the most important part of the bill, which is the introduction of new part 4AA, which occupies clause 34 and about half of the bill that sits before the house today. That is the new automated authorisation and the eligible mining activity framework.

As I understand it, the intent as put forward in both the parliamentary secretary's second reading speech and the explanatory memorandum is to get those simple and time-consuming but fairly obvious applications through the system in a much timelier manner. I think that is a very worthy cause. I think that is a good intent for the vast majority of the bill that we are talking about. The way the government is proposing to do this is that for a fairly simple application, there will be a fairly simple and automatic response. As long as an application comes within certain parameters—it is a simple application, it is not too complex, and the expected impacts, particularly environmental, are not too serious—there will be something like an assumption of approval. There will be an automatic approval, but the system will allow other processes, if required, to occur after that. That is basically the risk-based approach that the government is taking—I wish it well with it—but let us focus on what the risks might be.

In the first instance, from my perspective, the biggest risk is that the government has yet to define which applications, and under which circumstances, will be able to be lodged through an eligible mining activity framework. This comes back to a number of statements. In his second reading speech, the parliamentary secretary stated —

The specific detail of the activities to be considered an “eligible mining activity” and standard conditions will be prescribed in supporting regulations and will be subject to a separate consultation period following passage of these amendments.

The focus is around encompassing the risk that this chamber will take if it supports the risk that the government is taking with the Mining Amendment Bill 2021, because the government is saying, “We will have a fast-tracked approvals process for simple applications”—which I absolutely agree with—“but what qualifies as a simple project and what conditions might be automatically applied to that simple project will be the subject of a whole new system, and we'll do that by regulation down the track.” That is the Henry VIII provision that has become a trend of modern government across the board. I see a lot of that going on at the moment: “Here's a good overarching principle”—as we say, the devil is always in the detail—“but we will provide the details at a later date once we have discussed what those details might look like with industry and impacted groups”, which, I presume, will include environmental groups and others.

This is the critical part of the debate. I like to give credit to the Labor Party where it is due. I noticed that 10 or so lower house Labor members spoke about this bill. Most of them, particularly those who have mining activities in their electorate, just talked about how good the mining industry is. Some of them gave a history of their grandfather's interaction with the mining industry, all of which is fine, but we take matters more seriously in the house that seriously reviews legislation. One member, the member for Thornlie, actually addressed the bill, for which he should be congratulated. He made this very pertinent point. I do not often quote members of the government, our opposition, except when they have said something silly during question time, but in this case it is worth putting back in. He said on 16 June 2022 —

These amendments are predicated on the fact that we must have a strong understanding of where the environmental risks or operational risks to the community might be. Where those risks occur, we can be sure that those cases will in fact go through a more thorough and rigorous level of assessment than these amendments are designed for as these amendments are designed for those low-risk cases.

That is a particularly good contribution because it encapsulates the concerns about which some of us have been receiving emails. Often the best way to deal with this process is to address those concerns, not ignore them, but to do so without necessarily agreeing with them. The point made by the member for Thornlie is absolutely accurate. It will be critical to decide which projects will be approved to go through this automated system, remembering that it will have an automated outcome—that is, a presumption of approval unless something goes wrong.

In the debate in that other house, the Minister for Mines and Petroleum made a variety of contributions that addressed some of these things. I apologise; I have stretched into Hon Colin de Grussa's space. He gave various examples of how this might go ahead. It came up during the debate that a likely example would be exploration activity that is occurring on previously cleared land. I think the example the minister gave was a drill on the back of a truck that is pulling in on a road, going into a cleared pasture and drilling down at that point; the impact of that is very, very small. Once the truck leaves, the footprint is remarkably small. I was going to say it is two feet by two feet, but that is wrong; I will say 60 centimetres by 60 centimetres. We need to make sure that the processes around the legislation are focused on those parts of projects and projects that are low impact.

We might have a bit of debate once we get into the committee stage about the definition of low impact et cetera. I am not attempting to drag out debate on the legislation unnecessarily, but I think there is an opportunity to just confirm that. The minister, sorry, the parliamentary secretary—I gave him a promotion there already!—may well talk about this in his second reading reply. Watch out, minister! Making the focus of this legislation on those areas for which the impact is minimal will be absolutely critical. I think it will ease many of the concerns if the debate that we have on this piece of legislation demonstrates to people that they need not be concerned. What concerns are out there? Some of the concerns relate to the additional capacity for miners to access private land for exploration. My reading of the bill is that the rights under the Mining Act that mining companies have for exploration are effectively replicated. It is not as though they can go to places they could not go to before and suddenly access them. That is my reading of the bill. The parliamentary secretary in his response might like to either agree or correct me on that process. Part of the issue, of course, is that this bill brings in lots of parts from different places. It is not the easiest bill in the world to read.

There are many things in the Mining Act. I must admit it has been many years since I read the Mining Act from one end to the other. It is like trying to read the Environmental Protection Act; it takes someone a few nights because they fall asleep just trying to read through it. For the most part, many of the things in this bill already exist in the Mining Act, so there are not a lot of new things. For example, mine closure plans exist under the Mining Act, so mining applications, as I understand it—if I am wrong, please correct me—already require a mine closure plan; it is simply in a separate section of the act.

This bill will not grant additional powers to mining companies to go into people's back paddocks; they can already do so. That is not to say that in some circumstances people do not like that mining companies can already do that, but that is a debate for another day. It probably does not help that there is a view in the community, which I think is accurate, that the rules are unfair and different when they are applied to private land versus public land. Again, in a fraternal way to try to progress the bill, my unsolicited advice to the government is that some acknowledgement around this process actually humanises it a bit. It is true that the Mining Act currently treats state land differently from private land. An example would be a farmer or landowner. I have a vested interest as my wife and I have a hundred acres in Donnybrook. It is our little piece of paradise. Under the Mining Act, if a mining company thought there was something valuable under there and it was under an exploration licence—if it was determined that the area could be explored—it would be very difficult to stop. I will come back to the south west in a minute because there are differences between different geographical regions. My understanding, from reading the bill, is that there will not be a significant difference between what is currently empowered under the Mining Act and what will be empowered under the bill before the house, which will amend the act, with the exception of a few bits. That includes the deemed automatic approval under proposed section 4AA, which will be inserted by clause 34. Even in the bill before the house there is a question around —

**Hon Matthew Swinbourn:** That is a part.

**Hon Dr STEVE THOMAS:** Sorry, it is proposed part 4AA; the parliamentary secretary is quite right. Whether it is the Mining Act or the Mining Amendment Bill, there will be exclusions to the approvals process. The minister might also provide in his reply a quick overview of how —

**Hon Stephen Dawson:** You called him a minister again.

**Hon Dr STEVE THOMAS:** Minister again! I have been called the Leader of the House twice this week, so I think there is something in the water.

**Hon Stephen Dawson:** In your dreams!

**Hon Dr STEVE THOMAS:** Come on! It is only a matter of time, Minister for Emergency Services.

There will be concerns about environmental impacts as part of this. I am trying to reassure people, and I think the debate should reassure them, that those impacts will still be managed under existing legislation. It is important for the parliamentary secretary to explain which parts of environmental protection within the approvals process will

be voluntarily passed, via the Mining Act, to the Department of Mines, Industry Regulation and Safety. I know he has good advisers here who will be able to give him that information. I think that will be useful, firstly, because that exists now; that is not a new power that will be imposed by this bill. There are already approvals processes around clearing et cetera that are passed to the Department of Mines, Industry Regulation and Safety and are not necessarily assessed by the Environmental Protection Authority. There are other components that are assessed by the EPA. There are bits and pieces. I ask the parliamentary secretary to give a little outline of that to give people some confidence that this is not about reducing environmental regulation or approvals. I think the member for Thornlie got that absolutely right.

The classification of reserves that are excluded comes under sections 24 and 25 of the Mining Act 1978. The minister might add to this, but under section 24 of the Mining Act —

**Hon Colin de Grussa:** You did it again!

**Hon Dr STEVE THOMAS:** Sorry. I keep looking at the minister but I am talking to the parliamentary secretary.

**Hon Matthew Swinbourn:** I am here.

**Hon Dr STEVE THOMAS:** I would move the parliamentary secretary across—I really would.

**Hon Colin de Grussa:** Who would you move the other way?

**Hon Dr STEVE THOMAS:** Let us not go there.

Section 24, headed “Classification of reserves”, states —

(1) The classes of land to which this section applies are —

- (a) land that is in the South-West Division of the State as described in Schedule 1 to the *Land Administration Act 1997*, or in the local government district of Esperance or Ravensthorpe and that is reserved under Part 4 of that Act and classified as a class A reserve ...
- (b) any land comprised within —
  - (i) a national park ...
  - (ii) a nature reserve ...

We have already spoken about paragraph (c). It then continues —

- (d) land within the South West Mineral Field that is a State forest or a timber reserve ...

That also relates to paragraph (da). It then continues —

- (e) land that is a water reserve or catchment area ...

The government is quite good at excluding applications for mining on land that it controls, but it does not necessarily provide the same protection to private landowners. I ask the parliamentary secretary to comment on how that is perceived in the community. I accept that the government probably needs to have further controls over that land, but I have to say that in my experience of being around Parliament for 18 years, the capacity for extraction of any kind of resource from land controlled by the Department of Biodiversity, Conservation and Attractions—DBCA, until we finally get it changed—is an immensely problematic and tenuous affair, whereas mining on private land appears to be a much easier process. One of the issues is that the government needs to give itself a bit more leeway, a bit more flexibility, to not approve mining activity in its area. I think that would also be worthy of a contribution. If the parliamentary secretary could give us an indication of how he intends to manage that, I think that would be good.

Most of the other bits I am happy to debate in the committee stage of the bill, noting that other members wish to speak. I think those are the critical parts. As I say, I support the government’s intent. Although we are being brave, I think some reassurance about how the community and the environment will be protected is required. I absolutely agree with the members in both chambers who have said that we need to stop getting in the way of minor development that promotes exploration and the mining industry, but I would expand that beyond the mining industry. I would apply the same rules to the development industry. We have become incredibly risk-averse with development. Members might remember speeches I have made in this house about planning legislation and the need to get government out of the way. If the temporary measures that were brought in during COVID work, why would we come back, a couple of years later, and debate the same things all over again? It makes sense, in my view, to try to minimise government’s unnecessary regulatory impact, and I think that absolutely applies in this case.

I understand the parliamentary secretary’s intent, and I think it is good. In fact, it is not only good; it is brave. Please pass on my commendations to the Minister for Mines and Petroleum. However, everybody needs to be brought along as part of the process. I have raised what I think are the significant issues, and I look forward to the committee stage of the bill. I hope we can provide some reassurance to the community that, for the most part, what is proposed is not different. Again, I think the consolidation of rules and regulations from multiple titles into a single document is really good as long as it works, but we need to be careful not to replace a 10-page document with a 100-page document. I think it is going to be very hard to significantly improve it while ensuring the detail

is sufficient, because most of what is in there is in there for a reason. It will not be the easiest thing, but let us do that in the committee stage. I think that will be easier. Well done, parliamentary secretary. This is a good bill. If he keeps up the good work, he will be moving across as a minister anytime now!

**HON WILSON TUCKER (Mining and Pastoral)** [2.53 pm]: I rise to make a few brief comments in support of the Mining Amendment Bill 2021. I will not rehash what has already been said. I do not have a problem with the bill. My interpretation is that the intention of the bill is fairly lightweight. As has been noted, the heavy lifting and the rules, as such, will be part of the regulations, which will come at a later stage. The bill will set up a framework and a skeleton of a system to automate the approval process for low-risk mining activities. As a former software engineer who may be going back to that profession in two and a half years, I do not have a problem with automation. I think it is a good thing. Humans are error prone and certainly open to bias. The more we can automate, streamline and reduce red tape the better, in my book.

Parliament does not have visibility over the regulations, and I will certainly have some questions about some of the regulations when we go into the committee stage. I will share a software analogy with members because I think they enjoy my software analogies.

**Hon Darren West:** They're very interesting.

**Hon WILSON TUCKER:** Thank you for the support.

We can compare an act with a software application. When I write code, I compile it into machine language. That is put into binary and then I basically control the CPU operations. The benefit of this is that I when I make a change, I compile it, which is typically quite an expansive computational exercise. After that, I set it out and it sits there until I need to make another change. This act will be similar to that; it is basically setting an underlying blueprint or application, if you will, that does not necessarily change very often. The other comparison to draw is in the regulations, which are like variables of the system. A user can input a string or a number, or whatever it might be, into a system. If that system has already been compiled, it will do some operations on those variables as they come in and then the user will get an output from the system. Regulations are much like the variables of a system. There are pros and cons when we talk about variables going into a system. The variables themselves can be such that they are out of the range that the engineer originally created for the system, so the engineer needs to put in some checks and balances, and define constraints and rules for these variables to ensure that the system is operating as intended.

I am curious to hear some general commentary from the parliamentary secretary, in response to this debate or at the committee stage, about some of the pros and cons of the regulations. I think this has been touched on by Hon Dr Steve Thomas as well, but, in a general sense, this is something we continually see. We certainly saw it with the Aboriginal Cultural Heritage Act. The overarching framework came down the line in the form of a bill and after it achieved royal assent, we got into the meat of it. Unfortunately, Parliament does not have much exposure to regulations. They are tabled and we get a chance to look at them and potentially disallow them, but we do not get a chance to debate them. There are pros and cons to the approach taken in the software analogy and there are certainly pros and cons to this approach as well. The variables in the system and the rules are fundamentally important, so I think that it is important that there is equal consideration for the stakeholders who are coming to the table and who are impacted by this legislation when these regulations are created and drafted. I will certainly ask some of those questions during the committee stage as well.

I will leave it there so that we can jump to the committee stage. The other point that I will talk about in the committee stage is whether there is any overlap with Aboriginal cultural heritage. I understand that some of the terminology in the bill has been updated because it conflicts with the Aboriginal Cultural Heritage Act. I am curious about how the bill will ensure that Aboriginal cultural heritage is not violated by the green-lighting or automation of low-risk mining activities. Do we have an overarching blueprint of WA land that has been zoned in accordance with the legislation so that this system has a view of the green-lit areas, if you will, that have already been inspected and therefore do not have any issues with Aboriginal cultural heritage? We can certainly get into that during the committee stage, so I will leave it there. I support the bill and I look forward to the committee stage.

**HON DR BRAD PETTITT (South Metropolitan)** [2.58 pm]: I rise to contribute to the Mining Amendment Bill 2021. I support that amendments need to be made to this bill. I certainly support the efforts to improve what I think we all agree to be an outdated bill. Ultimately, I hope this will result in greater transparency and more effective —

**Hon Matthew Swinbourn:** Sorry, member, do you mean “amendments to the act”? I think I'm getting a bit confused.

**Hon Dr BRAD PETTITT:** Yes, sorry. Thank you.

Unfortunately, I am not sure that this will be achieved by the legislation before us. I have noticed—others have said this as well—that there is a concerning trend with matters being pushed to regulations rather than being dealt with in legislation in this Parliament. We dealt with this issue quite a lot in debate on the Aboriginal Cultural Heritage Bill 2021 last December, and I think it applies to this bill as well.

I am also concerned that the intention is to streamline the approvals process for eligible mining activities. What that will look like will be, once again, left to the regulations. The scope of the types of activities affected, and the



conditions under which those activities will be controlled, are to be determined entirely through the regulations. The environmental implications of the amendments cannot be determined, of course, until some details of the contents of the proposed regulations have been provided. Not surprisingly, this has concerned many in the community. I have certainly been contacted quite a lot about that. It is one thing to acknowledge that the government has a clear majority in both houses and it can put forward and pass unamended whatever legislation it wishes to, but a deeper concern is that it puts forward legislation and then punts the key elements down the road to regulations. This is concerning in terms of both transparency and the potential implications of how it will play out in the community and the environment. I do not know, maybe the parliamentary secretary can advise whether the Environmental Protection Authority was consulted during the drafting of this bill. That is of interest to me.

There are two possible outcomes from this bill and the future regulations. Depending on the regulations, the first outcome is more positive—I think we have heard this from speakers before—in that we will get rid of some pointless red tape, which adds no value. I fully support that. None of us want to see churn for the sake of churn and bureaucratic processes for the sake of bureaucratic processes. That is useful and good, and if these regulations are done well, we could have unchanged or even improved environmental outcomes from exploration activities—but that is not clear, of course. Good red or green tape can offer protections.

There is a legitimate concern that if done differently, the regulations could also lead to an expanded scope to carry out activities without adequate environmental controls, which would be virtually certain to lead to adverse environmental outcomes. It is not entirely clear to me what the problem is that the government is trying to solve with this bill. It was neither clear nor evident that mining companies were having difficulty gaining approvals for eligible mining activities.

**Hon Kyle McGinn:** They are.

**Hon Dr BRAD PETTIT:** If they are, as the interjection determined, is that simply a public service resourcing issue or is it a proper process issue? Again, it is a little bit opaque, given that there will be regulations about how that will play out, but it is fair to say that there is already a fair amount of community concern around the limited opportunity it currently has to object to mining applications. Many of us were contacted in the last month by concerned community members—many who reside in the south west and the great southern—who have objected to the multiple applications for mining exploration in their region. Community members are concerned about the potential implications of this bill and the unknown regulations to come.

I worry that this government is overly enthusiastic to facilitate mining that has the potential to cause environmental harm and minimise the opportunities for community objection. Many in the community have written to me with their concerns about the bill before us today. They are concerned that the government will cut the community out of the process. I want to read out some of the emails sent to me this week. I want to thank every single community member who took the time to share their thoughts with me.

I will start with Trudi. Trudi wrote to me —

I live on the South Coast near Albany where there have been a number of applications for an exploratory licence submitted just this year. This is very concerning not only to me but everyone in my community.

...

Please don't allow DMIRS and the mining companies to make it easier for exploratory licences to be approved and harder for everyday people to voice their objections.

Similarly, Donna from Margaret River said —

The impact of mining is felt by the environment, local government, community and individuals, not just the back pocket of the directors and shareholders of that company ... Please realise that this earth isn't here for profit, it is part of our world, not now and the future. Each change has an impact, and the choices around that change should not be ruled by the mining companies.

Carol, who has lived 28 kilometres out from Albany towards Denmark for the last 23 years, wrote —

During this first half of 2022 there have been three mining exploration applications submitted in this area. In which I have objected to two. I was overseas when the second mining application was made public.

Though the vigilance of the Torbay Catchment Group locals have been alerted to the fact that the Mining Act will be debated ... of great concern is that there are amendments to create an automated system for mining approvals ... giving applicants for mining activities automatic approval with standard conditions. Why does Parliament want to weaken the opportunity for the community to object to any mining exploration application?

Finally, Pip in Torbay said —

I am feeling the impact of mining exploration tenements in the area I live in. The burden is mentally and emotionally very heavy. So many people (including my partner and I) have spent many years of their lives developing their properties / businesses, and spent their life savings on their supposedly secure freehold land only to find out that mining has pretty well all the rights, and freehold landholders have very few.

Some of the people who wrote to me this week are signatories on the petition that I tabled in June, which had 605 signatures and called for amendments to the Mining Act 1978. They want amendments because they note the flaws in the existing legislation, and yet, despite wanting amendments to the act, not one of the emails I received supports what is before us.

I will remind members of the petition that was read in this Parliament in June. I will not read it all, but the key elements were that petitioners asked the Legislative Council to —

... review the Mining Act 1978 and Mining Regulations 1981 with regard to:

- extending notice of mineral exploration licences to all landholders and other stakeholders in the proposed area irrespective of depth,
- reducing the complexity involved in the lodgement of objections to such applications, and
- creating exclusion zones to protect existing environmental, social and economic activities.

I think those 605 signatories raised some important issues. It is because of this and a lack of certainty and clarity about what the regulations might be that I find myself unable to support these changes in their current form. It would have been better if, in amending the Mining Act, the government had—as the petitioners requested—made it clear where mining will and will not be considered and made the objections process more transparent and accessible.

Of course, new minerals will be a really important part of the clean energy transition that we see coming up. We will need more mining, and we will need to support and enable it. That is a good thing. What is not a good thing is the sense that many community members—certainly, the community members whose emails I read—feel it will be increasingly ad hoc, not regulated and not actually giving private landowners some of the security they deserve. Although I appreciate that this legislation will pass, I think some changes are needed to give greater certainty. In many ways, the best ways to avoid bureaucratic processes are to define things up-front, to be really clear about where mining should and should not happen, and to have a proper and clear consultation process around how people can be involved and when. Part of the concern around this is that it is not particularly clear because it is all in the regulations.

To finish, I think that there was an opportunity here to get an outcome that would have been better for the sector, the community and the environment, and one that could have given greater certainty to all. The fact that the detail will be largely in the regulations will not do that and I am concerned that this opportunity is not being realised. I hope that the parliamentary secretary will be able to give me some assurances about this part in his response, but the feedback I have had from my constituents is of great concern and I do not support the bill.

**HON KYLE MCGINN (Mining and Pastoral — Parliamentary Secretary)** [3.11 pm]: I am really pleased to make a contribution to the debate on the Mining Amendment Bill 2021, and I will probably go through some of what has already been said. Firstly, I will add a bit of clout to the comments of the hardworking parliamentary secretary, as well as those of the opposition’s spokesperson. It is good to see this bill come on. Obviously, the Mining and Pastoral Region covers 2.4 million square kilometres of the state and has a significant amount of mining; hence, I felt compelled to talk about the bill today. Right across my electorate, there is mining of all forms and shapes—iron ore, gold and rare earths. We are also about to see in Kalgoorlie the first cracking and leaching plant in Australia from Lynas Rare Earths. It is easy to say that since I was elected in 2017, mining has been a massive part of understanding this job and understanding the value of mining to the state of Western Australia. I would like to think that I have got a pretty good handle on that now, after five or six years of getting around this massive electorate. One thing that I have noticed about the minister is that he has not been shy about coming forward with the mining industry. He has had the portfolio since 2017.

**Hon Dr Steve Thomas:** I think you’ll find that he had it in about 2013 in opposition.

**Hon KYLE MCGINN:** Yes, but I meant in government. He had the portfolio a lot earlier in opposition. That has given the mining industry a lot of stability, which is really good. I know that whenever something is happening in the mining sector across this state, the minister is there, front and centre, particularly in the goldfields. Even Hon Neil Thomson would have to acknowledge that the minister is a regular visitor to our electorate.

**Hon Neil Thomson:** When he puts the power on in Kalgoorlie, that’s a very good outcome.

**Hon KYLE MCGINN:** Wow—once again, it is just negativity! How many people turned up to the member’s forum? Was it two people? That is right; it was two people. It is funny that the member opposite has an innate ability to be negative about anything in this state. It is absolutely unbelievable, but I am not surprised. Members will be on the opposition benches for a very long time if they keep up the racket with their preselection numbers.

I want to get back to what I was talking about, which is the mining sector and its importance in WA. I agree with what Hon Dr Steve Thomas said. There are a lot of reasons why the mining sector is important, and I will say the word “royalties”. Royalties are great for Western Australia, but what is also great is a government that has good financial management. That is something that this government has that the last government did not have. If we add that together, what do we get? We get a beautiful, strong, safe state that is heading in a good direction.

One of the things that I obviously have a big interest in is shipping. We talk about the mining industry and the red tape et cetera that this bill is seeking to deal with. Let us look at the shipping model. Uber-style shipping has been mentioned to me by BHP, Rio Tinto and the like. Uber-style shipping relies upon foreign vessels that are sitting offshore. Companies put on a computer app that they have this much tonnage that needs to be in China by this date.

**Hon Neil Thomson:** That'll be a real friend to the mining industry. Are we going to have State Ships running all of our iron ore out of the state?

**Hon KYLE McGINN:** Wow—the member is so uneducated! He should have listened to what I was about to say before he jumped in with that silly comment. I was going to say that there is a very unreliable shipping fleet. It is not a loyal shipping fleet either, because a lot of the time it is manned by flags of convenience, which the member would not know a thing about. His former federal government did a good job of destroying Australian shipping—let us be honest about that. There is also a lower standard. We have all heard about the horrific situations on ITF vessels, such as deaths happening at sea. There was the “death ship”, the *Sage Sagittarius* on the east coast, of which the captain was a gun runner who killed a member of his crew. It came alongside in Queensland and, when the investigation was going on, it went on down to Newcastle and the engineer was pushed over the rail, 10 metres, to his death. When the vessel was on its way back to Japan, the investigator was put through a crusher and killed.

There are a lot of issues with shipping in the mining industry, and there needs to be some hard thought about the sustainability of shipping. The opposition has said how important our resources are; we need to have a closer look at how we are getting it from Australia to overseas. Back in the 1950s and 1960s, it was not State Ships, as Hon Neil Thomson just spurred off from the hip about. Australians used to be on ships that went overseas. We actually took our exports overseas, which was good, because the money came back into Western Australia, whereas the money no longer comes back in once ships hit the ports.

I have talked to a lot of mining companies in my electorate, and obviously “red tape” is a phrase we hear all the time. It was hard to understand Hon Neil Thomson, but he said something about the government’s trend towards reducing red tape. I thought that was a fantastic statement; I thought it was the best thing he has said in this house since he has been here! The government has been focused on reducing red tape and ensuring that we can get exploration happening, get to work, and get out there and get the job going. I thought it was great to hear the opposition finally acknowledge that—a bit of positivity! It was difficult to understand Hon Neil Thomson, but I am sure it will come up in *Hansard*!

Hon Neil Thomson also carried on about regulation processes and what they will be after this bill is enacted et cetera. That was interesting, because —

**Hon Neil Thomson:** They were relevant comments.

**Hon KYLE McGINN:** I am getting to why I think what the member said was wrong. He is unable to understand that this government consults; it goes out and it listens. We need only look at the Aboriginal Cultural Heritage Amendment Bill and what is happening right now, with the amazing Hon Rosie Sahanna going around, consulting, talking about regulation and working with the stakeholders. It is brilliant. That is how governments should work, and that is how the minister operates. That is why the hardworking parliamentary secretary can stand up in this place and be as confident as he is about this bill: because we get out there, and we consult.

A member interjected.

**Hon KYLE McGINN:** Not this parliamentary secretary—no-one has said that about me, yet! Let us just leave that to Hon Matthew Swinbourn!

I find it intriguing to look at Hon Bill Johnston’s reign as Minister for Mines and Petroleum. I point to the many times I have seen him come out to the goldfields to sit down and meet with the big mining companies, the Chamber of Minerals and Energy and the various chambers of commerce and industry. But he also makes sure he has space in his diary to meet with prospectors down in Boulder; he sits with them and talks about all the issues that the prospectors have.

**Hon Neil Thomson** interjected.

**Hon KYLE McGINN:** Sorry? It is all right; the member will learn one day that consultation means everyone.

That minister sits down and talks to the prospectors, and he goes through their issues one by one, and they love having him out there. Even the mayor comes to talk to him as well, and it has been really good. The prospectors love the fact that the minister listens to the little guys and girls as much as he listens to the top end of town. The member has fears about whether the bottom end of town or the big end of town are going to be unfairly disadvantaged; I am reassured that the minister has been out there, talking with big and small mining companies, and with prospectors. I think it is brilliant to have a minister who can do that. The opposition could learn a lot if it were to watch how Hon Bill Johnston operates.

I think the mining industry has shown it respects the minister for the fact that he is listening. For example, I know Bill Johnston as gone to the Diggers and Dealers Mining Forum every single year. Not so long ago, in a first of

its kind, we saw Premier Mark McGowan deliver the keynote speech at that forum, which is unheard of. It was because the mining industry had been fearful and scared when the former federal government made the decision during the COVID pandemic to shut down the resources sector. The then federal Liberal–National government wanted to shut down the resources sector, but the Premier came out and said, “We are absolutely not going to have that uncertainty—absolutely not!” Unlike members opposite, we have a bit of clout over here. We had a bit of a go at the federal government, saying that there is no way we wanted to see our resource sector crumble like that. The resources industry said, “You beauty; we’ve got a government that actually stands up for us—a government that actually cares, and a government that actually understands”, unlike some of those members opposite who just listened to the former Liberal–National government and whatever it said. That is all they did. They listened to people like Barnaby Joyce. Was it Brendon Grylls who proposed a mining tax? How does that sound? Was Hon Neil Thomson a big supporter of that tax? Was he out there beating his chest and protesting against any of that stuff? I bet he was not.

Several members interjected.

**The DEPUTY PRESIDENT:** Order, members! There has been a fair bit of latitude during the debate so far. I remind members that we are debating a bill called the Mining Amendment Bill 2021, and ask that we draw our remarks back to the bill.

**Hon KYLE McGINN:** Deputy President, I feel as though I am on the stream of the mining industry and the mining bill. I will try my best to get back to it. I will start by streamlining through to what this bill is doing in respect of approvals.

I remember being at the Diggers and Dealers Mining Forum two years ago, I think. Kalgoorlie Consolidated Gold Mines staged a big event alongside the Super Pit. That was back when Saracen Mineral Holdings and Northern Star Resources had just come back into play. Hon Peter Collier would know how great it was to see two Kalgoorlie boys buy back KCGM. It is now owned by people who have grown up in Kalgoorlie and been to the Western Australian School of Mines, which is brilliant. They wanted to expand on an area near the lookout to go back to the vein. They said that the government was quick to work with and to approve plans as fast as it possibly could because it understood that exploration would be critical to the company getting back on its feet and getting the economy going. I think that has flowed through ever since, with the government working with industry to ensure that we cut that tape and get exploration going.

We provided extra money to the exploration incentive scheme—another scheme that should be commended. Yes, we did. I know we did. I saw Hon Colin de Grussa shrug his shoulders. I think the former government had an election commitment to do that, but a party has to be in government to deliver that. We are in government; the opposition is not. We can deliver things. Members opposite can scream at the top of their lungs. We ensured that the exploration incentive scheme, which was a really good scheme, received extra funding. It is good for small, medium and big companies.

There is much exploration going on now. It is not just about gold. WA is mining cobalt and nickel, and all these things are happening out in the goldfields, which is fabulous. Providing a streamlined approach is really important.

Just to be clear, this bill is supported by the mining industry. The peak body supports it. It has not just been thrown together. As I have tried to frame in my speech, this bill has been a work of art by the minister working with industry. It is the perfect way to put it together. That is how it must be. It cannot just be dictated; it needs to be discussed. I am sure Hon Neil Thomson will add his flavour to it during the committee stage—we will see where that goes! Let us be very clear that the Association of Mining and Exploration Companies was very supportive of this bill, and it wants to see it go through. I hope that is the avenue that Hon Neil Thomson is going down, because industry wants this. I hope he is talking to industry, not just reading the little briefs that come through from the Chamber of Minerals and Energy and bodies like that. I hope he is out there talking to mining companies about how this legislation will impact them on the ground. I remember the briefing note on the gold tax that Hon Robin Scott stood up and read out. Hon Colin Tincknell read out the same one. It was absolutely hilarious. Hon Neil Thomson had to be here to understand, but he was not.

Hon Wilson Tucker mentioned that he loves automation. I do not share that view, although I would if we produced the automation. Members need to look at the fact that we need to build what is replacing jobs. I say this from personal experience; it is a personal view. I lived in Karratha and saw Kmart bring in its five-finger discount automation machines. I call them that because people use them to rip off Kmart. I remember going to Kmart and seeing high school kids working there after school and on weekends. Those were gateway jobs for further employment. As soon as automation came in, Kmart had only one manager and there was no longer any gateway employment.

When someone googles where the automated machines are being built, they will see that they are being imported already built. We have to have a serious conversation around building the automation, because, funnily enough, we create it here and we have the inventions here. We have some of the smartest innovation in mining in the world, which is absolutely identified by the world, but it only goes as far as creating it, and then we do not build it and mass produce it. That is a concern. When we see automation coming into the industry with automated trucks, companies

have been able to hide the cost of labour based upon retirements and streamlining. If they automate a section over here, a lot of people are made redundant or go to another site. It does not look like the company is reducing the labour pool, but they are actually reducing the labour pool.

I think this is a very good speech, although I see Hon Neil Thomson shaking his head. Automation is quite important. It is important to ensure that we keep a number of people in the work pool and we do not reduce ourselves out of a job. The reality is that if we do not create automation in Western Australia, where will it be created—overseas? What will bring it in? It will be flag of convenience ships without any Australians on board. Where will it end? There is a big conversation coming around that, Hon Wilson Tucker, so that when we introduce it, we do not shoot ourselves in the foot. It is important. People are playing PlayStation games at the airport! They are controlling huge iron ore machines in the Pilbara. That seems to be good. I saw plant B at Wickham, which is just a monster of a site. To know there is no-one operating it, and that they are all sitting at the airport on PlayStation controllers, is unbelievable. I would like to know who made the PlayStation controller. It was not us. That is something we need to look at as well.

I have touched on royalties and financial management.

**Hon Dr Steve Thomas:** Go again!

**Hon KYLE McGINN:** I could go again if the Leader of the Opposition likes!

Hon Dr Brad Pettitt, who is away on urgent parliamentary business, touched on the environment, looking at reducing red tape, and referred to green tape et cetera. We cannot just look at the Mining Amendment Bill and say, “Where’s the green in it?”, because a lot of work is happening, particularly in national parks, marine parks and the Aboriginal Heritage Act. A lot of work is happening around protecting the environment. Does the member not agree?

**Hon Colin de Grussa** interjected.

**Hon KYLE McGINN:** No, not you, Hon Colin de Grussa. Sorry. I am just getting this headshake up the back, and it is almost as though Hon Neil Thomson does not agree that work has been done on the environment. I would be shocked if the member looked at the work that has been done by this government and did not notice that it is a lot more than has happened in the past.

Sometimes Hon Dr Brad Pettitt can be a bit aggressive. In the last term of government, Hon Dr Steve Thomas, we debated a motion raised by the Greens to completely abolish the oil and gas industry. There was no real looking into what that would look like and how we would replace the jobs and keep the economy going. Hon Tim Clifford raised that motion, I believe.

**Hon Dr Steve Thomas:** He had a few on a similar vein.

**Hon KYLE McGINN:** Yes. I remember talking to Hon Tim Clifford and saying, “You can’t just come out and say you’d destroy the oil and gas industry. Do you know how many jobs there are in Western Australia, and you’re not replacing them?”

**Hon Wilson Tucker:** There’s not that many in the gas industry, member.

**Hon KYLE McGINN:** No, there is not in the oil and gas industry.

**Hon Wilson Tucker:** No, in the gas industry.

**Hon KYLE McGINN:** I am talking about the oil and gas industry. The member is referring just to gas. We have four gas buggies up north that run interstate and overseas that have seafarers on them. We have the Woodside gas plant. That has a few jobs on it. We also have a 1 500-man shutdown crew that goes up there every three months for shutdowns. I would actually say there are a fair few jobs in the gas industry.

**Hon Wilson Tucker:** There are about 2 000.

**Hon KYLE McGINN:** That does not include the casual short-term shutdown crews. There are 1 500 workers in just one shutdown. For example, member, the workers’ accommodation was built in Karratha specifically for a 1 500-man shutdown for the gas plant. Operationally, I think there are a few hundred workers, but suddenly there can be an influx of 1 500 to 2 000 workers. I would argue that there are a lot more jobs in the industry and when that is added to oil industry jobs, the numbers are pretty good. Hon Tim Clifford wanted us to wipe the slate clean and start with renewables straightaway. The transition is happening, but we cannot just walk in and abolish an industry like that. I wanted to say that to Hon Dr Brad Pettitt who is away on urgent parliamentary business.

I thank the very hardworking parliamentary secretary for bringing in the Mining Amendment Bill 2021. I look forward to its passing and to the mining industry getting more of an opportunity to streamline and deal with the issue of red tape. The industry has raised the issues with the minister and the minister has listened. I want to reiterate that the minister has been listening to and talking with prospectors, small mining companies, middle-sized mining companies and the top end of town. It is important to note that the feedback I get from the goldfields mining industry is that we have a minister who listens to and works with the mining industry.

**HON DR BRIAN WALKER (East Metropolitan)** [3.31 pm]: I have only a few words to say on the Mining Amendment Bill 2021. I was very pleased to hear Hon Kyle McGinn talk about streamlining his way through the bill, but I do not see that happening. Most of the points that I wanted to make have already been covered.

I have looked at the blue bill and, in this particular case, the red deletions in that blue bill and I question again the green facilities that we have. I noticed that on a consistent basis the red exclusions frequently mention trees. The blue insertions do not mention trees but the red exclusions frequently mention trees. What have the trees done to upset the government so much that it does not want to include them in saving the environment? It may seem to be a small point, but it makes me wonder what else we might not be looking at.

I listened to and took on board everything Hon Kyle McGinn said about the mining industry. It also has to be said that the Legalise Cannabis WA Party will be supporting this bill. But, as Hon Dr Brad Pettitt pointed out, we have had a number of communications from the people who own the land on which mining has to then take place who feel that they are not being listened to. The mining sector has been listened to, absolutely, but the people upon whose land the mining will then take place feel that their livelihoods are at risk and that they have not been listened to. During Committee of the Whole House, I would like a reassurance that this has taken place and that we will not see an automation of the process resulting in landowners being deprived of their livelihood. With those very short comments, in addition to everything else, I suggest that we will support this bill.

**HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary)** [3.33 pm] — in reply: I will start by thanking all the members for their contribution today on the Mining Amendment Bill 2021. There were a few more than I had anticipated, but it is always good that everyone has had the opportunity to have their say and input on what is an important bill.

I acknowledge the contribution of the lead speaker for the opposition, Hon Neil Thomson, who kindly indicated that the opposition will be supporting the bill. We appreciate that. On the general thrust of this, the opposition and the government are of one mind in terms of the mining industry's importance. That was also reinforced by the contribution of Hon Dr Steve Thomas, who made a number of interesting points and promoted me a couple of times along the way—if only the member had that power!—thank you.

I note the comments of Hon Wilson Tucker, who also indicated his general support for the bill, and I acknowledge the matters that he raised. I will get to that in substance.

It was disappointing that Hon Dr Brad Pettitt indicated he could not support the bill. I feel that if the honourable member gives the government time to work through this, he might change his views. I am certain that this proposed amendment to the act will not be bad for the environment or communities, as the legislation strikes an appropriate balance between the streamlining of processes and the protection of the environment and culturally and socially important areas. Of course, the honourable member is entitled to form his own view, and I appreciate that he has taken the time to express his view in Parliament.

To my good friend Hon Kyle McGinn: as always his passion for his community is expressed very strongly through the way he speaks in this chamber. It was interesting how it came back to shipping! It is not unlike how Hon Dr Brian Walker's contributions almost always seem to come back to cannabis and Hon Wilson Tucker's to software, data analytics and all that sort of stuff. In any event, I think raising the interactions between mining and shipping is very relevant and pertinent to this debate. I thank the honourable member for his contribution. Of course, Hon Dr Brian Walker's contribution, short as it was, was of high quality, as always.

The starting point for my reply to the second reading debate, providing the official response on behalf of the government, is to indicate how mining activity significantly drives the economic growth and wellbeing of this state and how our prosperity is heavily connected to its success. The role of all responsible political parties when they come to power is to ensure that that success continues in an appropriate way. If we can do anything to ensure the success of the industry, balanced with those other factors I talked about—environmental, social and those sorts of things—that is something we should be doing. It is what we are trying to achieve with this legislation.

The purpose of the Mining Amendment Bill 2021 is to amend the Mining Act to increase the efficiency of applications and assessments for mining activities. It is largely about process. It is not about changing the rights of miners or members of the community; it is essentially about the process. The amendments will modernise activity approvals under the Mining Act and embed, as Hon Dr Steve Thomas identified, a risk-based outcomes-focused regulatory framework. This will not only reduce the administrative burden on industry for applications and ongoing approvals, but also assist government efforts to effectively regulate the sector and minimise the risk to the environment. The key is achieving a balance, and the bill will achieve that through several key features.

I will add, and this has been mentioned during the debate, that there is another amendment to the Mining Act in the other place, the Mining Amendment Bill 2022. It is not a matter for us to debate today. That further bill is, again, an effort by the government to advance a bill that was first drafted in 1978 that has been modernised. Of course, we will get into the details of that legislation when it reaches us in due course.

A key feature of this bill is new part 4AA, "Conditions and approvals", which will consolidate all activity approvals in one part of the act. Hon Dr Brian Walker mentioned that there is a lot of red text in his copy of the bill. A lot of

that red text is just text that has been lifted out of one part of the act and put into the new part 4AA. Hopefully, that will make it a lot easier, or more straightforward, for people using the act to understand what they have to deal with when they are seeking approvals and the conditions that apply in those circumstances, rather than having to trawl through the entire Mining Act. In many respects, the Mining Act is practical for people who work in that industry. People have spoken about the difference between the mum-and-dad prospectors and the big mining companies, and how the act applies to them perhaps not equally but it is of equal importance to them and what they are doing. The bill is also important for those communities and environmentalists who are interested in having their say, and it is important for them to understand it. It is about not simply miners, but also the impact mining has on the community and those who have objections to it.

Bringing all these provisions into one dedicated part will clearly separate the processes for granting tenements from the subsequent approvals process for prospecting, exploration or undertaking mining operations, and will provide clarity and ease of reference for miners. The part also sets out clear and transparent assessment and approval procedures that are not provided for in the current act.

Members have mentioned this, but one of the most significant features is the creation of the framework for the new eligible mining activity. A key feature of the bill is the introduction of the new eligible mining activity framework, which is a new form of automated authorisation to enable a faster approvals process for certain—I make that clear—eligible activities. It will not apply to all mining activities, just certain mining activities. This will remove the current time period for an application to await and undergo assessment while ensuring the full information capture and appropriate regulation of those activities without compromising environmental outcomes. As members have mentioned, the specific details of the activities to be considered an eligible mining activity and standard conditions will be prescribed in supporting regulations and will be subject to a separate consultation period following the passage of this bill.

A benefit of the introduction of the eligible mining activity framework is that it will enable environmental officers from the Department of Mines, Industry Regulation and Safety to be redirected and allocated to assessment of and on-ground compliance for high-impact, high-risk activities that occur in Western Australia. The point to make is that technology, which Hon Wilson Tucker often talks to us about, is available to integrate into this system to allow us to get more people out from shuffling papers and onto the ground in the community. I take the point that Hon Dr Brad Pettitt made that maybe we should expand the public service to achieve that objective rather than going down the path of automation, but I think that is a false economy because the technology is available to us. It is likely to be a much more secure process because, as Hon Wilson Tucker pointed out, it will be less prone to human error. It will not be without error, of course, but those activities that are appropriate to be automated will be less prone to human error. The key is not whether it is appropriate to automate, but which element of it is appropriate to automate. Hopefully, as we go through the Committee of the Whole stage, members in the chamber will become much more comfortable about where that sits.

I will make some more detailed comments about the automation of mining approvals, noting members' concerns about that. However, I want to reassure the house that the introduction of the eligible mining activity framework will in fact strengthen environmental regulation under the Mining Act and help to modernise and implement a risk-based, outcomes-focused approach to mining in Western Australia. In the last financial year, approximately 3 500 applications to undertake exploration activities, known as programs of work, were received by the Department of Mines, Industry Regulation and Safety. I will repeat that—3 500 in the last financial year. That is roughly 100 a day, on average. That is a lot of applications to receive and a lot of work to be undertaken. Although Hon Dr Brad Pettitt identified, I think it was two or three individuals who wrote to him —

**Hon Dr Brad Pettitt:** Four.

**Hon MATTHEW SWINBOURN:** It was four. Sorry, I thought I was paying attention, but, clearly, I was not paying enough attention! The point I am making is that in the context of the overall work that the Department of Mines, Industry Regulation and Safety undertakes, that is only a small proportion of those 3 500 applications.

I think the contribution of Hon Kyle McGinn, who has left the chamber to attend to urgent parliamentary business, on his experience in dealing with the mining sector in his electorate is to be contrasted with the size of the pool of applications for programs of work that the department is dealing with. Each of these applications had to undergo assessment by an environmental officer prior to a decision being made. In some instances in which an application is for simple activities, would cause minimal disturbance and is not located in a sensitive environmental area, the assessment is largely administrative in nature and diverts an environmental officer's time away from higher risk assessments and on-ground compliance work. The eligible mining activity framework acknowledges the diversity of the mining sector in Western Australia and will introduce a tiered approach to the environmental assessment of mining operations. It will do this specifically by acknowledging that certain minimal disturbance mining activities located outside of sensitive environmental areas can be progressed through an automated authorisation path. Although it will be an automated authorisation, the eligible mining activity framework will be developed to ensure full information capture while still occurring within the robust regulatory framework that applies to mining activities.

I will just make a little diversion here to cover off some information. We are talking about spatial capture—sorry, did I talk about spatial captivity?—and sensitive environmental areas. The system used is called TENGRAPH Web. It is a spatial enquiry and mapping system displaying the position of Western Australia's mining tenements in relation to other land information. The spatial boundaries for all areas like state forest and conservation areas et cetera are shown in TENGRAPH. Consultation through the drafting of regulations will inform what areas should be excluded from eligible mining activities in addition to those outlined in sections 24 and 25 of the Mining Act—that is, areas that are not appropriate for an EMA notice. This may include feedback that private land should be excluded from an EMA. For private land use, as part of the consultation on the corresponding regulations, the department will seek feedback from stakeholders on the criteria for the EMA framework, notably, as I say, the types of land in addition to those outlined in sections 24 and 25 of the Mining Act that are not appropriate for an EMA notice. This may include feedback that private land should be excluded from an EMA process. I think that is in its entirety.

**Hon Dr Steve Thomas:** We will come back to that during the committee stage.

**Hon MATTHEW SWINBOURN:** Yes, for sure; I am just trying to cover off some of the points that were raised.

I might have said this already, but I am going to repeat it, because I am not sure whether I did. Although it will be an automated authorisation, the eligible mining activity framework will be developed to ensure full information capture, which I just spoke about, while still occurring within the robust regulatory framework that applies to mining activities. Activities authorised under the eligible mining activity framework will need to be undertaken in accordance with standard environmental conditions, which we are not changing with the amendments to this act. The automated authorisation will not remove the requirement for an applicant to operate in accordance with all tenement conditions, and, should applicants not meet these conditions, the tenements will be liable to forfeiture under enforcement actions. A benefit of the introduction of the eligible mining activity framework is that it will enable environmental officers' time to be redirected and allocated to the assessment of on-ground compliance of high impact, higher risk activities that occur in Western Australia.

The specific detail of what will constitute an eligible mining activity and the conditions that will be applied to eligible mining activities will undergo extensive public consultation should the bill pass. This consultation process will encourage submissions from any stakeholders, including the general public, communities and freehold landholders. Given that changes to the mining regulations can be disallowed by the Parliament, Parliament will retain its oversight on the scale and nature of activities that will be deemed suitable to be assessed through the eligible mining activity framework. Hon Wilson Tucker raised that issue about the regulations. It is twofold in one sense. The Joint Standing Committee on Delegated Legislation, which I think is made up half by members of this house and half by members of the other place, will consider all those regulations, because that is its role. If, for any particular reason within the rules of that committee or its terms of reference, it decides that a proposed regulation offends those terms of reference or sits outside the power that the act has given it, then, as the member has probably experienced here, the committee can make a recommendation to the house to disallow that regulation.

Of course, the other part of that is that any member of this place is entitled to move a disallowance motion on any regulation within a certain time frame. I understand that that is a burden because a lot of regulations are made, but we would expect that if there is significant opposition to particular regulations, members of the community would at least reach out to members of Parliament to let them know about their concerns. I make this point that although Hon Wilson Tucker is not a member of the Joint Standing Committee on Delegated Legislation as I understand it—he may or may not be aware of this—he is not excluded from being involved in any hearings. He can sit in on the committee, but he will not have voting rights and things of that kind. The member can talk to the clerks, who will give him more advice, but if those things come up, particularly in relation to the area that he is concerned about, he might be able to be involved through the Joint Standing Committee on Delegated Legislation. There is obviously a view amongst members, particularly opposition members, that regulation-making powers and the process of regulation powers are inferior to giving power to Parliament itself, although I might add for those members who are not aware that when members opposite are in government, they also make the same regulation powers that we tend to make because they act on identical advice from the public service.

**Hon Dr Steve Thomas:** When your side is in opposition, its members express equal or more outrage!

**Hon MATTHEW SWINBOURN:** Never—that would never happen! It usually depends on which side of the house members are sitting on as to how they feel about regulation-making powers. They have their benefits, of course, because they can be robust and flexible in not having to change an act in its entirety, which can be a long and cumbersome process, which, of course, has the ultimate authority of Parliament and its views.

I turn to the stakeholder engagement requirements for mining environment applications. When an applicant seeks approval to conduct mining activities via a mining proposal or a mining development and closure proposal as outlined in the bill, they will be required to demonstrate that they have undertaken engagement with all relevant stakeholders to ensure that interested and affected parties are informed of proposed mining activities and that those parties have been provided with the opportunity to express how they may be affected. Applicants will also be required to demonstrate that continuous stakeholder engagement will occur during the life of the mining operation.



This will ensure that stakeholders are afforded the opportunity to provide feedback during the life of a mining operation. Proposed section 103AN of the bill sets out information requirements for a mining development and closure proposal and states that information can be prescribed in regulations. The information to be prescribed will mirror the existing arrangements for mining proposals and mine closure plans, which are as follows: first, the mining proposal must include information on the engagement that has been undertaken with stakeholders, a record of the engagement undertaken to date and a strategy for ongoing engagement; and, secondly, the mine closure plan must include information on the engagement that has been undertaken with stakeholders relevant to rehabilitation and mine closure, a record of the engagement undertaken to date and a strategy for ongoing engagement. Meaningful engagement with affected parties will be important in maintaining an open and robust regulatory framework to maintain community support of the state's resource sector.

I am aware of the concerns amongst some private landholders about the interaction of mining tenements over private land. Under the Mining Act 1978, any person is entitled to object to the grant of a mining tenement. The owner and occupier of the land are specifically entitled to be heard in relation to an application. I want to reassure the house that none of the changes in this bill will vary any existing objection rights under the Mining Act, nor will the bill change any existing rights for private landholder consent for tenement application, which, I think, was one of the Leader of the Opposition's questions.

**Hon Dr Steve Thomas:** That is the bit I raised. That is important.

**Hon MATTHEW SWINBOURN:** Yes. This bill focuses on improving the environmental approvals that are issued under the Mining Act that occur post—the grant of a tenement. I will also talk about the approvals statement, which is obviously another key feature of this bill. The introduction of a single approvals statement for mining operations will streamline the application and approval process. This is a new instrument that will clearly record the approved mining operations and corresponding conditions of approval. The introduction of the approvals statement will consolidate all approved activities and relevant environmental conditions across multiple tenements and—again, I think that was the member's question—set clear relevant parameters of approval. The results in clarity of the approval activities and conditions are efficiencies for both industry and DMIRS in terms of managing compliance with approvals. It will significantly reduce the regulatory burden on tenement holders, as they will no longer have to report against myriad conditions set over time and, if I recall correctly from my discussions with the advisers, sometimes competing conditions in different documents. They will report on the outcomes-focused conditions set specifically on each activity, which provides flexibility for proponents to change their environmental management over time to meet best practice standards. This will provide much better outcomes for the environment.

I want to also briefly touch on the consultation that occurred, because that was raised. A specific question was asked about whether the Environmental Protection Authority was consulted, and I can confirm that it was consulted in the development of the bill. The Mining Amendment Bill 2021 was made available for public consultation under its former title, Streamlining (Mining Amendment) Bill 2021, for an eight-week period between 3 May 2021 and 25 June 2021. The Department of Mines, Industry Regulation and Safety adopted a number of mechanisms to engage with stakeholders on the bill. This included using the DMIRS resource and environmental regulation group e-newsletter, updating the DMIRS consultation hub, publishing announcements on the DMIRS and wa.gov.au Streamline WA webpages, holding information sessions and utilising DMIRS' various social media platforms. As a result of the extensive stakeholder engagement undertaken and comments received from stakeholders, numerous changes were made to the drafting of the bill prior to its introduction.

There are some further details on the consultation. During the consultation period, DMIRS held a number of public information sessions in Perth on 14 and 25 May 2021 as well as 11 June 2021. Two sessions were held in Kalgoorlie on 18 May 2021 and one session was held in the south west in Bunbury on 21 May 2021. An online information session was also held for stakeholders who were unable to attend an in-person briefing. These events were attended by a range of stakeholders, including government, industry, Aboriginal corporations and environmental consultants. During the consultation period, DMIRS met with industry peak bodies, including the Association of Mining and Exploration Companies, more commonly known as AMEC; the Chamber of Minerals and Energy of Western Australia, more commonly known as the CME; the Amalgamated Prospectors and Leaseholders Association; and the Eastern Goldfields Prospecting Association. DMIRS met with the Department of Water and Environmental Regulation and, as previously indicated, the Environmental Protection Authority, the Department of Biodiversity, Conservation and Attractions and the Department of the Premier and Cabinet to discuss the bill. DMIRS also wrote to the Department of Jobs, Tourism, Science and Innovation and the Department of Planning, Lands and Heritage seeking comments on the bill. DWER, the EPA and DBCA provided comments on the bill. During the consultation period, it was identified that further information on transitional arrangements and the potential structure of the mining development and closure proposal was required. An additional information sheet was released on 3 June 2021 providing further details on these matters. A response-to-submissions document was published on the DMIRS website, providing a detailed response to submissions and summarising key themes arising from stakeholder feedback. I think it is fair to say that there was extensive consultation on the development of this bill. There were opportunities for industry, government agencies and environmentalists to have their say on the development of the bill.

The bill was first introduced to the Legislative Assembly on 20 October last year. This bill has been around for almost 12 months, so it should not be surprising to anyone that we are currently dealing with it. Formal submissions were received during the consultation period from the Amalgamated Prospectors and Leaseholders Association of WA; the Association of Mining and Exploration Companies; the Australasian Institute of Mining and Metallurgy; Cement Concrete and Aggregates Australia; the Chamber of Minerals and Energy; the Department of Water and Environmental Regulation; the Department of Biodiversity, Conservation and Attractions; the Eastern Goldfields Prospectors Association; the Environment Institute of Australia and New Zealand Inc; the Environmental Protection Authority; Fortescue Metals Group; Iluka Resources; Lindsay Stephens of Landform Research; and Northern Star Resources.

In conclusion, this bill will significantly reduce the regulatory burden for industry and government, while at the same time strengthen and improve environmental management of mining activities. The reforms are consistent with the principles of best practice, environmental regulation and accountability, and will be transparent, predictable, proportional and targeted. The reforms proposed in this bill will greatly streamline activity approvals and improve regulation under the Mining Act.

Members may have raised other matters during their contributions to the second reading debate. I have tried to cover off most of them, but as we are going into committee, it would probably be best to defer any more discussion or contribution on them. I will check my notes to make sure that I have not missed anything important. I think the only extra bit I would like to add is to a question asked by Hon Neil Thomson, which was: will the bill achieve the goal of reducing red tape? As short as I can put it, member, yes, it will.

With those comments, I commend the bill to the house.

Question put and passed.

Bill read a second time.

#### *Committee*

The Deputy Chair of Committees (Hon Jackie Jarvis) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

#### **Clause 1: Short title —**

**Hon NEIL THOMSON:** I thank the parliamentary secretary. Just on the point about how this is going to impact on mining activities, we do not refer to it as exploration—we do not seem to make a distinction. My understanding, from reading the bill, is that the reason for that is by defining eligible mining activities in regulation, we will sort of be defining by their outcome. Therefore, there is no need to make a distinction between exploration activities and, say, activities at an existing mine site that might be subject to this bill. I am curious about the sorts of activities that will be eligible mining activities. Maybe the parliamentary secretary could elaborate on that a bit. Would it be fair to say that almost all activities will be exploration activities or will activities that are currently undertaken within mine sites and are currently subject to approval be exempted? That comes to the heart of the issue of scope and scale. Hon Dr Brad Pettitt raised a fair point. There is concern about the scope of eligible mining activities that will be subject to this automated process. I think that is the part that the community is not so clear on. To be honest, I am a layperson in these matters, as we both probably are. So that I can better understand the scope of the automated process, could the parliamentary secretary outline, without prejudice, the sorts of activities that might be eligible?

**Hon MATTHEW SWINBOURN:** I will first take the member to clause 34 and proposed section 103AB(1), which defines “eligible mining activities” —

- (1) For the purposes of this Part, the regulations may prescribe an activity done on land the subject of a mining tenement to be an *eligible mining activity (EMA)* if —
  - (a) the activity uses machinery to disturb the surface of the land for the purposes of, or in preparation for, mining; and
  - (b) the activity can be carried out with minimal disturbance to the surface of the land.

That is the first thing to understand about the scope of what can be an eligible mining activity. Yes, it does include exploration, prospecting and mining; however, it will be limited to exploration and prospecting at first. Because this is a new change, the department will limit what an EMA will be under the regulations. The intention is to limit it to exploration and prospecting, but it would be disingenuous of me to say that it could not later be extended to mining activities, although it would be hard to see how most significant mining activities could satisfy the definition of an EMA. An EMA involves minimal disturbance to the land, and almost all mining activity is not minimal; it is significant. I hope that answers the member’s question.

**Hon NEIL THOMSON:** I have a point of clarification on that. Are there any cases of existing mine sites that will be required to seek further approval when their broader activities come within the ambit of eligible mining activities? It is a simple question: is there a problem in the mining sector except for—I am just trying to find where the problem is. I understand that the problem currently exists mainly for greenfield exploration activities.

**Hon MATTHEW SWINBOURN:** I think the member is asking about mining activities rather than exploration and prospecting. I am told that this is the kind of thing that we contemplate here as being minor—sorry, not minor. The correct wording is “minimal disturbance” to the surface of the land on an existing mining tenement. For example, the lessee will have to make an application if they want to put a windsock in because it will require a hole and a variation to their licence. We are not proposing that it will apply to that but by giving the member the example of a windsock I can show him how minor it is in the overall scope of the mining activities. Exploration activities will mostly benefit from what we are doing here.

I was given an example of somebody who has a mining exploration licence to drill 100 holes on their site and finds that some of those holes are not on the—what are they called?—mineral strike. There is some language here that is not familiar to me. Those 100 holes would be a significant activity and a significant disturbance so it would not be an eligible mining activity process, but if they wanted to drill another three or four holes where they are licensed, the EMA process would be available for them to do that. They could then, perhaps, follow the ore whilst the drilling equipment is there and available, rather than having to restart the whole process. As the member knows, getting the drilling rigs onto the site, doing the drilling and booking in the time make up a lot of the up-front costs for these exploration activities. If all that work is done and they do not turn up any results, and they have to go back under the paper method for a few extra holes, the cost comes up for them.

**Hon NEIL THOMSON:** The parliamentary secretary talked about the environmental officers and the ability to redirect those officers, under the bill. Using the parliamentary secretary’s example, I assume that in the current scenario they would have to, effectively, seek approval for those extra three holes. Under the new regime, they would not need to because it would be deemed to be an eligible mining activity; therefore, within the approved program, they could operate within the definition of minimal ground disturbance.

I go back to the redirection of environmental officers. Has anyone in the department done an analysis of the total body of work that is currently undertaken and the number of FTE tied up in the approvals process for low-risk and high-risk activities, and then made an assessment of how much is likely to be redirected? Does the parliamentary secretary have any idea, once this bill is enacted, of the number of FTEs that are likely to be redirected into those high-impact, high-risk activities?

**The DEPUTY CHAIR (Hon Jackie Jarvis):** Parliamentary secretary.

**Hon MATTHEW SWINBOURN:** Thank you, deputy—it has been happening today; people are being promoted!

**The DEPUTY CHAIR:** Deputy Chair?

**Hon MATTHEW SWINBOURN:** Deputy Chair—yes. I thought I was going to say Deputy President, though, so you would get a pay rise for that!

**Hon Dr Steve Thomas:** We’ve been handing out promotions all over the place today.

**Hon MATTHEW SWINBOURN:** We have, have we not? It is Thursday!

To answer the member’s question directly, in the parameters of the question, no analysis has been done, and I will give the reason for that. People have turned their minds to the issue about change, but because the scope of the eligible mining activity has not yet been determined—what will sit in and outside of an eligible mining activity—we cannot work out what the impact will be on the department, to the degree to which the member has indicated, because that process has to be undertaken in consultation with the community. The department does not have a set position about what the eligible mining activity will be to do the level of analysis that the member is talking about. The department knows that there are approximately 3 500 applications every year, and if there were a 10 per cent impact on that, that would be 350, which is a significant amount. Even on the guesstimates, there will be a shift from work dealing with applications to the on-ground stuff, because the workload of an environment officer is split between dealing with applications and on-ground work. Therefore, if we think of it as a bit of an indicator, we want to move more towards having that split more favourably on the side of on-ground activity or monitoring as opposed to processing mining activity applications.

**Hon NEIL THOMSON:** I hope, as I am sure the parliamentary secretary does, that there will be a significant percentage of ability to redirect. On the question of cost recovery, is there likely to be any impact at all on the average application fee? I believe there is a cost-recovery model for current applications. Of those 3 500 applications, I assume there would probably be some sort of average. I do not know the detail, but I assume the parliamentary secretary might be able to provide some enlightenment on this. I assume it is based on some sort of formula around the time it takes and the scale of the applications. Does the parliamentary secretary think there is the potential for any saving in this to both the proponent and the government?

**Hon MATTHEW SWINBOURN:** I am told there are currently no prescribed fees and there is no intention to prescribe fees for EMAs when the legislation comes through. What might have been picked up when the member looked at the bill is that a power to prescribe fees is in the bill, but that power will simply be moved from the part of the act it currently sits in to new part 4AA. In practice, there will be no change because no fees are currently prescribed and there is no intention to prescribe fees. The member is talking about a cost-benefit analysis or a reduction in fees, but because there simply are no fees, there is no impact.

**Hon NEIL THOMSON:** Maybe I misunderstood. I appreciate that. I thank the parliamentary secretary for the clarification that there are no fees for EMAs. Will there be fees for the applications that are currently —

**Hon Matthew Swinbourn:** No.

**Hon NEIL THOMSON:** No? Thank you. That is good.

The other aspect is cost. I am trying to understand whether there has been any analysis of the likely cost to industry to produce these programs of work. Is there any impact at all, given that programs of work are required? Let me rephrase that. The proposed section talks about the program of work unless it is an EMA. Is there a prospect of actually reducing the proponent's in-house cost of programs of work? Is that correct?

**Hon MATTHEW SWINBOURN:** There is no cost for programs of work or to submit them, and a cost for that will not arise out of the changes we are making. The view is that industry will save money as a consequence of the reduction in delay for those activities that fall within an EMA. They will not have to wait, which is what currently occurs, because the automated process will be quicker. If we go back to the example I gave before, those EMA processes or activities will have speed in the system and a lack of delay. If a company has an expensive drill rig on site, it will make savings because it does not have to book it in for another time. Parts of this state are heavily affected by the weather—either too hot or too wet—so it will be a massive advantage to exploration companies in particular, with a reduction in their overall exploration costs. One of the things that we can take comfort in is that they are very keen on what we are doing to get this bill passed so that the rest of the process can get underway and this can come into effect.

**Hon Dr STEVE THOMAS:** Just before I move on to my question, minister, my memory of the Mining Act is that the program of works —

A member: Parliamentary secretary!

**Hon Dr STEVE THOMAS:** Sorry—parliamentary secretary! I have done it again! He is on his way, Leader of the House. He will be there soon—watch out!

**Hon Sue Ellery:** I'm a supporter.

**Hon Dr STEVE THOMAS:** My memory of the Mining Act is that programs of work are a significant part of it already, so this might be one of those occasions when there will not be a significant change in what happens in programs of work.

**Hon Matthew Swinbourn:** No, there will not be significant change.

**Hon Dr STEVE THOMAS:** Yes, that is my memory of it, too. We are here to help!

I want to do most of my stuff on clause 34, but there are concerns in the community. There have been some untoward concerns about this. I raised this in my second reading address, as did Hon Neil Thomson, and Hon Dr Brad Pettitt read out some emails that I had received as well. My understanding of the bill is that there will be little change from the Mining Act; it is just that the way that it will go forward is being rearranged. I presume that the government has addressed those concerns. Surely those concerns have been raised with the government by this same group of people. Can the parliamentary secretary tell us how the government has addressed the concerns? Has the government received those concerns? If it has received those concerns, has it responded? How has it responded? If there is a standard letter that the concerned people in that area are receiving, he might even be in a position to table if not a specific letter to a person, then the substance and direction that the government is giving to people to reassure them that the proposal in this bill will not suddenly grant significant additional access for people to roll onto their property and do whatever they are concerned about. Can the parliamentary secretary let us know how the government is managing that?

**Hon MATTHEW SWINBOURN:** There are probably two parts to the member's question, and one relates to the act itself. Hon Dr Brad Pettitt raised the issue of people's concerns about pegging on their private land and things of that kind. This bill does not deal with that. It will not change any of the existing issues around that.

**Hon Dr Steve Thomas:** Which you did say in your second reading reply as well.

**Hon MATTHEW SWINBOURN:** Yes. What I would say, though, is that the department is aware of the issue that has been raised. I cannot give the member any more details because the advisers at the table are not involved in that, but the department is engaging with the community on that particular issue.

With regard to the other letters that were received within the last week and a half, my understanding is that they were sent to members of Parliament, including me as an MP, which I also made clear in my speech. I do not know that we are aware that the government received those responses and that therefore there has been a standard government response to it; I cannot say, but it may be something that is in train. We are about to break for question time anyway, so we might be able to get a little more clarity on that.

**Committee interrupted, pursuant to standing orders.**

[Continued on page 4013.]

**QUESTIONS WITHOUT NOTICE****COMMUNITIES — BUSINESS CONTINUITY PLANS****776. Hon Dr STEVE THOMAS to the Leader of the House representing the Minister for Community Services:**

I refer to questions without notice 583 and 610, asked on 9 and 10 August.

- (1) Which of the 11 business units and eight directorates in the Department of Communities that activated business continuity plans between 1 May and 31 July 2022 did so because of staff shortages?
- (2) For each business unit identified in (1) —
  - (a) what was the designated or target staff level in FTEs of each business unit and directorate; and
  - (b) what was actual FTE staff level of each business unit and directorate at the time the business continuity plan was initiated?

**Hon SUE ELLERY replied:**

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

- (1) Nine of the 11 business unit level business continuity plans and six of the eight directorate level business continuity plans were activated as a result of workforce depletion. Business continuity plan activation cannot be based solely on existing vacancies.
- (2) (a)–(b) There is no requirement for business units to provide FTE data for the activation of individual business continuity plans. Business continuity plan activation is initiated by the business continuity plan owner when requirements for activation outlined in the specific plan are met. A further breakdown of the circumstances impacting individual business continuity plans would require an unreasonable and substantial diversion of the agency's resources.

**SYNERGY AND HORIZON POWER — DISCONNECTIONS****777. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Energy:**

- (1) How many residential disconnection notices have been issued for each month from 1 April 2022 to 31 August 2022, inclusive of date?
- (2) How many residential disconnections have occurred for each month from 1 April 2022 to 31 August 2022?
- (3) What was the number of applications received and hardship utility grant payments made for each month from 1 April 2022 to 31 August 2022?

**Hon STEPHEN DAWSON replied:**

I will provide a brief answer to that on behalf of the parliamentary secretary. I thank the Leader of the Opposition for notice of the question. Unfortunately, the minister had to leave work to deal with urgent non-parliamentary business this afternoon, so I advise anyone who wishes to ask a question of Minister Johnston to ask it today and we will have an answer on the next sitting day.

**POLICE — STAFF****778. Hon COLIN de GRUSSA to the minister representing the Minister for Police:**

I refer to staffing levels in police districts across the north west.

- (1) What is the approved FTE limit for —
  - (a) Carnarvon Police Station; and
  - (b) Tom Price Police Station?
- (2) What is the actual FTE for —
  - (a) Carnarvon Police Station; and
  - (b) Tom Price Police Station?
- (3) What changes have there been to police staffing levels in the Gascoyne region since March 2017?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(2) Western Australia Police Force advises that due to operational sensitivities, specific information relating to staffing levels of individual police stations is not released.

- (3) Since the Liberal–National government left office in 2017 there has been an increase of 31 police officers to the midwest–Gascoyne district. In addition, Operation Heat Shield is available to be deployed when required to assist in addressing youth crime.

STATE DEVELOPMENT ASSESSMENT UNIT

**779. Hon TJORN SIBMA to the Leader of the House representing the Minister for Planning:**

I refer to the state development assessment unit.

- (1) Has the SDAU declined to accept applications?
- (2) If yes to (1), how many?
- (3) What were the reasons for refusal?

**Hon SUE ELLERY replied:**

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

- (1) No, but some proponents have opted not to use the state development assessment unit after initial discussions.
- (2)–(3) Not applicable.

ROAD TRAFFIC (VEHICLES) AMENDMENT (OFFENSIVE ADVERTISING) BILL 2022

**780. Hon NICK GOIRAN to the Leader of the House representing the Minister for Women’s Interests:**

I refer to the Minister for Transport’s second reading speech delivered in the other place on 17 August 2022 regarding the Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022, during which she stated —

The Minister for Women’s Interests and I have both received numerous complaints over the years asking the state government to stamp out this behaviour ...

- (1) How many complaints has the minister received regarding offensive advertising on vehicles during her appointment as Minister for Women’s Interests?
- (2) When was the most recent complaint?
- (3) What was the substance of the complaint?

**Hon SUE ELLERY replied:**

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

- (1)–(3) The Minister for Women’s Interests has received six pieces of written correspondence, the most recent being from the Australian Christian Lobby on 9 June 2021 welcoming the government’s decision to introduce legislation to ban offensive slogans, noting a desire to uphold respectful language, particularly towards women. The minister also received representations from the former shadow Attorney General, Hon Michael Mischin, MLC, indicating support for change. In addition, the minister has received media queries, a number of social media messages and commentary, and informal feedback and complaints conveyed in person.

POLICE — GRADUATES

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

I refer to each of the police graduation events conducted in 2020 to date.

- (1) For each event, did all the recruits complete all the requirements of the course prior to their graduation ceremony?
- (2) If no to (1), how many recruits did not complete all the requirements for each event?
- (3) For each event referred to in (2), which requirement was not completed?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(3) The Western Australia Police Force advises that recruits who are unable to complete all critical training components due to unforeseen absences or injury—for example, isolation due to COVID—remain at the Western Australia Police Academy while the training is completed. If the commencement of this training is delayed due to the recruit’s circumstances, they will temporarily be assigned administrative duties aligned to their capabilities and will undertake the required training at the earliest opportunity. Compiling the detail requested with regard to each recruit would demand significant time and resources to be diverted from core police activities.

## FORREST HIGHWAY — ACCELERATION LANES

**782. Hon JAMES HAYWARD to the Leader of the House representing the Minister for Transport:**

I refer to traffic management at the intersections of Myalup Beach Road and Forrest Highway and Binningup Road and Forrest Highway.

- (1) Will the minister consider smart freeway technology or any other technological solution to slow traffic at these dangerous intersections?
- (2) If no to (1), why not?
- (3) Can the minister provide an update on how the construction of the promised acceleration lanes at these intersections is progressing and advise in which year they are expected to be completed?

**Hon SUE ELLERY replied:**

- (1)–(3) The installation of acceleration lanes is expected to improve traffic flow and safety. Construction of the Binningup Road acceleration lane is expected to commence in mid-2023, with all the acceleration lane works and improvements at Myalup Beach Road completed by mid-2024.

## NATIONAL CONSTRUCTION CODE — SEVEN-STAR EFFICIENCY RATING

**783. Hon Dr BRAD PETTITT to the minister representing the Minister for Commerce:**

I refer to the decision made by all Australian states last week to sign on to the new seven-star efficiency rating in the National Construction Code and adopt 21 May 2023 as the start date for the new seven-star requirement.

- (1) Why is WA the only state that has not announced a clear start date for the seven-star requirement to come into effect?
- (2) When will WA announce its start date to give the building industry certainty?
- (3) When will WA adopt the NCC's new minimum accessibility standards as a requirement, known as the liveability standards, noting it has already been adopted by all other Labor state governments in the country?

**Hon DARREN WEST replied:**

I answer on behalf of the minister representing the Minister for Commerce. I thank the honourable member for some notice of the question. On behalf of the Minister for Commerce, I provide the following answer.

- (1)–(2) Not all jurisdictions have committed to an implementation date prior to October 2023. Building ministers agreed that the code will be available for voluntary use from 1 October 2022 and will commence on 1 May 2023. The building ministers' meeting communiqué indicates that building ministers recognised that individual jurisdictions may make modifications to the implementation time frame to address local circumstances. At this stage, the implementation time frame for Western Australia is still under consideration. I can advise that Western Australia has a 12-month transition prescribed in the Building Regulations 2012 for all new editions of the National Construction Code.
- (3) WA is not in a position to adopt the accessibility provisions at present. We will continue to monitor the situation in the industry and the housing market.

## POLITICAL DONATIONS — LEGISLATION

**784. Hon WILSON TUCKER to the parliamentary secretary representing the Minister for Electoral Affairs:**

I refer to my question without notice 772 asked on 31 August regarding the drafting of an amendment to political donation and disclosure laws. Will the government undertake any consultation with external stakeholders, namely opposition and minor political parties, in the development of the proposed legislation?

**Hon KYLE McGINN replied:**

I answer on behalf of the parliamentary secretary representing the Minister for Electoral Affairs. I thank the member for some notice of the question. The following answer has been provided to me by the Minister for Electoral Affairs.

As stated in the Attorney General's response to question without notice 772 and as is the longstanding convention of successive governments, the drafting of bills is a decision of cabinet and is cabinet-in-confidence.

## FIRE DANGER RATING SYSTEM

**785. Hon SOPHIA MOERMOND to the Minister for Emergency Services:**

From today, a new fire danger rating system has been introduced to WA with four rating levels—moderate, high, extreme and catastrophic—replacing the previous six, with the Bureau of Meteorology hoping it will deliver more localised and accurate information.

- (1) By what date will all fire danger rating system signs across WA be replaced?

- (2) What is the total signage replacement budget?
- (3) Given this is vital information for local communities, what budget has been specifically allocated towards educating the public on what the four new ratings mean?

**Hon STEPHEN DAWSON replied:**

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

- (1) Local governments have commenced the removal of signage and we expect the majority of signs will be replaced by the start of the southern fire season, notionally 1 December 2022.
- (2) Following the closure of the tender process, an updated total of \$500 000 has been allocated to support local governments with signage replacement.
- (3) A total of \$1.6 million, including the above figure, has been allocated to educate the public about the new Australian Fire Danger Rating System.

The honourable member, like other members, would have got some information from my office yesterday about the changes. I look forward to her copying her colleague Hon Dr Brian Walker in helping educate her constituents about this much-needed change.

GERALDTON HEALTH CAMPUS — REDEVELOPMENT

**786. Hon MARTIN ALDRIDGE to the Leader of the House representing the Minister for Health:**

I refer to the status of the Geraldton Health Campus redevelopment.

- (1) Does the minister accept the Auditor General's findings that Geraldton Health Campus will not meet its targeted completion date of August 2024?
- (2) What is the expected completion date for the redevelopment?
- (3) Has the tender process for stage 2 works recommenced; and, if yes, on what date did it recommence and how many tenders have been received?

**Hon SUE ELLERY replied:**

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

- (1) The building and construction industry has experienced significant pressures due to the COVID-19 pandemic. This has impacted the delivery of the \$122 million Geraldton Health Campus redevelopment.
- (2) The project is being managed by the major projects division of the Department of Finance, strategic projects; therefore, this question needs to be referred to the Department of Finance for an answer.
- (3) As per answer to (2).

MINISTERIAL EXPERT COMMITTEE ON ELECTORAL REFORM — FOI REQUEST

**787. Hon NEIL THOMSON to the parliamentary secretary representing the Minister for Electoral Affairs:**

I refer to correspondence to me from the Attorney General dated 2 August 2022 concerning a freedom of information request in the following terms, being "Correspondence between the Office of the Attorney General and all members of the Ministerial Expert Committee on Electoral Reform", noting that the Attorney General denied access to over 20 correspondences on the basis "the document contains information, the release of which would infringe upon the privileges of Parliament".

- (1) Will the minister undertake to provide the correspondences as listed in the FOI response to the Standing Committee on Procedure and Privileges to determine whether those correspondences should be released to me?
- (2) If not, why not?

**Hon KYLE McGINN replied:**

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

- (1)–(2) The Attorney General is under no obligation to do so. I note that the member has the right to seek external review of any freedom of information decision.

FOREST PRODUCTS COMMISSION — FIREWOOD SUPPLY

**788. Hon STEVE MARTIN to the minister representing the Minister for Forestry:**

I refer to question without notice 666 asked on 16 August 2022 regarding firewood supply.

- (1) Could the minister provide the total tonnage of each of the product types that the Forest Products Commission is committed to sell under contract in the 2022 calendar year?



- (2) How much of the total tonnage in (1) is the commission expecting to be able to deliver?
- (3) How much of the total tonnage in (1) has the commission delivered to the latest available date?

**Hon DARREN WEST replied:**

I thank the honourable member for some notice of the question. On behalf of the minister who represents the Minister for Forestry, I provide the following answer.

- (1) The green firewood production target is approximately 79 000 tonnes for 2022. Dry firewood is produced as available in the coupes being harvested and is sold as an “up to” quantity with no minimum target.
- (2) The FPC is looking to deliver approximately 79 000 tonnes of volume by the end of the year.
- (3) Total firewood deliveries this calendar year was approximately 40 000 tonnes to the end of August 2022.

## FORESTCHECK

**789. Hon Dr STEVE THOMAS to the minister representing the Minister for Environment:**

I refer to Forestcheck and note that in 2016 Forestcheck was due to undertake an analysis of the previous 10 years of data and to report on the findings of that analysis.

- (1) Will the minister table this report?
- (2) If not, why not?

**Hon STEPHEN DAWSON replied:**

I thank the Leader of the Opposition for some notice of the question. The following information has been provided on behalf of the Minister for Environment.

- (1)–(2) No. The Department of Biodiversity, Conservation and Attractions’ approach is to publish outcomes of Forestcheck through peer-reviewed scientific journals that are available publicly when published. The current scientific paper that DBCA has prepared is in peer review with the scientific journal *Forest Ecology and Management*. Once the paper is published, it will be publicly available.

## WESTPORT — CONTAINER TRADE FORECASTS

**790. Hon COLIN de GRUSSA to the Leader of the House representing the Minister for Ports:**

I refer to the government’s failure to provide the updated compound container annual growth rates that underpin its decision to develop the Westport project, as requested in question on notice 250 and questions without notice 396 and 540.

- (1) Has the government now developed updated long-term container trade forecasts?
- (2) If yes to (1), can the minister please table the forecasts?
- (3) If no to (1), can the minister please explain why the government has not yet been able to complete these forecasts given that the original question without notice 540 was asked more than 12 months ago on 18 August 2021?

**Hon SUE ELLERY replied:**

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

- (1)–(3) The Westport business case is currently under development. Long-term container trade forecasts will continue to be updated as truck and rail movement assumptions are refined.

## STATE DEVELOPMENT ASSESSMENT UNIT

**791. Hon TJORN SIBMA to the Leader of the House representing the Minister for Planning:**

I refer to the state development assessment unit.

- (1) How many applications have been approved by the SDAU for each quarterly period since the unit was established?
- (2) Of the above approved applications, how many have substantially commenced?

**Hon SUE ELLERY replied:**

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

- (1) From the third quarter in 2020, the number of applications for each of the quarters was nil, one, four, four, four, three, nil, two and nil.
- (2) Five applications have substantially commenced and one has been completed.

## COMMUNITIES — CASEWORKERS

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

I refer to the minister's answer to parts (5) and (6) of question without notice 613 asked on 10 August 2022 regarding case load numbers.

- (1) Given that question asked for the current case loads of caseworkers, why was information limited to case loads as at 1 July 2022?
- (2) How many caseworkers currently have a case load over the recommended limit of 15?
- (3) How many caseworkers currently have a case load over the exceptional limit of 18?
- (4) Is the department involved in any industrial action with a former caseworker who had a case load over the exceptional limit?

**Hon SUE ELLERY replied:**

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

- (1) Workload management reporting is a point-in-time report produced on the first Friday of every month. The honourable member's question was asked on 10 August 2022, so the most recent finalised results —

**Hon Nick Goiran** interjected.

**Hon SUE ELLERY:** President.

**The PRESIDENT:** Order!

**Hon SUE ELLERY:** Perhaps in my position as Leader of the House, I will make this point: the whole of the bureaucracy does not exist to provide information for Hon Nick Goiran. It does provide information at a time that is the most effective use of taxpayers' money, and that is what this answer sets out.

**Hon Nick Goiran** interjected.

**The PRESIDENT:** Order!

**Hon SUE ELLERY:** Workload management reporting is a point-in-time report produced on the first Friday of every month. The honourable member's question was asked on 10 August 2022, so the —

**Hon Nick Goiran** interjected.

**The PRESIDENT:** Order! Honourable member, I would encourage you to hold your interjection until the completion of the answer.

**Hon SUE ELLERY:** I also make the point that this is question time. It is your time. If you want me to keep repeating the answer, I will. But let us start again.

**Hon Nick Goiran** interjected.

**The PRESIDENT:** Order!

**Hon SUE ELLERY:** It is your members' time. I do not care if you waste it, but maybe you want to ask them.

- (1) Workload management reporting is a point-in-time report produced on the first Friday of every month. The honourable member's question was asked on 10 August 2022, so the most recent finalised results for July 2022 were provided.
- (2)–(3) On 5 August 2022, there were 80 staff with case loads over 15, of which zero were recorded with case loads over 18.
- (4) As at 30 August, no.

## WHATLEY CRESCENT—EAST PARADE—GUILDFORD ROAD INTERSECTION

**793. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Transport:**

I refer to the response provided by Main Roads WA as part of the 2022–23 budget estimates answers to supplementary information question A17 and the statement that “Main Roads has been investigating options to upgrade the intersection of Whatley Crescent, East Parade and Guildford Road”.

- (1) What options are currently being investigated by Main Roads WA to upgrade this intersection?
- (2) Has Main Roads WA undertaken any consultation as part of these investigations; and, if so, with whom?
- (3) If no to (2), when is consultation expected to occur?

**Hon SUE ELLERY replied:**

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

- (1)–(3) An at-grade solution is being investigated for this intersection. It should be noted this project is in its early development phase and is not currently funded for construction. As part of these early works, preliminary consultation has been undertaken with other government stakeholders.

#### COMMUNITIES — POLICE RAID

**794. Hon PETER COLLIER to the Leader of the House representing the Minister for Community Services:**

I refer to question without notice 756, asked on Wednesday, 31 August.

- (1) Since the raid on the home of the female Aboriginal employee by the Western Australia Police Force, has she been on full pay and conditions in her employment within the Department of Communities; and, if not, why not?
- (2) Since the raid on the home the female Aboriginal employee by the Western Australia Police Force, has she been offered any ongoing support from within the Department of Communities; and, if not, why not?

**Hon SUE ELLERY replied:**

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

- (1) It is not appropriate to divulge the personal employment information sought by part (1).
- (2) All Department of Communities staff have access to the employee assistance program, which is available to staff 24 hours a day, seven days a week. EAP provides free confidential counselling services to staff and their immediate family members.

#### FERAL PIGS — SOUTH WEST

**795. Hon JAMES HAYWARD to the Minister for Agriculture and Food:**

I refer to the management of feral pigs in the south west region.

- (1) Can the minister advise if the feral pig population is growing in the south west region of Western Australia?
- (2) If yes to (1), what specific areas and locations are of particular concern to the minister?
- (3) What enhanced management solutions have been considered by the government to reduce or eradicate the feral pig population in the south west region?
- (4) Will the minister consider incentivising recreational and professional shooters to specifically target feral pigs in Western Australia?

**Hon DARREN WEST replied:**

I cannot answer on behalf of the Minister for Agriculture and Food, President, as I do not seem to have that answer in my file. Hopefully, it will be here by the end of question time.

#### URGENT CARE CLINICS — DATA COLLECTION

**796. Hon MARTIN ALDRIDGE to the Leader of the House representing the Minister for Health:**

I refer to the state government's urgent care clinic trial and question on notice 463, answered on 22 February 2022.

- (1) Has the government finalised the end-of-pilot analysis and report that was due to be completed in the fourth quarter of 2021?
- (2) If no to (1), what date is this report expected to be finalised?
- (3) If yes to (1), will the minister please table the report?
- (4) What progress has the government made on its election commitment to deliver urgent care clinics in Geraldton, the Pilbara, Albany, the Kimberley and Kalgoorlie?

**Hon SUE ELLERY replied:**

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

- (1) Yes. The government has finalised the evaluation of the general practitioner urgent care network pilot.
- (2) Not applicable.
- (3) No. The government is yet to consider the analysis and findings of the report.
- (4) The McGowan government delivered on its 2017 urgent care clinics election commitment through the implementation of the GPUC network pilot in the metropolitan area as well as in Peel, Bunbury, Busselton and Collie–Preston, as named regional areas to the commitment. Opportunities to address other regional area needs will continue to be developed based on ongoing strategic alignment with the sustainable health review and further health planning activities, including the emergency access response program.

## CARNARVON FLOODS — TOPSOIL REPLACEMENT

**797. Hon NEIL THOMSON to the parliamentary secretary representing the Minister for Regional Development:**

I refer to my question without notice 641 and the minister's response stating that \$240 000 had been contributed to secure \$1.3 million in federal funding for flood preparedness in the Gascoyne flood plain.

- (1) Has the flood management working group, which is reported to auspice the partnership between the Shire of Carnarvon and the Department of Primary Industries and Regional Development, finalised the budget for the components resolved by the Shire of Carnarvon, as shown in its minutes of 17 January 2022, and what are the amounts that have been budgeted for town levees, the Carnarvon Airport levee flood gates, geotechnical investigations, hydraulic modelling, the river care floodway natural infrastructure upgrade, and the project audit and acquittal costs?
- (2) Will the hydraulic modelling be comprehensive for the horticultural areas and surrounding flood plain?
- (3) When will all the hydraulic modelling be completed?
- (4) Will the modelling be made public?

**Hon SUE ELLERY replied:** Does the member have a number at the top of that question?

**Hon Neil Thomson:** It is C881. I asked the question two days ago.

**Hon SUE ELLERY:** I do not think anyone can find it in their files. If it comes in before the end of question time, I will provide the answer on behalf of the parliamentary secretary representing the Minister for Regional Development.

## AGRICULTURAL SUPPLY CHAIN IMPROVEMENT PROGRAM

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

I refer to media statements from the minister on 3 May this year announcing a \$72 million investment on the agricultural supply chain improvement program into the southern wheatbelt region.

- (1) Has the study referred to by the minister in the funding announcement commenced?
- (2) Can the minister table the list of stakeholders who have been consulted?
- (3) Is the study being undertaken by the department or external consultants?
- (4) When will the study be completed?

**Hon SUE ELLERY replied:**

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

- (1)–(4) An economic and technical feasibility scope of work has been prepared. Work to make contact with key stakeholders for consultation will commence shortly. The study is expected to be completed by mid-2023.

## NATIVE FOREST — LOGGING

**799. Hon Dr STEVE THOMAS to the minister representing the Minister for Forestry:**

The parliamentary secretary has given me the courtesy of advising me behind the chair that this question will be asked to put on notice, but I will read it in anyway so that we can start the process.

- (1) Will the minister please table a list of forest coupes or sections of coupes that were scheduled in each year from 2016 to 2021 inclusive to be harvested under the forest management plan and three-year harvest plan but were not harvested?
- (2) For each coupe in (1), can the minister please provide the reasons they were not harvested?
- (3) What is the volume or weight of wood that was scheduled to be harvested each year in that period but was not harvested?
- (4) Is it true that these coupes had predicted timber yields above the average and that their deferral is one of the reasons that average yields have declined?

**Hon DARREN WEST replied:**

I answer on behalf of the minister representing the Minister for Forestry.

I thank the honourable member for some notice of the question. As indicated, the minister has provided the following response.

Due to the amount of information requested and the time required to consult with other departments, we ask that the question be put on notice.

## ABORIGINAL CULTURAL HERITAGE SERVICES

**800. Hon COLIN de GRUSSA to the minister representing the Minister for Aboriginal Affairs:**

I refer to the Aboriginal Cultural Heritage Act 2021.

- (1) Has any of the \$10 million allocated over the forward estimates to the one-off establishment, administration and capacity building for local Aboriginal cultural heritage services been distributed?
- (2) If yes to (1), will the minister please detail this distribution?
- (3) If no to (1), why not?
- (4) How many FTE within the department are assigned to this process?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(3) During the government’s extensive consultation processes on the Aboriginal Cultural Heritage Act 2021, a number of prescribed bodies corporate—PBCs—expressed interest in undertaking the role of Local Aboriginal Cultural Heritage Services—LACHS—as set out in the act. The government is committed to consulting further with those PBCs, other Aboriginal corporations and industry to seek their views on the establishment and capacity-building requirements for LACHS. The outcomes of this consultation process will inform a funding program that will respond to the specific requirements identified. The government is separately investigating a range of training options that will be made available to LACHS.
- (4) Several officers are involved in this process, with two FTEs having a specific focus on the administrative and capacity building of LACHS.

## RESIDENTIAL TENANCIES — NO-FAULT EVICTIONS

**801. Hon TJORN SIBMA to the minister representing the Minister for Commerce:**

I refer to so-called no-fault tenant evictions exercised by form 1C notices of termination under section 61(a) of the Residential Tenancies Act 1987.

- (1) Does the Department of Mines, Industry Regulation and Safety maintain records of the number of these form 1C eviction notices?
- (2) If yes, how many such notices were issued in 2021?

**Hon DARREN WEST replied:**

I answer on behalf of the minister representing the Minister for Commerce. I thank the honourable member for some notice of the question. I provide the following answer on behalf of the Minister for Commerce.

- (1) No.
- (2) Not applicable.

## CHILDREN WITH HARMFUL SEXUAL BEHAVIOURS — RESIDENTIAL CARE — REVIEW

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

I refer to the Commissioner for Children and Young People’s *Independent review into the Department of Communities’ policies and practices in the placement of children with harmful sexual behaviours in residential care settings*, tabled on 15 September 2021.

- (1) Which of the nine recommendations have been implemented in full?
- (2) Which have been implemented in part?
- (3) Which have not been implemented to any degree?

**Hon SUE ELLERY replied:**

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

- (1)–(3) The McGowan government has accepted or accepted in principle all recommendations from the Commissioner for Children and Young People’s *Independent review into the Department of Communities’ policies and practices in the placement of children with harmful sexual behaviours in residential care settings*. Recommendation 4(a) has been completed in full and work is progressing on all other recommendations.

## RADIATION ONCOLOGY — GERALDTON

**803. Hon MARTIN ALDRIDGE to the Leader of the House representing the Minister for Health:**

I refer to Legislative Council question without notice 522 regarding the Geraldton radiation oncology unit.

- (1) Given that the minister has confirmed that the total project cost exceeds the budgeted amount by \$10 million, has she written to the new federal government to seek additional funds?

- (2) Please table the two letters and any reply from the federal government as identified by the minister in the aforementioned question.
- (3) How has the project been identified as “new works” and \$2.7 million allocated in 2022–23 with an estimated total cost of \$9 million when the minister has now admitted that the project requires an additional \$10 million in funding?
- (4) Has the minister asked the Treasurer for some of his enormous budget surplus to help pay for this proposal in the interests of patient health in the midwest?

**Hon SUE ELLERY replied:**

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

- (1) No. Representatives from WA Health are liaising with the federal Department of Health on this matter currently. I will be writing to the federal minister for help on this issue.
- (2) I table the attached letters and reply from the federal government.

[See paper [1527](#).]

- (3) The \$2.7 million allocation in 2022–23 is a provision of the \$9 million provided by the commonwealth government via the commonwealth Community Health and Hospitals Program. The project relies on a further allocation of \$10 million.
- (4) The minister continues to liaise with the Treasurer to progress key health infrastructure projects. These deliberations are cabinet-in-confidence.

ADMINISTRATION ACT — WORKING GROUP

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

I refer to the clause 1 debate during the Committee of the Whole stage of the Administration Amendment Bill 2021, during which the parliamentary secretary stated that the Attorney General’s working group on the Administration Act 1903 “does exist in a form and, yes, the government is contemplating further changes to the act.”

- (1) Who are the current members of the working group?
- (2) When did they last meet?
- (3) Will the Attorney General table the most recent briefing note or similar document received by the Attorney General about the work of the working group?

**Hon MATTHEW SWINBOURN replied:**

I thank the member for some notice of the question. The following answer is based on information provided to me by the Attorney General.

- (1) The current members are Danielle Davies, Elizabeth Heenan, Susan Fielding, Dr John Hockley, Dr Peter MacMillan, Dr Peter Handford, Pamela McMahon, Michael Bowyer and Ilse Petersen.
- (2) August 2019.
- (3) The most recent briefing note provided by the State Solicitor’s Office to the Attorney General regarding issues considered by the working group is subject to legal professional privilege.

MINISTER FOR REGIONAL DEVELOPMENT

*Answer Advice*

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [5.04 pm]: I make the point that a couple of questions for the Minister for Regional Development were lodged after she had left the house on urgent parliamentary business. I understand that officers were advised that she would not be able to provide answers to questions today.

**BILLS**

*Assent*

Message from the Governor received and read notifying assent to the following bills —

1. Conservation and Land Management Amendment Bill 2021.
2. Family Court Amendment Bill 2022.

**PAPER TABLED**

A paper was tabled by **Hon Alanna Clohesy (President)**.

**MINING AMENDMENT BILL 2021***Committee*

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

**Clause 1: Short title —**

Committee was interrupted after the clause had been partly considered.

**Hon MATTHEW SWINBOURN:** Before we were rudely interrupted by question time, Hon Dr Steve Thomas had asked me how the government was engaging with the community about some of the concerns that have arisen about this bill. I will make a couple of comments about that. The concerns were made quite late in the piece. As I indicated in my second reading reply, this bill was first read into the Legislative Assembly on 21 October last year. In terms of the government's response, it is really only in the last week and a half that we have received any significant concerns about this bill. There is, of course, a grind with the Mining Act 1978 because mining, and the activities around it, is not always universally welcomed when it happens so I do not think there is any controversy in that. However, I can table a very recent response from the minister's office to one of those inquiries. There is no standard response as such to these issues because it is very early in the piece, which is the context that I gave to Hon Dr Steve Thomas. The department, of course, as all good departments do, has provided advice to ministerial officers about the details. The document that I am holding, which I will table for the member, is an email exchange between a ministerial officeholder, Ms Hope Smith, who is a senior policy adviser to the minister, and some members of the community. We have redacted the contact details and the names of the people, but it will provide the substance of the initial email that was sent to community members yesterday. As Hon Dr Steve Thomas will see when he gets a chance to read it, it has been influenced by a government department in the nicest possible way. I say that to the advisers at the table who are helping me out! There were further inquiries, which, again, we responded to only this morning to try to allay the concerns that have been raised about the bill and engage with them on that matter. I also indicate that there is correspondence to which the minister's office has not yet had an opportunity to respond. As the member can imagine, the Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations gets an awful lot of correspondence, so the minister's office will of course respond in due course. In relation to the department dealing with the pegging issue, I do not have any different advice from what I provided earlier to the member—that is, the department is engaging with people who contact the department about how to deal with that and providing them with advice about their rights. I table this document.

[See paper [1528](#).]

**Hon Dr STEVE THOMAS:** I thank the parliamentary secretary for that; that was a pretty good turnaround and a pretty quick response. It is no wonder; I have called the minister three times today so far. With that level of performance, that has been very —

**Hon Stephen Dawson:** It was actually five.

**Hon Dr STEVE THOMAS:** Five, was it? Did the minister count them? There might be some exaggeration in that. That is really good; thank you.

I do not think we will finish this bill in the next eight minutes or whatever it is.

**Hon Matthew Swinbourn:** How unreasonable.

**Hon Dr STEVE THOMAS:** We are still on clause 1, and clause 34, which is half the bill, is the interesting one. It is important to respond to people's concerns. We have all, hopefully, done our bit to give a reasonable response and keep people calm as part of the process. Perhaps the parliamentary secretary could just take on board that if significantly different or alternative advice is given in different areas from the advice that he has tabled today, which we absolutely appreciate, it would be good if he could bring that along when we further debate this bill in a couple of weeks. We would appreciate that if there are other significant issues of concern. Given that both the opposition and the government, and part of the crossbench at least, are supporting the legislation, I think it would be really useful if we all had that information.

**Hon Matthew Swinbourn:** I think when you see what I have tabled, that will largely contain what you are talking about anyway.

**Hon Dr STEVE THOMAS:** I thank the parliamentary secretary. I suspect that it will. All I am saying is that if there is a significant deviation from that or a different question is addressed, maybe the parliamentary secretary could keep us informed of that as part of the process, because I think that would be really useful. We can then address the other issues, having calmed everybody's concerns about people rocking up and invading their property et cetera.

**Hon PETER COLLIER:** Just to follow up on that—sorry if I have missed something here, parliamentary secretary; I am not sure if you covered this—have all the people who expressed concerns been notified? Did I mishear that?

The only reason I ask is that, probably like everyone on this side and possibly a lot of people on that side, I have been inundated with letters over the last couple of weeks. I dealt with an issue with regard to the Firearms Act just recently, which exposed a problem with communication with a particular sector. I have had a number of people from the mining sector contact me on this bill. From what I have just heard, their fears appear to have been alleviated. I just wanted to confirm that I heard that right—that the people who have those concerns and have already contacted the department or minister's office have each been notified or had those concerns alleviated.

**Hon MATTHEW SWINBOURN:** I say this through the deputy chair even though I have my back to him, as I am addressing the member. I cannot say that every single one has been contacted because I do not have perfect information on that. What I have tabled is very recent correspondence between the minister's office and members of the community. Those people rang the minister's office and spoke to one of the policy advisers for the mining and petroleum area, and she then provided a detailed email to those concerned members of the public. They then emailed back some additional questions and she has responded to them today.

As I indicated during the second reading debate, like the member, I have personally received emails from members of the community who had emailed my electorate office. We were not sure whether those emails had gone to the minister's office as well or whether members of Parliament had forwarded them to it. What I can say is that it is our intention to respond to all those pieces of correspondence, because we absolutely support what this bill is trying to achieve, as does the opposition from the speeches that have been given. We think that some of those concerns, whilst genuinely held, are misplaced. We want people not to fear what we are doing here, so we do intend to respond to them. The department also will respond, more broadly.

The question from Hon Dr Steve Thomas was in two parts, it related to pegging for tenements, which this bill does not deal with at all. The department receives correspondence and contact from members of the community who see someone pegging on their private land and, as I indicated, it provides advice to those people. I also made the point that the contact was quite late in the piece.

In my reply I went through the level of consultation that the department had engaged in on this bill and the sessions that it had held. There is always more that one can do, as the honourable member knows; he has been a minister and has been on both sides of the house. If the member looks objectively at the process that the department has run for consultation on this bill, he will see that it has been fair and reasonable. There has been a number of opportunities for people to engage with that process. Having also said that, the definition of an eligible mining activity is going to be subject to further public consultation. People, again, will be able to engage with the consultation process, which will be open to the industry, environmental activists, private landholders and the community.

Again, I am not sure that the issue that the member might have identified with the Firearms Act is one that we have faced here.

There are 2.6 million people who live in the state of Western Australia. It would be nice to think that everybody is engaged with what the Parliament or our departments are doing, but, unfortunately—or fortunately perhaps for our sanity—that is not the case. Ultimately people are now coming forward, but we still think that what we are doing here has followed a fair consultation process. People had a reasonable opportunity to feed into that consultation process, and when people contact us to ask for clarification, we will provide that clarification to them.

**Hon PETER COLLIER:** Thanks for that, parliamentary secretary; I appreciate that. I get it with regard to the consultation; I really do. I understand that there can be a crescendo of support that will come around a particular theatre of thought for a bill that may be unfounded. That may be the case, I do not know, to be perfectly honest. Certainly from what I have heard, and from the parliamentary secretary's comforting words today, the information that has been provided will placate a lot of the concerns that have been raised with me and my colleagues. I am sure that my learned colleagues will extract more information through the committee stage. We will then be able to go back and facilitate some form of comfort for those people who have been contacting us, so I am quite comfortable with that.

**Hon NEIL THOMSON:** I am mindful of the time, so I will just make one point. There might be some conversation behind the chair about the program of works. I will seek some clarification on some of the comments made earlier in response to Hon Dr Steve Thomas. The big question that I think is on everyone's minds is really the timing for the development of regulations and the time frame for the transition and implementation of these regulations. Is the parliamentary secretary able, in the short time remaining, to outline for us a bit of a time line of when these regulations are likely to be ready for implementation?

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

#### DEPARTMENT OF COMMUNITIES — CASEWORKERS — QUESTION WITHOUT NOTICE

##### *Matter of Privilege*

**HON NICK GOIRAN (South Metropolitan)** [5.20 pm]: I rise under standing order 93. I wish to raise a matter of privilege that arises from question time today, and ask you, President, under standing order 93(5), to defer the consideration of this matter and provide a ruling to the Council at the earliest possible opportunity.



In question time today, I asked the Leader of the House representing the Minister for Child Protection the following question —

I refer to the minister's answer to parts (5) and (6) of question without notice 613 asked on 10 August 2022 regarding case load numbers.

- (1) Given that question asked for the current case loads of caseworkers, why was information limited to case loads as at 1 July 2022?

There were another three parts to the question, but it is part (1) that is particularly relevant and that I ask you to consider. The response provided by the Leader of the House was —

- (1) Workload management reporting is a point-in-time report produced on the first Friday of every month. The honourable member's question was asked on 10 August 2022, so the most recent finalised results for July 2022 were provided.

President, it is my respectful submission to you that that is patently untrue, and that the answer itself demonstrates that it is untrue. If it is the case that workload management reporting is a point-in-time report produced on the first Friday of every month, the problem is that the first Friday of August was 5 August. My question was asked on 10 August, so it is simply untrue for the honourable Leader of the House to say, "so the most recent finalised results for July 2022 were provided".

President, the information has now been provided in response to questions (2) and (3), but I draw to your attention the comments made on 17 March 2016 by Hon Sue Ellery, who was Leader of the Opposition at the time; she said in part —

In providing any answer, every minister and parliamentary secretary is responsible for the answer they give. Irrespective of the fact that the answer may be prepared by staff and signed off by the responsible minister—in this case the Premier—every answer given is in fact the answer of the person giving it to the house whether in a representative capacity or not. The answer given to the question was the answer of the Leader of the House. There is a trend for parliamentary secretaries in this house who answer questions in a representative capacity to give answers prefaced by expressions like "The department for X advises" or "The minister for X advises". Those prefaces do not absolve the person from ensuring that they are confident the answer is correct. If in doubt, do not give the answer. Those prefaces do not alter the fact that the answers are theirs in this house.

I also draw to your attention to the statement given by President Hon Kate Doust on 23 August 2017. She said —

Having presided over 16 question times since this chamber gave me the honour of electing me as President, I want to draw members' attention to some important matters relating to the asking and answering of parliamentary questions. Questions are an important illustration of the principle of responsible government: that ministers are responsible to Parliament individually and are accountable for the administration of their own portfolios and for the acts of government collectively. Questions are directed to ministers or parliamentary secretaries in this place and not ministers in the Legislative Assembly. A minister or parliamentary secretary who represents a minister in the Assembly is personally responsible for the accuracy of the information given in this chamber. This is a function of responsible government, the relevant minister or parliamentary secretary in this chamber being responsible to this chamber for the answers that they give. This house may hold only its members responsible; it cannot punish members of the Assembly and vice versa. Thus, when it comes to the house calling ministers to account, it is restricted to those who are members of the Legislative Council. This is the reason for the constitutional requirement that at least one minister of the Crown be a member of this chamber.

Council ministers and parliamentary secretaries cannot shed their responsibility for an answer by prefacing answers to questions with expressions such as "the minister has provided me with the following reply". The answer given in this chamber by a member of this chamber is that member's answer. The council minister or parliamentary secretary providing it is taken to have satisfied themselves that the information is accurate. Representative ministers and parliamentary secretaries in this house are not merely a convenient post box for the Assembly minister. In addition, questions are directed to ministers and it is not consistent with the doctrine of ministerial responsibility to give an answer that bypasses the minister and identifies it as being given by a public servant or statutory office holder, or, most recently, suggests that the inquirer direct their question to those public officers. If ministerial responsibility is to mean anything at all, it must mean that ministers, politically, answer for their own administration and, collectively, for the executive government. Public servants are answerable to their minister and may provide information and advice but they do not answer parliamentary questions for ministers. Allowing such an arrangement would undermine the principle of responsible government.

Before I conclude this matter of privilege, I also draw to your attention the comments made by Hon Sue Ellery on 17 March 2016, which I quoted earlier. Later in the day, she said —

It is critical that, in our Westminster system, we understand the roles of everybody. The legitimate exercise of executive power requires the informed consent of the electorate. How do we get the informed consent

of the electorate? It is based upon people being elected to the Parliament who have an obligation—indeed, a duty—to hold the executive government to account for its decisions and actions. That executive government operates through the cabinet and the cabinet is made up of executive officers of the Crown, who are also required to be members of the legislature. Those ministers are responsible to Parliament collectively for the decisions and actions of cabinet, and individually for their particular portfolios. Being accountable in the context of parliamentary democracy is essentially the requirement of executive government to fulfil its obligation to explain its decisions and actions in a timely, accurate and honest manner. This requires the provision of information, and much of that is provided in the Parliament through the tabling of papers and, importantly, through parliamentary questions and the answers provided to those questions. Accurate and timely information to Parliament and its transparent dissemination is essential.

As I conclude this matter of privilege for your consideration, I ask that you defer the matter and provide a ruling to the Council at the earliest possible opportunity. I acknowledge that, under standing order 93(1), you will need to determine whether the matter I have raised is of “sufficient substance to warrant consideration by the Council” and, if you consider it sufficient, refer the matter to the Standing Committee on Procedure and Privileges for inquiry, and report to the Council.

In fairness, President, I draw to your attention that the information that I sought has now been provided to the Parliament. In response to parts (2) and (3) of the question that I asked today, Parliament has now been informed of the information that ought to have been provided when I asked it on 10 August. At the present time, 1 September, there are no obstructions to the Parliament; the information was provided. I want to draw that to your attention as a matter of fairness; however, I will make the point that the opposition should not have to ask a question for a second time in order to get accurate information that should have been provided in a timely manner on the previous occasion. This answer demonstrates that the information was available to the government on 10 August. It was available to the government actually on 5 August, and this answer today confirms that it was available, it was not provided at that time, and it is false for the Leader of the House this afternoon to state —

The honourable member’s question was asked on 10 August 2022, so the most recent finalised results for July 2022 were provided.

Self-evidently, pursuant to this answer, that must be false.

**The PRESIDENT:** Thank you, honourable member. You have provided a very detailed amount of information in there, so I will take it under advisement, and I will report back to the house at my earliest convenience.

### **VEHICLE PARKING**

#### *Statement by President*

**THE PRESIDENT (Hon Alanna Clohesy)** [5.30 pm]: Before I call for members’ statements, members, I have just been advised that if you are the owner of an X-Trail vehicle with Scotland stickers on it, could you please report to reception.

Members, are there any members’ statements? Member, are you wanting to make a statement?

**Hon Lorna Harper:** No.

Several members interjected.

**The PRESIDENT:** No, okay. I am just checking.

### **CHILDHOOD CANCER AWARENESS MONTH**

#### *Statement*

**HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary)** [5.30 pm]: Tonight I rise on the first day of spring, which also marks the start of Childhood Cancer Awareness Month. For members who have been in this chamber for a little while, and even perhaps for not so long, they will know that Childhood Cancer Awareness Month is special to me, and that every year that I have been a member of this chamber, I have stood to mark the occasion. The occasion of Childhood Cancer Awareness Month is obviously self-explanatory in its title, and today I wear the gold ribbon on my epaulet—I think that is what it is called—or collar.

**The PRESIDENT:** Lapel.

**Hon MATTHEW SWINBOURN:** Lapel—that is it! It was one of those words. This is the gold ribbon that symbolises childhood cancer awareness. Gold, generally, is also the colour for recognising childhood cancer and I think yellow, more broadly, for cancer.

Members might not know this, but in Australia this year it is estimated that 776 children aged between zero and 14 years, will be diagnosed with cancer, and, sadly, we estimate that 88 of those will lose their fight. That figure is way too high. Cancer is the highest cause of death amongst children in Australia and has been for a very long time. A couple of the only ways that we are able to change this is through, first, appropriate treatment and the availability

of treatment, and, second, research into childhood cancers and potential cures. All childhood cancers are rare diseases because their prevalence in our society is fewer than one in 2 000. Childhood cancers, unfortunately, are very, very different in a lot of circumstances. What works in adults does not work in children and what adults are able to endure, children are not able to endure, and so we still remain stubbornly high in our 10 per cent death rate.

Most members will know that, unfortunately, childhood cancer is very personal to me. My son, Mitchell, was diagnosed when he was 10 with two tumours: one known as a paraganglioma and the other one known as a gastrointestinal stromal tumour. Those tumours were removed surgically when he was 10 years old, but, unfortunately, the GIST metastasised and progressed into his liver and lungs. Many members have met Mitchell. He is an exceptional young man. He is 17 now and is not currently undergoing any treatment. For him the options have always been only trials. He has not been able to have any conventional treatments because of the rarity of his condition, so we are always at the forefront of medical research when we start a new treatment. The last treatment was ineffective, and the impact on him personally and on his health was such that we stopped it. We are now waiting for those chemicals to clear out of his body and for the potential opportunity to start a new course of treatment that we hope—we always hope—will shrink the tumours and make them disappear.

We have been serviced and helped by the wonderful people at Perth Children's Hospital and its oncology ward. We talk a lot about our health system, and it has been in the media, but I will always hold that we have a world-class system that is the envy of almost everywhere else in the world, notwithstanding the issues that might exist. We only have to go to other parts of the world, including highly developed parts of the world, to understand how good we have it here. It is never that we should stop fighting for a better system or for greater improvements. We should always protect against backsliding on the level of care that we are able to provide our children and the rest of the community. However, our health system attracts some of the smartest people and some of the most passionate people in the world, and they do their darnedest to try to improve the wellbeing and lives of the children they care for.

Mitchell will be 18 in January next year. He will have to transition out of the children's hospital, notwithstanding that his cancers were childhood cancers. That is presenting its own degree of difficulty, and I would like to acknowledge my wife, who bears most of the responsibility for providing care to Mitchell and taking on the stress. Of course, during the COVID pandemic, the restrictions in the hospital mean that only one of us is able to attend hospital appointments with him. Once he becomes 18, the hospitals and the legal system change their views on the role of parents. For my wife, that might be very difficult because she will have to deal with a different situation, from one in which she has been able to take the primary responsibility for and stress of treatment decisions off Mitchell to one in which the system will place them on him. An area we could work on better is how we look after children who have to transition from our primary children's hospital into adult care. In other places in the world, some hospitals provide for children and young people in that in-between age. Mitchell will go from an environment where he is surrounded by people his own age to an environment where cancer patients are principally elderly, frail and completely unconnected to him. Having said that, we remain hopeful.

Across the month, I may be inspired to make more members' statements to raise awareness. I encourage all my parliamentary colleagues here to do their part—to “go gold”, as they say; to post or share information on their Facebook pages; and to make a donation to a childhood cancer charity. We have some fantastic cancer charities here. The Children's Leukaemia and Cancer Research Foundation is an organisation that was started over 30 years ago and has raised millions and millions of dollars to go directly into cancer research. We have excellent cancer researchers here, through the Telethon Kids Institute. As a state, we really have a right to be very proud of what we do in this space. I acknowledge that we do not have the same economies of scale as Melbourne or other places around the world, but we still do a lot and we contribute our part. I encourage all members to go gold this month and support Childhood Cancer Awareness Month.

Members: Hear, hear!

## **YOUTH DETENTION — BANKSIA HILL DETENTION CENTRE AND CASUARINA PRISON**

### *Statement*

**HON DR BRAD PETTITT (South Metropolitan)** [5.38 pm]: I thank the honourable parliamentary secretary for that statement. It is always difficult, but I appreciate him sharing that.

My statement today is also about children but from a different angle. A few of my crossbench colleagues and I took a tour of the Banksia Hill Detention Centre and Casuarina Prison's unit 18 a week or so ago. I thought it was important to share that, and I want to thank the office of Hon Dr Brian Walker for organising it.

It was really instructive for learning what is actually happening in that space. We asked lots of questions about this issue and certainly raised our concerns about putting youth into an adult detention centre. I thought it was important to see how it is playing out in reality. I want to thank the Commissioner of Corrective Services and all the staff who showed us around. It was a very open, honest and frank look at the challenges, and they are facing some serious challenges. It brought home to me the need to get really serious about the solutions. To be absolutely frank, it was extremely bleak, and it has haunted me in the days and weeks that have passed since.

I do not know whether anyone has been there, but the cells in the Banksia Hill Detention Centre are stark. They are small. They are designed so that nothing can break. They have a stainless steel toilet with no lid and a shower over it, and the bed mattress is covered in plastic. The walls are covered in tags and graffiti. This is a place that we are locking children and young people in for at least 13 hours a day. There are times when they are in there for 20 or 22 hours, and sometimes even 24 hours, a day. There was nothing in those cells that said to me that this is a place for rehabilitation or for getting these kids, whose lives have gone off track, back on track. There was nothing in there to show what it could be for children.

Part of the problem is that Banksia Hill is old. It was built in 1987. The architecture looks like it was built in 1987. It is a big, sprawling campus. The grounds outside are quite pleasant, but the problem is that they are out of date. Members would have heard talk about the internal fences that are very easily scalable by young people. They have learnt ways to climb the unclimbable fence, which blows my mind. The kids are scaling and sitting on top of the fences. Because the facility is not up to scratch, kids have to spend more and more time in lockdown and cannot go to education classes and do all the things that they should do. Ultimately, that is what in part led to some of them being transferred to unit 18.

The need for upgrades at Banksia Hill has been recognised. They are funded in the budget, but they are rolling out very slowly. They are not planned to be finished until 2025–26. Really? We need to get on and do this now. There are fences that kids can climb and sit on top of, and that results in lockdowns. Every second cell has been smashed and broken, even though they are unbreakable, which is a key point. We should not have to wait for years to fix this; it should be done now. We cannot get the kids out of the adult prison until the upgrades are made to Banksia Hill. It is unacceptable that we are not going to do that for three or four years. I came away from that visit thinking that we need to get on with it and do it quickly. Banksia needs to be fixed; there is no doubt about that.

After Banksia, we went to unit 18 at Casuarina Prison, which is an adult prison. It felt like an adult prison—it is an adult prison. When we were there, the guards in the under-18 part outnumbered the kids by about four to one, including the guards in riot gear. We were there for only 20 minutes or half an hour and there were three incidents in that time. At one point, we were asked to seek refuge in the staff room, where we found eight staff who had the job of providing education and First Nations people who were there to teach about country. They were really good people who wanted to do a good job, but they could not do their job. Instead, all these kids were in lockdown and being controlled.

**Hon Dr Steve Thomas:** Were they violent incidents?

**Hon Dr BRAD PETTITT:** Yes, they were.

**Hon Dr Steve Thomas:** And they were in the group of juveniles?

**Hon Dr BRAD PETTITT:** Yes, that is right.

**Hon Dr Steve Thomas:** Maybe they're in the right place, then, if they were violent incidents.

**Hon Dr BRAD PETTITT:** Yes; they were violent incidents, absolutely. That is at the heart of this. The idea of putting traumatised young people into an adult prison means that they will double down on the misbehaviour, and that is what we saw there. Kids who were freaked out were getting more freaked out. This is no disrespect to the prison guards, who are doing the best that they can in a difficult situation, but it is an environment that is kind of asking for this and making it worse. I remind everyone in the house that these are children; these are young people. Their ages vary from 13 to 16. These are people whom we want to rehabilitate, not treat them in that way. I should clarify; the member asked: was there violence? I did not see any violence perpetrated by the young people. I assume, from the response, that there was an incident, but I did not see any violence. There certainly was a lot of coercive control of the particular young person that we saw at the time, just to be absolutely clear about that.

This goes to the heart of a system that, I am afraid, is failing, and that we need to get in front of. I walked away thinking, “Well, what do we do about this?” The commissioner said, “Look, we're doing the best we can with what we get, but actually it is what happens before these kids come in here that needs to be fixed”. I think at the heart of this is early investment, making sure that these kids do not get into these situations, and actually seeing what the solutions are. I think that is really important.

After we visited, the Aboriginal Legal Service put out a really interesting list of 27 recommendations for what it thinks needs to happen. I think they are really good ideas, and I want to share some of them; I will not read them all. Amongst the things that need to happen are for Banksia Hill Detention Centre and youth justice to be managed by the Department of Communities, to shift the focus away from punishment and towards a recovery-oriented approach. It also recommended that youth custodial officers be replaced with youth justice officers wearing plain clothes. The idea is that if they are working with kids, they should not be wearing prison uniforms and riot gear; they should actually deal with kids face to face and one on one. There should be culturally appropriate care for Aboriginal children. Many of these kids have disabilities and many of them have foetal alcohol spectrum disorder. There are literally problems upon problems that need to be addressed around education and less solitary confinement.

I will not read through all the recommendations, but I think there are some really good ideas there that I wanted to bring to the attention of the house. I also want to bring to the attention of the house that we cannot let this situation go on for years; it is a terrible situation, and one that I think none of us should stand by and watch. We are actually creating ongoing issues here. We need early investment in a range of areas, from doing up Banksia to much better treatment and much better resourcing of what happens in prisons with young people.

It was a tour worth doing; I highly recommend it to anyone in this place. I thank my colleagues for organising it and coming along. I am hoping that what I have put forward today are solutions that are based on evidence and that we do not create an ongoing legacy that we will have to deal with in the future. It will mean funding to implement some of these things urgently, and it will not just mean haphazardly allocating money in the budget for works that cannot be completed for several years.

## CONSIDERATION OF COMMITTEE REPORTS

### *Statement*

**HON JACKIE JARVIS (South West)** [5.47 pm]: I want to reflect on some commentary that was made during consideration of committee reports yesterday. I am mindful to not reflect upon a decision of the house, so I will be careful. Yesterday I was the lead speaker for two committee reports. The first one had three minutes remaining for debate, and I sought to yield that time to the opposition. For context, that committee report had been considered by the house six times and there had already been two hours of debate. Of that two hours, Hon Nick Goiran spoke on three or four occasions, so for perhaps 30 or 40 minutes; the government had therefore spoken for the bulk of the remaining one hour and 30 minutes. It was a 10-page report. Hon Neil Thomson, who was a deputy chair of that committee, spoke on that report for only four minutes, back in November 2021. I sought to yield that time to the opposition but there were no takers, and the report was noted.

For the second report, I had six minutes remaining and I again sought to yield that time to the opposition; there were no takers, and the report was passed. By the time we got to consideration of the third report and Hon Nick Goiran joined the debate, there was some commentary made that I found particularly hurtful. Hon Nick Goiran accused the government of having a blasé attitude towards the committee reporting process and said something along the lines of, “It’s now time to have a debate.” The last time I checked, a debate involves two parties. If a government member is speaking and no opposition member stands up to speak, surely the debate is finished.

There was also some commentary about backbenchers leading debates, with members asking why ministers do not speak on committee reports and why members of certain committees speak. I assume the opposition can only dream of having the number of articulate, intelligent backbenchers that we have on this side of the house.

Again, there was a little gibe about reading reports. Hon Nick Goiran noted that I read a speech relating to a report and the government’s response. He also knows that I know how to read financial statements. We have heard these constant gibes during the whole time I have been in the forty-first Parliament that perhaps the backbenchers on the government side do not know how to read, comprehend or understand reports. Quite frankly, I find that offensive. It borders on some kind of intellectual snobbery, suggesting that perhaps we are not as well educated. Hon Lorna Harper noted that she is certainly not a lawyer. Nor am I. I left school at 15 to work full time, due to my family’s financial circumstances. I find this constant gibing about the fact that we have not read or understood reports particularly offensive.

The backbenchers in this place are amazing. They have every right to stand up and speak on committee reports, particularly when they are members of the said committee. I would have loved to have heard Hon Neil Thomson speak about a particular committee report but he was out of the chamber on urgent parliamentary business. He was the deputy chair of that committee.

I want to conclude by saying that I was quite hurt by the constant barrage of critique against backbenchers.

## SALIM YOUSSEF — TRIBUTE

### *Statement*

**HON PIERRE YANG (North Metropolitan)** [5.51 pm]: Tonight I rise with a heavy heart to advise that yesterday we lost a wonderful Western Australian who was a conscientious champion for our community and an indefatigable supporter of multiculturalism, Salim Youssef, also known as Sam. A close friend of mine for many years, he passed away unexpectedly yesterday while visiting Bali. As I said, it was totally unexpected.

I got to know Sam when he joined the Labor Party and the Gosnells branch back in 2009. We quickly became friends. He rose through the ranks of the branch and later became the president of the branch when I was his branch secretary. He was a true Labor stalwart. He campaigned for the Labor Party at each and every state and federal election. He would letterbox and doorknock, and staff the pre-poll centres—we all know how long those days were—and the election day polling booth. He not only promoted the Labor Party and Labor values, but he also encouraged his family and friends to support the Labor Party.

Sam was a true community person. He loved Western Australia and did everything he could to make his other home a better place. He established the Australian Arab Association in 2011, which is fondly known as the AAA by his friends. Sam was AAA's founder and inaugural president. He continued at different times as the president of the association. He recently stepped down so that the current president, Motaz Siriya, could take over from him. Sam continued to mentor Motaz and provide assistance whenever he could. Under Sam's leadership, the AAA was instrumental in holding the annual Eid-Adha Carnival. It organises this large-scale community event every year, except the years that were interrupted by COVID. The last event that Sam organised was the community fun day in January this year to celebrate multicultural Australia.

Sam was also involved in the Rotary club and he worked on the community advisory council at Armadale–Kelmescott Memorial Hospital for many years. He was a board member of the United Nations Association of Australia young professionals network and also Bendigo Bank Gosnells. He was on the state government's ministerial multicultural advisory committee as a council member. For his contribution, Sam received a City of Gosnells Citizen of the Year Award in 2016 and also the WA multicultural Individual Excellence Award in 2013. He was appointed a People of Australia ambassador in 2012 and 2014.

Sam was assiduous, gentle, sincere and caring in nature. He left a huge impression on those around him. He was only 53 years of age and was far too young to leave us. It was totally unexpected, and like many of his friends and family I was deeply shocked and saddened by his passing. President, we wish to express our deep sympathy to Sam's wife, Ms Amal Chami; his children Natasha, Aicha and Raeyan; his brothers Hassan and Raif; and their families.

Vale, Sam Youssef.

**The PRESIDENT:** I would also like to add my deepest condolences to Sam's family and his community. Thank you, member.

#### **COMMONWEALTH PARLIAMENTARIAN OF THE YEAR AWARD — HON KATE DOUST**

##### *Statement*

**HON WILSON TUCKER (Mining and Pastoral)** [5.56 pm]: I would be like to take this opportunity to say congratulations to Hon Kate Doust as the inaugural winner of the Commonwealth Parliamentarian of the Year Award, recently announced at the sixty-fifth Commonwealth Parliamentary Conference in Halifax, Nova Scotia, Canada. The Commonwealth Parliamentary Association website states —

... **Parliamentarian of the Year Award** in recognition of her long parliamentary service as well as working to promote women and people with disabilities in her community. The award also recognises the Member's contributions to the work of the CPA ... her commitment to the diversity of her community, the work she has undertaken in addressing and combatting domestic violence, and her approach in embracing innovation and new ideas in the Parliament of Western Australia.

I was fortunate enough to recently attend the CPA residency program in Sydney. Hon Kate Doust was one of the mentors. Certainly for myself, and I think I can speak for everyone who attended that conference, we were better off for having Hon Kate Doust in the room. We were able to glean some of her wisdom and years of experience that she undoubtedly has. In my personal view, Hon Kate Doust is an excellent parliamentarian and a very deserving winner of this award. Well done, Hon Kate Doust.

*House adjourned at 5.57 pm*

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