



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2023

LEGISLATIVE COUNCIL

Tuesday, 9 May 2023

Legislative Council

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THE PRESIDENT (Hon Alanna Clohesy) took the chair at 2.00 pm, read prayers and acknowledged country.

BILLS

Assent

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

1. Directors' Liability Reform Bill 2022.
2. Criminal Law (Mental Impairment) Bill 2022.

HEALTH SYSTEM — ROYAL COMMISSION

Petition

HON DR STEVE THOMAS (South West — Leader of the Opposition) [2.03 pm]: I present an e-petition containing 1 576 signatures couched in the following terms —

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

say that there have been too many tragedies and families who have suffered because of the chaos in the health system, and our dedicated health workers need more support in a better system. We have seen record levels of ambulance ramping, elective surgery blowouts, rise in clinical incidents and a health system which has gone from one crisis to another. We have a huge trust deficit with our health system and unfortunately there seems to be no end to the current health system crisis. There appears to be no transparency or accountability in decision making, but the Government are quick to blame someone if something goes wrong. West Australians have had enough, and we need to see a line in the sand. We need to see these issues further exposed through an independent inquiry which is at arm's length from politicians and health bureaucrats, and some meaningful recommendations implemented for a new approach to investing in WA Health. Too many people have suffered and are still suffering because they are unable to access health care when in need. West Australians deserve better. We therefore respectfully request that the Legislative Council ask the McGowan Government to commit to conducting a Royal Commission into the Western Australian Health system in 2023.

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

[See paper 2184.]

VOICE REFERENDUM

Petition

HON NICK GOIRAN (South Metropolitan) [2.04 pm]: I present an e-petition containing 7 489 signatures couched in the following terms —

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

1. Are concerned that Premier McGowan has twice this year refused to provide Parliament with the briefing note he received about the proposed "Voice"; 2. Recognise that every Western Australian, including the Premier, is at liberty to campaign in favour of or against changing the Australian Constitution to establish an Aboriginal and Torres Strait Islander Voice, if they so wish; 3. Remind the Premier, however, that he, promised that his Government would adhere to a "gold-standard" of transparency; 4. Consider the Premier's readiness to support the Voice whilst keeping documents secret from Parliament, a gross breach of his promised standard of transparency; 5. Acknowledge that although the Premier last year gave evidence in court that "gold-standard transparency doesn't apply to every single thing you do", this national debate on a change to our Constitution deserves that standard to be applied and not ignored; 6. Call on the Premier to deliver to Parliament, within 14 days of this petition being tabled, all briefing notes and similar documents he received on the proposed "Voice" prior to him making his public declaration of support; 7. Request the Legislative Council examine those documents expeditiously and determine if there is any fair reason why they should not be made public so that all Western Australians might be privy to the same level of detail about the proposed constitutional amendment before making their informed decision later this year.

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

[See paper 2185.]

ASBESTOS DISEASES MEMORIAL*Petition*

HON PETER FOSTER (Mining and Pastoral) [2.06 pm]: I present an e-petition containing 693 signatures couched in the following terms —

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

In 2018, the Asbestos Diseases Society of Australia unveiled a small memorial plaque at Solidarity Park, West Perth. The plaque commemorates the 4,000+ West Aussies who have died from asbestos-related diseases and remembers those who were victims of Australia's worst industrial disaster. The CSR Wittenoom Mine and Mill is the greatest example of workplace negligence in Australia, and second in the world to date. Wittenoom was a blue asbestos mining town in the Pilbara region of Western Australia. Despite health warnings as early as 1948, it continued to operate until 1966, killing thousands of workers, their families and town visitors. One of those visitors was the Minister of the Crown Mr Ernie Bridge MLA, who died from Mesothelioma which he contracted during his time dealing with the town's closure. Today, we continue to lose many lives to the deadly asbestos dust from Wittenoom. While we are very grateful to both the CFMEU WA and Unions WA for allowing the memorial plaque in Solidarity Park, our members and friends from Wittenoom have requested a permanent memorial, not just for the workers but also for their children, families, visitors, and local Traditional Owners of the land, many of whom have since lost their lives to deadly asbestos diseases. Wittenoom has been taken off the map and cannot be accessed by road; for many this creates a situation where there is not a place of memorial to grieve lost loved ones. We therefore ask the Legislative Council to both enquire into and to support our efforts for the construction of a permanent memorial in Perth and the Pilbara in partnership with the State Government, the Shire of Ashburton, the Banjima, Yinhawangka and Nyiyaparli traditional owners, and the Asbestos Diseases Society of Australia

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

[See paper 2186.]

PAPERS TABLED

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

NON-GOVERNMENT BUSINESS — SCHEDULE*Motion*

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.16 pm] — without notice: I move —

That pursuant to standing order 111(4), the revised schedule for non-government business tabled today by the President be adopted.

Hon Martin Aldridge: We have not seen it yet.

Hon SUE ELLERY: She has tabled it.

Hon Martin Aldridge: Has it been circulated?

Hon SUE ELLERY: I presume that is normally what the clerks do before.

The PRESIDENT: Is that a point of order, member, or just a general inquiry?

Hon Martin Aldridge interjected.

The PRESIDENT: It has been tabled and I think staff are in the midst of circulating it, as is the usual practice, I might say, with other amendments.

Question put and passed.

LOCAL GOVERNMENT AMENDMENT BILL 2023*Second Reading*

Resumed from 30 March.

HON DR BRAD PETTITT (South Metropolitan) [2.18 pm]: I stand today to continue remarks I started some weeks ago on the Local Government Bill 2023. As I said previously, I think this bill contains many good and much-needed reforms that will strengthen the local government sector, including preferential voting, which will bring things back in line with state and federal elections; a newly standardised and rational caretaker period, which, again, I think makes a lot of sense and will bring things in line with state and federal elections; and also some commonsense regulations around the publication of leases, grants, contracts and planning decisions. These are

all really good reforms. As I said previously, it is pleasing to see that many expert recommendations of the Local Government Review Panel and the Inquiry Panel into the City of Perth are reflected in the bill. All those good things said, I think some things could have gone further. If I were to critique this bill, I would say that at the heart of it the reforms do not go far enough. In many ways it is a lost opportunity.

To close, I think local government has seen reform going on for a decade or perhaps more and has experienced the instability and uncertainty that goes with that. I do not think what we have before us will close that out. In many ways, I think local government has a sense that there will still be more reforms going forward. This was an opportunity for government to be bolder. Of course, the government has a large majority in both houses to enact some of the evidence-based changes that have been called for by multiple reports and experts for a long time. I will highlight a couple of key parts of that. The first one that I highlight is that obviously there has been a lot of talk about how we can cut red tape through the local government reform process, and I think that often has merit. But, of course, one of the ironies is that parts of this bill will increase red tape, rather than cut it. Perhaps the prime example is around how sham leases and those kinds of things will be dealt with.

The idea of sham leases was uncovered during the inquiry into the City of Perth, which found numerous instances of councils using sham leases as a basis for voter enrolments and claiming eligibility to run as a candidate. This bill will create an extensive list of rules and requirements that local governments need to enforce to maintain their owner-occupier rolls. The legislation will enable businesses and individuals who are not residents of an area to be on the roll and to vote in the local government election. The enfranchisement of businesses or non-resident landowners is wholly unique to local government elections. We do not do this at federal or state elections. Someone who does not even live in the area can vote in a local government election. We will end up with new rules to deal with the complex legal definitions and concepts around leases and exclusive use of a property that local governments will be left to decipher. It will no doubt prove to be highly burdensome for some local governments with sizeable owner-occupier rolls. This approach makes little sense to me.

Both the Local Government Review Panel and the inquiry into the City of Perth recommended the abolition of the right of non-resident occupiers to enrol in non-government elections. I think they were good recommendations. It is also important to remember that businesses can nominate not one but two voters to be on the roll, meaning that businesses have twice the voting power of individuals. This government, rightly, fiercely pursued reforms to enact one vote, one value in this house, but this does not seem to have been given any consideration in equalising the vote power of businesses or citizens in local government elections. When I queried this during my briefing on this bill, the representative minister advised that the reason for not reforming the enfranchisement of businesses was that so many local government reforms over recent decades had fallen over because they were too ambitious and this bill is trying to walk a fine line of acceptability to ensure that these reforms will not face the same fate.

During the debate on this bill and in the feedback from the sector, there has been little pushback. We have seen a move to preferential voting, a reduction in the size of councils, the abolishment of wards and a range of things such as this that have seen some pushback, but not that much. There is a realisation by this government that it has the numbers in both houses and that it can get these things through. I think this is a real lost opportunity to take this further and take forward some of the changes that the experts have recommended.

It is worth noting that radically reforming business enfranchisement at local government elections is not just something that I and the WA Greens are pushing for; nor is it just the recommendation of the Local Government Review Panel or the inquiry into the City of Perth. It is WA Labor's own party platform. It is confusing to me why this government is not removing the right of property owners to vote in local government elections. I think that was a really important opportunity that has been lost.

Even putting aside my criticism of business enfranchisement as a whole in local government elections, if businesses can continue to enrol and cast two votes in elections, it is imperative that appropriate protections be introduced for who those nominees can be. I was assured in my briefing that it will be dealt with in the regulations, so it repeats some of the issues that were uncovered in the City of Perth inquiry. That is one lost opportunity in this bill.

Another one is the move towards compulsory voting. Again, many things this bill will do will result in a better alignment between local government elections and what happens at a state and federal level. Compulsory voting has not been followed through. Quite a large survey was done by the local government reform group, which has 2 000 members. Some of those are local government-elected members and many have an interest in local government in the Perth metropolitan area and regional WA. When the group asked this question, it found that 74 per cent of people supported compulsory voting and only 17 per cent favoured voluntary. I think that idea of aligning how local government voting works—we have done it in other parts—is another lost opportunity and should have been part of the bill that we have before us today.

Finally, on lost opportunities, I could not help but reflect on the data amendment, which is another one that has not been touched. For those members who are not familiar with this, I refer to the ability of local governments to pretty well get in the way of amalgamations and the like. I raise the issue because I think everybody who looks at the sector thinks that there are too many local governments. There are. There is an ongoing sense that at some

point we are going to see further local government reform and amalgamations. I think the data amendment goes a bit too far in how it offers almost a veto. We had an opportunity to amend that whilst giving local governments a strong say in how amalgamations happened and ensuring that it was not a simple veto right. We saw that with the last local government reform when, I remember, the City of Fremantle spent millions of dollars going down a reform route, which we agreed with and supported, only to see that cut off at the knees at the very last minute after a series of local government votes saw at least some of those local government amalgamations not proceed. I think there needs to be a process for orderly amalgamations and how we do that, and especially ones that can encourage amalgamations that local governments themselves can initiate and drive, and only then will we get parts of the sector as always about to be reformed. I think that is one of the key issues for me.

A final issue that I want to raise is one that I will come back to in Committee of the Whole as well. It is around some of the changes to how the act deals with some of the key intents. The original act from 1995 has a quite clear part that will be removed in section 1.3, “Content and intent”, which states —

- (3) In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

A range of people from local government, and from outside local government but with an interest, have contacted me because they are concerned that this key subsection relating to content and intent of the act will be removed and replaced by another clause in a different part of the act under a broad category, in section 3.1, “General function”. The bill will frame these things in a slightly different way and in a different location. I was assured during my briefing that there was no intent to water down these key bits, but the idea that local government acts for both current and future generations on environmental, social and economic matters is really important. It needs to be said that the new act will be less precise on this and will merely ask that local government has regard—that is the important word—for environmental sustainability, future generations and climate change. There are concerns that it is being watered down. The other key bit is that the bill refers to actions around mitigating and responding to climate change, rather than getting in front of it and acting to reduce carbon emissions and those kinds of things. Some local governments are concerned that their ability to act in a proactive way may be unintentionally watered down in this process. I think it is worth returning to this in Committee of the Whole to make sure that we have got this right, because it would be fair to say that if this were the case, it would be a retrograde step that nobody would want to see.

My final point is that the bill will make some big changes that will place greater imposts on local governments. I encourage the state government to work with smaller local governments in the regions and to provide them with the support they need to adapt to these reforms. Although many of these changes will have only minor impacts on the operations of most local governments, smaller and more resource-constrained local governments will bear the biggest burden in striving to be compliant.

As I said at the start of my contribution, there is a lot to like with this bill, but there will also be some lost opportunities as we go forward. I look forward to unpacking some of that further in Committee of the Whole.

HON SOPHIA MOERMOND (South West) [2.32 pm]: I first state that the reasons for the Local Government Amendment Bill 2023 make great sense. From my medical background, I developed a great liking for protocols, as they lead to greater regulation of processes and continuity of care. They also allow for greater clarity in what needs to be achieved and how it should be achieved.

There are many differences between various areas of this great state, whether we look at local industries, population density, population composition, the local environment, the number of tourists or the local climate. All these factors bring different considerations. Nonetheless, if we have similar structures in place across the state, it will make it easier for the population to understand the role of local government and the role they can play themselves, plus it will increase transparency and, hopefully, provide more clarity around accountability as well.

Unlike many other honourable members in this place, I do not have any local government experience, so I was surprised to hear that meetings were not recorded or accessible via live stream. This certainly should be the norm in a state as vast as this for a variety of reasons, but especially accessibility and transparency. This brings me to the issue of funding that Hon Wilson Tucker touched on in terms of the IT side of things. To be honest, I have no idea what that will entail or how much funding will be needed, but I am sure it would be worth investing in local government to make it more cohesive overall across the state.

At the beginning of this Parliament, electorates were abolished, much to the chagrin of many people in the regions. They are well aware that there is a Perth-centric approach and that they have to fight for resources because of that. I am concerned that this bill may affect some smaller councils and wards in the regions and that they will miss out on funding and expertise with these changes. The gap between 5 000 and 75 000 people is quite large and could possibly create disadvantages. In my opinion, representation should be based on not just population size, but also area covered. One issue raised by councils in the south west, for instance, is bushfire management. Although population density might be low, the area covered might be quite large and have a variety of factors that require management

by councillors, including tourism, the safety of property, the environment and funding, meaning that a councillor might have greater responsibilities and be expected to have a much greater knowledge base. Would that be fair to that person, especially when we consider that the remuneration of councillors is not great? It is a lot of responsibility and knowledge for a small team to carry. All the aspects that I have mentioned will be impacted by climate change, with an increase in major weather events already occurring in this state and around the globe.

I realise that what I say here is unlikely to have any impact on the outcome. However, I wish for the new system to be fair and that lower population areas will not miss out on representation and resources. Overall, I think the bill is great. I love the idea that parental leave will now be included; I was surprised to find out that it was not standard. I like preferential voting—that makes sense, too—because I think it gives more power to voters in terms of where their votes go. The standardisation of processes across the board also makes a lot of sense. I appreciate the amount of work that went into this bill, and I look forward to the committee stage.

HON STEVE MARTIN (Agricultural) [2.36 pm]: I rise to make a brief contribution to the second reading debate on the Local Government Amendment Bill 2023. I have a very long background in local government. In fact, I was reminiscing earlier with the member for Balcatta, David Michael, in the members' bar about our time on the Western Australian Local Government Association state council and how we sat through endless WALGA meetings and governance reviews; I believe WALGA is going through another one at the moment. I have a significant background in local government. I was a shire councillor in Wickepin for 20 years and shire president for 10 years. I would hate to add up the number of hours I have spent at council meetings, council briefings and committee meetings, but it was a joy to represent my community. I have great empathy for and understanding and appreciation of the many local government councillors in Western Australia at all 139 councils across the state. I put on record my appreciation for the great work they do. At least in the smaller regional councils, they are effectively volunteers. I know that some payments that councillors from larger councils now receive have increased and that is good, but it is almost a different sector in regional WA. I will confine most of my comments to that, because there have been some wonderful contributions from other members about the broader impacts of this bill.

I appreciate the effort that the minister has put into this bill. I knew and worked with Minister Carey when he was in local government. He is passionate about this sector; nobody doubts that.

We have before us phase 1 of the reforms in the 107 clauses and 130 pages of this bill. I wonder, however, how much it will achieve for the sector, and particularly for the residents of those councils. It is a great deal of work. We have heard from other members about some of the impacts of the bill.

There are some good things in the legislation. The caretaker period is a worthwhile change and allowing backfilling in the event of a vacancy to avoid an election will save councils some dollars. There are a number of other things. Sham leases are interesting. As far as I am aware, we have never had a sham lease in Wickepin. We would love some lessees to come to Wickepin to take up some of our spare blocks. I am sure that it has happened in the city, but that is not an issue for us. If that is important, and apparently it is, it will be covered by this piece of work.

From my experience over time in the local government sector, I know that the workload, compliance burden and red tape have grown inexorably. If one were to talk to a CEO or a councillor—not before the changes that were made in 1995 but in the last 20 years—they would say that every time they hear from a state or federal government, they want more from them for the same amount of money, or less. Sadly, I do not see that changing much with the Local Government Amendment Bill 2023. There is some tinkering around the edges, but, as Hon Dr Brad Pettitt mentioned, the government could have been bolder. I took what I thought at the time was a very sensible step when council amalgamation was discussed in my patch. Hon Kyle McGinn, that is exactly the reaction people get at shire meetings, and I am not in the least offended. I took the approach to changes in my patch that to have the same boundaries we had had for a hundred and something years did not make a lot of sense. I was dealing with businesses, in particular farmers who had taken their properties from 600 acres to 8 000 acres, but the local government boundaries had stayed the same. I got involved by talking to my neighbours and people in neighbouring shires about four or five shires amalgamating into one based around our regional centre. In our case, we all knew where that was. We progressed that process, as we heard from Hon Dr Brad Pettitt, at great expense over a long period. We spent months, years probably, on that. I was pushing quite strongly for it to happen. At the last minute, I stepped forward and everybody behind me stepped back and said, “Hang on, we're not sure about this”, and it fell over. We attempted to do it voluntarily. In my view, it was inevitable. I was wrong. I thought it would happen imminently, but I got that wrong. The locals spoke, they got their way and the boundaries remain the same.

Sadly, then and still today, the boundaries were the least of that argument. Shire boundaries certainly matter to locals, but how a council operates does not have much to do with its boundaries. I do not see much on that in this bill. Even though it is phase 1 and there will be a lot more to come in phase 2, I do not see this legislation changing much. For example, the cost shift will continue to grow. The local government share of the state's vehicle licence revenue has gone from 27 per cent to 19 or 20 per cent. I am not entirely sure of the percentage, but it has certainly dropped. For as long as I have been around, the Australian Local Government Association has been calling for a greater share of commonwealth revenue to try to catch that up because it continues to be low. The cost shift continues every time the state government requests a change for which we have to do a mission statement, a corporate

plan, a governance plan or a bloody—excuse the French!—17 000 page document that we have to hire a consultant for. They just add to the costs and the impost on ratepayers, and not much is achieved by them. They are all carefully filed in a drawer somewhere. I do not see the required changes in this bill.

I will make a couple of comments about transparency and accountability. I read a number of contributions from members of the other place and of the Council, and we seem to expect an awful lot from local government when it comes to transparency and accountability. Obviously, nobody is going to argue that ratepayers and citizens should not know what is happening in their local council, but the demand for, dare I say it, gold-standard transparency is increasing from the state government. It is not just this one. Let us be honest, it is from both shades of government, and it is often demanded of small local governments. For example, in the last budget street lighting changes were going to be fairly flat and local governments could budget appropriately. Apparently, out of nowhere, with, I gather, no consultation with the sector, the cost of street lighting to local governments has gone through the roof. There was not a lot of transparency and accountability there. On all sorts of issues, the state—I am talking about all state governments—can act to impose things on local governments with hardly any stakeholder consultation, which is the phrase that people rattle around, and local governments can either take it or leave it. Sadly, most of the time they end up taking it.

There are a couple of other issues. I have a particular view on the election of mayors. I saw that a number of issues arose in councils—larger than mine, obviously—when an elected mayor had a mandate. They had taken their platform to the public. We are all elected so we know what that is like. There is an election and we get all fired up. Mayors would get their mandate and charge into the chamber, but would be staggered when the vote was 7–1 or 9–2, because they had a mandate. They went to the public in a popular election and had been elected so they could charge into the chamber and get their way. That was the cause and the seat of a lot of the conflict that I saw in councils. The Premier is elected by the Labor Party and I have the view that the internal election of a mayor or shire president by the elected officials, councillors, is a more sensible option. Of course, mayors are already directly elected in a number of places, and it works some of the time. This legislation will extend that process.

The number of wards and councillors gets a look-in in this bill. The Minister for Local Government stated his view on wards in the other place —

The issue of wards was noted by a couple of opposition members. We have seen a consistent trend away from wards. I will give an example. The Shire of Kulin has four wards. The shire's east ward has one councillor for 48 electors. I do not think anyone would argue that that is particularly democratic.

Jim Sullivan was president of the Shire of Kulin. For 27 years, Jim, who lives east of Lake Varley, would travel 150 kilometres in to town to do the meeting and then drive 150 kilometres home. He spent 12 years as president and 27 years on the shire. He has recently been made an honorary freeman of the Shire of Kulin. He represented the east ward. The Kulin shire extends another 25 or 30 kays west of Kulin, so it is about 180 kilometres from Jim's home to the western end of the Kulin shire. At least the 48 electors in the east ward of the Kulin shire would probably think that that was a democratic process. I am a little concerned about some of those wards that have a useful purpose. If the locals think it is a good idea, they should be allowed to remain. The minister is correct. We got rid of wards in my shire because we thought it made sense. If the people of Kulin think that it is appropriate to retain wards, I am not sure why the state government necessarily has to have a view.

Hon Darren West: I have no doubt Councillor Sullivan would've been re-elected many times without wards.

Hon STEVE MARTIN: He may have done but that is assuming there is another Jim Sullivan who is willing to do 150 kays back and forth. I do not know why the state necessarily has to have a view on that. Similarly, on the number of councillors, the council of a small shire may want to have eight or nine councillors. It is not about saving money. The sitting fee in those small shires might be \$50 for a shire meeting or \$25 for a committee meeting, so it will not save any money. The government has the view that somehow we need fewer shires. The state has 139 shires and cities, and if the government does not want to do anything about reducing that number, there will be a lot of councillors. Again, I am not sure why the government needs to have a view on that. I would have thought that the locals would sort that out amongst themselves. For example, if they have a difficult time getting councillors, that attrition will take place organically. Serving shire councillors are now being told, "Thanks very much; we don't need you after October." People willing to make a largely voluntary contribution to support their community are now being told that they will not be required, which is disappointing.

Preferential voting has been the topic of some conversations. There has been a discussion about politics in local government. Some of those who are nervous about preferential voting have been painted as saying, "Don't be naive; there's politics in local government now." Of course there is! Indeed, the Minister for Local Government said as much in his contribution in the other place. We know that. Those of us who are concerned about the change are not saying that there is no politics in local government now and that when the government makes this change, we will be swamped with politics in local government. It is there now. My concern is that the change will increase the involvement of politics in local government. We can certainly make a case that that will occur. I do not want to verbal Hon Dr Brad Pettitt but I will refer to a point he made in his initial contribution many weeks ago in March—

by the way, it is ironic that this discussion of the Local Government Amendment Bill 2023 is taking months to complete. I know that Hon Dr Brad Pettitt was very sincere in his commitment to his community in Fremantle when he was involved in local government so I am not having a crack at him. However, in his contribution he said —

When I first ran for local government as a councillor in 2005, the election was based on preferential voting, which was good.

...

In the lead-up to that election, we had preferential voting, but literally in the months before, the Barnett government changed it to first-past-the-post, which of course created quite a lot of confusion. I was running in quite a friendly manner with other councillors; we knew it was a preferential vote, so we knew the community would decide. Then, all of a sudden, those of us who had lots in common realised that a first-past-the-post system was going to require some of us to pull out ...

That is in fact a political party, although not in that case. In preferential voting, political parties organise a ticket and harvest the preferences to get someone up. It is naive or disingenuous to suggest that this change will not add to the political involvement in local governments. Perhaps in the larger metropolitan and regional councils that is appropriate, but it will be unfortunate if that is the case. Western Australia is unique in Australian jurisdictions in that the level of politics in local government is quite low, especially when one considers places like New South Wales.

I will conclude my remarks. I wish the Minister for Local Government and his hardworking team that has put this bill together well. The amount of consultation that has been going on for years is obvious but, sadly, I do not think this bill will reduce red tape or make it easier to be a councillor, to run a council or, most importantly, to have an impact on the ground to improve the lives and circumstances of the people who live in council areas.

HON JACKIE JARVIS (South West — Minister for Agriculture and Food) [2.53 pm] — in reply: I thank all members who have spoken on the Local Government Amendment Bill 2023. I will try to answer as many of their concerns as possible, but we will no doubt explore them in more detail during Committee of the Whole.

The McGowan government is continuing to deliver the most significant reforms in local government in more than 25 years. This bill provides a range of reforms that will deliver greater transparency and accountability for ratepayers, as well as cost savings and efficiencies for local governments. As we know, the reforms include a number of measures, such as the introduction of principles in the Local Government Act 1995 to recognise greater involvement of Aboriginal Western Australians in local decision-making. The bill formally recognises tiering of local governments based on the existing salaries and allowances framework. This issue was raised by a number of members. I note that Hon Martin Aldridge raised queries about the banding of local governments. It is envisaged that the Salaries and Allowances Tribunal will continue its existing practice of independently making band determinations. Regulations specifying the bands for the purposes of regulations will mirror the tribunal's determinations, assigning each council to a band. Any changes to the tribunal's determinations will be dealt with in regulations on a time-to-time basis as appropriate. It also should be noted that the government's reform proposals relating to tiers and bands have been grouped, with bands 1 and 2 together and bands 3 and 4 together.

The bill also provides reforms to council planning, streamlining the way that local governments plan for their future service delivery. The government believes that the bill will reduce red tape, although I note that Hon Neil Thomson, Hon Dr Brad Pettitt and Hon Steve Martin raised concerns about red tape. This reform will introduce a range of measures to reduce red tape, such as the simplification of financial statements through the introduction of model financial statements, particularly for those smaller councils in bands 3 and 4; the simplification of service planning through council plans, which will need to be reviewed less frequently; and new templates that local governments can use and adapt, which should also save time and resources. The backfilling provisions in the bill will reduce the need for extraordinary elections, which, of course, can be very costly.

A few members raised the idea that more red tape equals more costs. When considered as a whole package, this bill will reduce the cost burden on local governments. There will be a significant reduction in the administration burden across local governments. Hon Dr Brad Pettitt talked about managing online registers. It is thought that most of this data should be held and collected by local governments anyway.

A number of members referred to the reintroduction of preferential voting, which obviously better aligns local government with state and federal elections and provides ratepayers with a greater say in local government. Hon Dr Brian Walker and Hon Steve Martin referred to the cost of backfilling. Optional preferential voting will enable the order of all candidates to be identified and take into account the preferences of the electors of a district at the time of voting. This will replace the need in most situations for an extraordinary election when a vacancy occurs on a council, which, of course, will save significant financial resources for local government authorities.

The bill will reform the size and structure of local councils and ensure that the size of a council is better aligned with the size of a local population. Hon Martin Aldridge referred to the alignment of a council's size with the local population. The honourable member is correct that the government amended the proposal around the maximum size of councils with a population of fewer than 5 000 people to seven members, including the shire president, which is up from the original proposal of five members.

Hon Neil Thomson and Hon Steve Martin discussed the removal of wards. This reform is clear; it is only proposed to abolish wards for councils in bands 3 and 4. There will be no requirement for local governments in bands 1 and 2 to abolish wards. Hon Neil Thomson provided some examples of councils, including the Shire of East Pilbara, that had been pressured to remove wards. The notes I have state that the shire undertook a ward and representation review to consider how to phase in the proposed reduction in council members. Further, the Shire of East Pilbara engaged with the minister's office through that process in a very positive manner. Through that process, the shire itself identified that it had an existing ward with just 10 electors, one of whom was obviously elected to council. I understand that the shire is proposing to adjust its wards to make ward representation more even across the district. I have no notes on the example Hon Steve Martin raised, but Hon Neil Thomson mentioned the Shire of Menzies, which currently has two wards and seven council members. As of January 2023, the Shire of Menzies had just 179 enrolled electors, so it is hard to see in this situation that abolishing wards would result in reduced representation. Obviously, it is recognised that ratepayers pay the costs of elected representatives, so the proposed reduction of councillors in bands 3 and 4 should help to reduce costs.

One of the reforms will be clear standards on how local governments will communicate with a diverse range of people in their district. The bill will also introduce establishing community engagement charters, through which local governments will be able to consider how best to undertake community engagement that facilitates, as one example, the participation of Aboriginal people.

A number of members spoke positively about caretaker provisions, which obviously is one of the reforms. This bill will formalise statewide caretaker provisions. Hon Dr Brad Pettitt noted that many councils already observe caretaker periods, but this will make it consistent across the state.

Some members, I think particularly Hon Dr Brad Pettitt, raised the concern of sham leases. The honourable member was concerned that maintaining a database of business owners would be burdensome. To be clear, we have tried to get a balance. The bill will provide stronger rules to ensure that only people with legitimately owned or leased property may be enrolled in the local government electoral roll. The bill will not abolish the rights of people who legitimately own and occupy property, and it will not stop them from participating in local government elections. For example, many small businesses are eligible to participate in local government elections because they lease and operate commercial property within the district. I note that Hon Dr Brad Pettitt felt it made little sense for them to be voting in the election, but it is important to note that eligible owners of property and businesses are important stakeholders and commonly contribute to local government revenue through rates. They access or benefit from local government services, and they have a stake in decisions and policies that impact the local neighbourhood in which they operate their businesses. That is why that reform has been included.

This reform has an improved framework on how council members will receive information and advice from their CEO, and the bill will establish council communication agreements. The bill will also introduce specific requirements for the videostreaming of council meetings and for audio recordings for smaller council meetings. I think Hon Martin Aldridge noted that many local governments used videoconferencing during COVID, but it should, hopefully, reduce the number of complaints about conduct at council meetings.

The bill's reforms also include formalising meeting procedures and standardising them across Western Australia. Hon Dr Brian Walker asked the question: is the proposal for standardised meeting procedures a result of any local governments being identified as having a deficit in this regard? We are probably all aware that there have been many examples of this function at council meetings, and confusion results from different procedures and quirks at individual local government meetings. The idea of this reform is to ensure that ratepayers across the state have the same rights and can follow the same processes when engaging with council through a public question time.

I thank Hon Sophia Moermond for her comments. Particularly, I note the special entitlements of parental leave that will obviously allow any member who is welcoming a new child into their household to take parental leave, which I think is a good step forward.

The question of the direct election of mayors was raised by several members. As far as we are aware, at every poll of ratepayers about the method of election of the mayor or president, ratepayers have always voted for the right to elect a mayor or president. Hon Martin Aldridge used the example that we do not directly elect the Premier at state elections. The point of note is that the public always has clear visibility of who the candidate for Premier is when they are voting. That is why we will have direct election of mayors.

Hon Steve Martin had some concerns about the cost of local government planning. This bill contains proposed changes that will simplify the system of integrated planning and reporting. As part of these reforms, it is proposed to simplify local government service planning, including new templates, as I have discussed before, that will be available for use.

I note that many members who contributed have a long history of serving on local government, and I want to thank them for their input and firsthand experience. I thank everyone for their contribution and commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Dr Brian Walker) in the chair; Hon Jackie Jarvis (Minister for Agriculture and Food) in charge of the bill.

Clause 1: Short title —

Hon MARTIN ALDRIDGE: I thank the minister for quite an extensive reply to the contributions of several members during the course of the second reading debate. I want to pick up on a couple of things in clause 1 in due course, but from the outset I indicate that, although I know others will be engaged in this bill, it is certainly not my intention to spend a lot of time on clause 1. It is quite an extensive bill, and it is probably more relevant to focus the committee stage on the significant number of clauses before us. In the second reading speech, the minister mentioned that public consultation occurred on the proposed reforms between 10 November 2021 and 25 February 2022, and that over 200 submissions were received through that process. Is the minister in a position to provide us with some understanding of the submissions received? The sort of information I am looking for is how many submissions were from local government entities versus private individuals or other organisations. I am sure the government has this information after assessing what was considered significant consultation. To the extent that it is possible, I am looking for a summary of the responses to the proposals from the 200 submissions that were received during the consultation process.

Hon JACKIE JARVIS: I am advised that there were 233 submissions in total, of which more than 80 were from local governments. I do not have a summary to hand, but unless a respondent had asked for their submission not to be publicly published, they were published on the local government website. I understand that over 200 submissions were published. Some were redacted if respondents had asked them to be; however, in summary, most of them were published on the website.

Hon MARTIN ALDRIDGE: In assessing more than 233 submissions to be precise, I guess to the extent possible, because some submissions may not have equivocally supported or not supported a proposal, has the government collated that information to say, for example, that for the proposal relating to optional preferential voting, 200 submissions supported it, 30 opposed it and three did not have a view?

Hon JACKIE JARVIS: We do not have a collated list of themes, if you like, which I think is what the member is looking for. Changes were made based on the submissions. I am advised that the department and the minister read all the submissions. I guess the best comprehensive summary is the final package of reforms released online in July 2022. I understand that that report contains a comprehensive summary of what had originally been proposed and how the reforms were changed or amended. Therefore, that is an indication of changes made as a result of the submissions. We do not have a list of themes per se, but I think that the online published report gives us an understanding of the themes acted upon.

Hon MARTIN ALDRIDGE: The report that the minister talked about is the post-consultation report; is that right? I probably did not get the title right.

Hon Jackie Jarvis: Yes.

Hon MARTIN ALDRIDGE: That report is publicly available and provides a level of detail that would give the reader an understanding of whether a proposal was supported or otherwise and the extent of that support; is that correct?

Hon Jackie Jarvis: Yes.

Hon MARTIN ALDRIDGE: Is the minister in a position to table that document?

Hon Jackie Jarvis: Apologies, member; I might take advice on that.

Hon MARTIN ALDRIDGE: I will leave the minister to take advice.

Hon JACKIE JARVIS: Apologies, member; I will correct that. The final report that was published does not break down the submissions by theme, as I said. If the member is asking whether there is a direct correlation with a number or percentage of submissions asking for a particular change, it does not do that. It just reports on the original proposals put forward and the changes made. I am not sure whether I have answered the question.

Hon MARTIN ALDRIDGE: I think we have an understanding. The government does not have a spreadsheet that says: with respect to the proposed reform that a mayor or president in a tier 1 or 2 council shall be directly elected by the people, 80 said yes, 80 said no, and 40 did not say anything. We do not have that information.

Hon Jackie Jarvis: That's correct.

Hon MARTIN ALDRIDGE: I turn to my next question. In the second reading speech, the minister said that the submissions received indicated broad support for the reforms. Obviously, the minister said that the Minister for Local Government and the department read every submission; that is something I have not done, and probably something that the minister in a representative capacity, as I am in a shadow ministerial representative capacity, has not done either. But with respect to broad support, I assume that that is a subjective view formed by someone—I assume the minister—that the reforms have broad support, failing that there is something that can demonstrate that the majority of reforms were supported by the majority of submitters, for example.

Hon JACKIE JARVIS: I am informed that if the member and I had read the submissions, we would have seen that there was broad support for most of the general themes of the reforms, and that the Western Australian Local Government Association also issued a media release stating that it broadly supported the reforms. There were also a number of workshops. The advice I am given is that there was broad support for the reforms.

Hon MARTIN ALDRIDGE: With the benefit of the three people at the table assisting the minister, who I suspect have read all the submissions, the presentation that I received from advisers when I was briefed listed 24 separate policy initiatives. Let me ask the question this way: did any of the 24 policy initiatives not receive broad support?

Hon JACKIE JARVIS: I am advised that it is probably a little more complex than saying some received more support than others. Obviously, there is a wide range of stakeholders. An example I have been given is that some of those 24 policy initiatives had very strong support from ratepayers and less support from elected councils and vice versa—some had very strong support from elected councillors and those involved in local government versus ratepayers. With such a wide range of stakeholders, it is difficult to say that an individual policy was supported by all groups across the board. Broadly speaking, the 24 policy initiatives had some level of support, it just varied according to who the stakeholder was.

Hon MARTIN ALDRIDGE: That is a very big spectrum we are dealing with, minister. “Some level of support” could be one government member making a submission to the government saying they supported all of the 24 policy initiatives. I think we will move on.

The other question I wanted to ask was about the reform process itself. This is obviously tranche 1 that has been referred to. I understand that there will be a tranche 2. I do not know whether there are further tranches beyond 2.

We know what is contained in tranche 1 because it is before us now. Can the minister give us an understanding of when tranche 2 might be considered? A better question might be: Where is tranche 2 in government consideration? If it is known, what is tranche 2 likely to entail?

Hon JACKIE JARVIS: I am advised the document released on 3 July 2022 that listed all the proposed reforms essentially gives an indication of tranche 1 and tranche 2, because if they are not in this bill, they will be in tranche 2. Tranche 2 is currently being developed. There are things in that such as a local government inspector and monitor. With the bill in development, there is ongoing consultation with the sector. I am advised it is expected to be produced later this year.

Hon MARTIN ALDRIDGE: This is my last question on this point before I defer to a colleague. The consultation on all of the reform is effectively done because the initiatives the minister mentioned—the local government monitor and code of conduct reforms—will all be in tranche 2. Is it fair to say that all of the remaining matters from the consultation will form part of tranche 2, or will additional matters be included and will there therefore be a separate consultation process for that?

Hon JACKIE JARVIS: I am advised that the member is correct. Everything that was published in that document of 3 July 2022 makes up tranches 1 and 2. The consultation going ahead now is on implementation, so it is not envisaged that there will be any changes.

Hon WILSON TUCKER: When we last discussed this bill, I posed a few questions in my second reading contribution to which I did not hear a response during the minister’s reply, so I thought I would pose them again during the debate on clause 1. To give a bit of background, I am not talking about any specific clauses in the Local Government Amendment Bill. My second reading contribution was mostly focused on the Auditor General’s recent report into IT systems, *Information systems audit report 2022—Local government entities*. A number of deficiencies were found by that report. The first question I have is on the ability for local governments to access the digital capability fund, which is available to state government entities. I understand that local governments do not have access to this fund that is used by state government entities to help with large IT system migration projects to plug up some of these weaknesses and bring their IT systems into the twenty-first century. It was the Auditor General’s understanding, and mine, that local governments do not have access to the digital capability fund. Could the minister please confirm that that is the case; and, if they do not, what other funds do local governments have access to to help with some of these large IT system migration projects?

Hon JACKIE JARVIS: The member did indeed raise the Auditor General’s report into local government IT systems. To be clear, local governments are responsible for managing their information systems. This is core business for local governments. The bill does not directly address IT systems, and the act does not directly deal with computer systems. The digital capability fund was established to drive investment in digital transformation across the WA state government. The fund is available only to state government entities; the member is correct that it is not available to local governments. I note that this is core business for local governments. The local government reforms will include a range of measures, however, that will assist local governments to share resources and enable the simplification and standardisation of routine processes, such as new model financial systems. That should ease some of the administration burdens for local governments. The reforms will support local governments to share resources and coordinate their investment. There are case-by-case instances of a statewide imperative to assist with IT systems. An example I have been given is the stop puppy farming legislation for which the state

government is developing an essential registration system that will be made available to local government. That is an instance of a statewide imperative; it makes sense for the state government to assist. But, by and large, IT systems are the responsibility of local governments.

Hon WILSON TUCKER: I thank the minister for the response. I move on to the second question I posed in my second reading contribution, which, in the same vein, was in response to the Auditor General's report. It is about access to shared resources offered through the Office of Digital Government, similar to how state government entities can access the digital capability fund. Do local governments have access to any shared resources offered by the Office of Digital Government to identify and mitigate online cybersecurity threats?

Hon JACKIE JARVIS: Member, I obviously do not have advisers here from the Office of Digital Government. It is outside the realm of this bill. I think there is an opportunity for the member to engage with the relevant minister on this separately, but it is not part of this bill and it does not form the basis of this bill.

Hon NEIL THOMSON: I rise to ask some general questions about the genesis of this bill and where we are today. My understanding is that the reforms came out of the process announced in 2017. The Local Government Review Panel was established and provided a report in 2020. I note the recommendation of that panel was for a complete rewrite of the legislation. Is the government still contemplating a complete rewrite of the legislation?

Hon JACKIE JARVIS: No, member.

Hon NEIL THOMSON: The panel had some very experienced people on board and was chaired by David Michael, MLA, and it put together some recommendations. One of the recommendations was that there needed to be a reduction in the amount of text in the new legislation to make it more accessible. I might be paraphrasing the words a little there, but it certainly referred to a reduction in the amount of text. Why did the government choose not to go down the path of a root-and-branch review of the act? Was there any reason for that?

Hon JACKIE JARVIS: I am advised that a full rewrite of the act would have been years in the making. Obviously, we had a failed amalgamation process under the previous government. It was really important that we focused on the parts of the 1995 act that do not work effectively. There is a level of dysfunction across some local government areas and processes and the minister thought it was really important that we move to address that level of dysfunction, rather than getting bogged down in a full rewrite of an act when that could take many, many years to achieve an outcome.

Hon NEIL THOMSON: The minister said that the Minister for Local Government made that call. For the record, the panel said —

Local Government Acts are among the most lengthy and complex pieces of legislation in any jurisdiction.

I assume that refers to the Western Australian version. It said —

Currently the 1995 Western Australia Act and Regulations run to more than 700 pages, while there are also elements of the Local Government (Miscellaneous Provisions) Act 1960 that are still operational.

Clearly, the committee raised that concern. Notwithstanding the minister's response about the time it would take to do a complete rewrite of the act, will we see any streamlining of the existing act by the time we get to phase 2 or will we continue to see the number of pages of this legislation increase, as would appear to be the case with this reform?

Hon JACKIE JARVIS: The member has referred to 700 pages. I believe that includes the regulations relating to the act.

Hon NEIL THOMSON: It is the act and regulations.

Hon JACKIE JARVIS: It is obviously a complex act. The minister's imperative, as I said, is to deal with dysfunction in local government now and to fix the issues now. The length of the act or the number of regulations is not the imperative. The imperative is to make the act functional.

Hon NEIL THOMSON: The minister is saying that the Minister for Local Government did not think the panel came up with a valid criticism of the legislation and regulations, even though it seemed to be a focus of its recommendation or points that it made. It also said that a new act should —

Incorporate new measures to expand self-regulation (notably independent Audit, Risk and Improvement Committees) as part of a flexible regulatory regime that can respond quickly to unexpected circumstances (such as COVID-19).

Will the bill before us today in any way expand self-regulation and create the additional flexibility that we might need to see in a contemporary local government regime?

Hon JACKIE JARVIS: I assume the member is referring to local government authorities and how they will monitor compliance with the act. I am advised that will be dealt with in tranche 2 with the introduction of inspectors and a compliance framework. This bill includes an opportunity for exemptions to the act in case of emergencies.

Hon NEIL THOMSON: I thank the minister for that clarification. It is good to hear that some of the recommendations of that panel will be adopted. Another recommendation in the report was to —

Minimise the use of Regulations (which tends to enable more extensive and detailed oversight and intervention, and which requires time-consuming parliamentary drafting) by providing standardised guidelines and model codes, charters and local laws. Local governments could modify these ‘minimum’ provisions but would have to justify significant departures from them to the Joint Standing Committee on Delegated Legislation.

I can see the intent here. It seems to be one that I certainly would support, but I have failed to find that kind of approach permeating through the bill thus far. It appears that, if anything, some of the provisions become more prescriptive rather than less prescriptive. I would like to ask as part of the clause 1 discussion why the minister has not at this stage—maybe it will be picked up in tranche 2—taken a more light-handed approach in providing standardised guidelines and model codes, charters and local laws. I assume that local laws would be at the discretion of local government. Why does it seem that we have gone in a different direction from what the panel recommended given the need for flexibility going forward?

Hon JACKIE JARVIS: With regard to why there was not a more light-handed approach, it is important to remember that this package of reforms was done in conjunction with the sector and its advice was taken on how we would implement these reforms. Ratepayers also have a level of concern about local government dysfunction, and we have seen some very high profile cases of financial impropriety. It is a balance between having a light-handed approach and making sure that there is enough rigour in the act to ensure that ratepayers are protected, because, at the end of the day, they are the ones who fund local government. I understand that in tranche 2, there will be a series of ministerial guidelines around best practice that will provide more of that light-handed approach that the member is seeking.

Hon NEIL THOMSON: Thank you for that clarification. Just touching on the issue about the time taken, here we are in 2023 but the commitment was made in 2017. The panel got together in 2018 and I believe it finally put out the report in May 2020. This has been around. We know that local government reform can be fraught with difficulties. One of the headline titles in the panel’s report is “Moving Quickly”. The experts on the panel, led by David Michael, MLA, could see how difficult this would be and the resources that would be required to rewrite the act, so they put forward a pathway. They talked about—I will paraphrase it and I will read some of the detail—setting up strategic elements such as overarching principles and putting the strategic intent in the first tranche. They really were looking to provide some strategic direction. I am not sure how that was going to be achieved without completely rewriting the act, but I assume that they looked at the front end of the act and then at dealing with those difficult issues in the second tranche. Some thought seemed to be put into that by the panel. I wonder why the minister did not. I know that the minister is representing the Minister for Local Government and is not able to directly explain why he did not take this approach. The panel’s report says —

... the Panel’s assessment is that a substantial package of strategic changes to the Local Government Act is required within months, not years.

Within months, not years —

This could be done in one of three ways:

The panel was very careful to outline how —

- (a) Amend and restructure the existing Local Government Act to bring together its key strategic elements as a ‘front end’, but leaving most of its provisions unchanged for the time being;

A clear recommendation was made by the panel. John Phillimore is another expert the government has utilised for other types of reviews. We have seen the submission put out by the Labor Party about the Legislative Assembly. It is a very interesting submission. We get these experts who come in. There were some people on that panel whom I hold in very high regard. I am not so sure about the advice necessarily. That given by John Phillimore has always been perfectly good. In relation to the panel, led by David Michael MLA, a very capable member of Parliament, I again ask: why did the minister not take any note of the recommendations of the panel and restructure the Local Government Act to bring together its key strategic elements as a front end but leave most of its provisions unchanged for the time being? Why did he not do that?

Hon JACKIE JARVIS: The member has referred a number of times to the Local Government Review Panel. This package of proposed local government reforms has been informed by a number of bodies of work and consultation, including the Local Government Act review conducted by the Department of Local Government, Sport and Cultural Industries between 2017 and 2020; the Local Government Review Panel, which the member referred to; the report of the City of Perth inquiry; the final report of the Select Committee into Local Government; direct engagement with the local government sector and the community; and other reports to government, including authorised inquiry reports. The member has referred to one element of that whole package—the Local Government Review Panel.

Hon Neil Thomson interjected.

Hon JACKIE JARVIS: I have not finished my answer. Taking all of that into account, and obviously the direct engagement with the sector, the reform package was developed based on six major themes: earlier intervention, effective regulation and stronger penalties; reducing red tape and increasing consistency and simplicity; greater transparency and accountability; stronger local democracy and community engagement; clear roles and responsibilities; and improved financial management and reporting.

Hon Dr BRAD PETTITT: I return to the issue of the implications and intent of some of the changes to the act that I raised during my contribution to the second reading debate and that multiple people involved in and around local government have raised with me. Section 1.3(3) of the act refers to “the needs of current and future generations”. It is proposed that subsection (3), under section 1.3, “Content and intent”, will be removed from the Local Government Act. It is a quite strong part of the act, and states —

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

People are concerned because, as they understand it, the new provision will be under proposed section 3.1(1A) and the general function of a council will be required to be “performed having regard to” sustainability, future generations and climate change. Will the use of the word “regard” change the implication of how local governments perform their duties in relation to this? The concern is that this provision will be watered down and that it will refer to general functions of the council. What are the implications of that change?

Hon JACKIE JARVIS: I am advised that that broad principle will remain but that the bill will move it from part 1 to part 3 of the act. This is only a drafting change. Part 1 deals with introductory matters and includes definitions. Part 3 relates to the functions of local government. Since these new principles are intended to inform local governments on how they perform their functions, it is appropriate that they sit within part 3.

Hon Dr BRAD PETTITT: I return to the second part of my question. What are the implications of inserting the word “regard”?

Hon JACKIE JARVIS: I am advised that there will be no practical change.

Hon Dr BRAD PETTITT: The bill refers broadly to future generations and the need for local governments to respond to them. The new definition is more specific and refers to climate change and mitigating impacts. Mitigating the impacts of climate change is certainly an important role of local government, and I do not dispute that, but that could be read, putting it in simple terms, to exclude not adding to climate change by producing emissions. Why is proposed section 3.1(1A) written in this way and will it exclude reducing emissions from being a core function of local government so that it will look at just the impacts of climate change?

Hon JACKIE JARVIS: I am advised that the proposed subsection that the member referred to simply provides broad principles. The definition means that local governments must consider climate change mitigation but they will not be limited in what they can do, and they will be able, obviously, to take that further step with measures to prevent climate change. I am advised that it is literally just a broad principle that we will insert into the act.

Hon Dr BRAD PETTITT: I think it is a legitimate concern and I want it to be really clear, so that if this is ever contested with a local government that acts on climate change and reduces its emissions, there is not the unfortunate consequence that the council is told that it is not within its remit because this proposed subsection is explicitly worded to say that local governments should focus on mitigating the consequences of climate change. The explicit words used in the proposed subsection make me nervous. I want some comfort for the sector and those who are looking carefully at this legislation to assure them that it will be very much within the remit of local government to be proactive to reduce emissions and not just look at mitigating climate change.

Hon JACKIE JARVIS: We are talking about section 3.1, “General function”, which states —

(1) The general function of a local government is to provide for the good government of persons in its district.

If a local government decides that prevention of climate change falls under “the good government of persons in its district”, that will be okay, because proposed section 3.1(1A) says —

Without limiting subsection (1), the general function of local government must be performed having regard to the following —

- (a) the need —
 - (i) to promote the economic, social and environmental sustainability of the district; and
 - (ii) to plan for, and to plan for mitigating, risks associated with climate change; and
 - (iii) in making decisions, to consider potential long-term consequences and impacts on future generations;

The member put forward the scenario that it could be contested. I am advised that it would come under section 3.1(1) of the act, which states —

The general function of a local government is to provide for the good government of persons in its district.

Hon JAMES HAYWARD: How many local government by-elections were held in the last 10 years or the last term of local government? Does the minister have any idea how many were held and the cost over any period of time?

Hon JACKIE JARVIS: I am advised that we do not have a full list of by-elections that have been requested or undertaken in the past. We refer to by-elections as extraordinary elections. An example that has been provided to me is the recent City of Wanneroo mayoral election, which cost \$308 996, or \$2.28 per elector. In June 2022, the Western Australian Electoral Commission estimated the cost of an extraordinary election would be \$320 000 for over 135 000 electors, which equates to about \$2.36 per elector. I am advised that six requests for extraordinary elections are pending under the current act, but I do not have a comprehensive list.

Hon JAMES HAYWARD: They are obviously some big numbers. The City of Wanneroo is obviously a very large local government. In doing the background and research about the potential changes to the backfilling elements proposed in this legislation, apart from those big numbers, was any other feedback sought from local governments? Was there any other research? What else was happening in the background that has informed this move to propose backfilling?

Hon JACKIE JARVIS: I am advised that the recommendation on backfilling came directly from the local government sector. Throughout the consultation process, it had strong support from local governments and the local government sector. As we have outlined, the cost to local governments of extraordinary elections is significant. I had some notes earlier that gave an example of a smaller local government authority for which it cost around \$50 000 or \$60 000. As I said, the recommendation had strong support from the local government sector.

Hon JAMES HAYWARD: I do not disagree. I think there are some real strengths in this part of the legislation and I am certainly supportive of it. Does the minister have any idea how effective the proposal will be in reducing the cost of extraordinary elections for local governments? Given what has occurred in the past and this new legislation, if we put a filter, if you like, over some of the past extraordinary elections, how effective will the new legislation be in reducing the need for them altogether?

Hon JACKIE JARVIS: My advisers expect that these provisions will reduce the need for most extraordinary elections as backfilling will be able to occur within 12 months of an election, which apparently is when most resignations occur. There was a balance between making it quite straightforward but also making sure there were benefits to ratepayers and local governments. The bill also includes an extended period in which a vacancy can be held over ahead of an upcoming election. The feeling is that the need for most extraordinary elections would be reduced.

Hon JAMES HAYWARD: I do not want to harp on about this too much, but I want to touch on the minister saying most resignations would likely happen in the first 12 months. Is that something on which some research has been done or are there some numbers to support that? Why would a councillor run for council but be likely to resign within 12 months?

Hon JACKIE JARVIS: I do not have the raw data in front of me, but the agency has advised that, in its general experience, resignations from local governments generally happen within the first 12 months or in the final 12 months of someone's sitting period. I cannot provide comment on why individual councillors may wish to resign. The general feeling is that, as people are getting towards the end of their term and perhaps not seeking to run again, they may be more likely to retire. They also may be elected and discover it is not for them or that the time commitment is too great. I am advised that both the extended period to hold a vacancy and the opportunity to backfill within the first 12 months should address most of the need for extraordinary elections.

Hon JAMES HAYWARD: I have one final question on the election part. If the new legislation had been in place for the City of Wanneroo, would it have saved the city from spending the money on that election?

Hon JACKIE JARVIS: I am advised that we do not have the dates in front of us so we are not sure when the election was versus when the resignation was.

Hon JAMES HAYWARD: Moving to a different issue, the minister said that Minister Carey is particularly interested in getting on with some of the more urgent things that need to be done rather than waiting an extended period for the act to be completely rewritten. I understand from local government that there are very big concerns around issues with the standards panel, breakdowns in communication and the relationship with some councillors, including how disruptive some of these things have been in local governments. The minister may have alluded to a couple of fairly high profile examples here in the metropolitan area, but councils have also been significantly impacted in regional areas. Why was the method of dealing with those types of problems within councils not part of this initial legislation, given it is quite critical?

Hon JACKIE JARVIS: The matter to which the member referred will be included in the inspector reforms for tranche 2, which, as I mentioned, are part of the ongoing drafting considerations and will be introduced this year. Obviously, we are working with local government on implementation to make sure that we get it correct.

Hon Dr BRIAN WALKER: Earlier we heard the question about support for the bill. The figures provided were maybe a little nebulous. The figures that have been reported to me is that of the 200-plus submissions, 88 came from local authorities and, of those 88, 87 were in support and they mostly parroted the Western Australian Local Government Association submission. WALGA is, of course, part of the group that also comprises Local Government Professionals WA and, of course, the government, so naturally it is in favour of the proposals that have been made. Of the 26 community submissions, seven were in favour, and of the 75 individual submissions, only 11 were in favour, which is 87 to 84 and not a crushingly large majority in favour of the proposals. It would appear that the balance was made up of the anonymous submissions. Can the minister confirm those figures?

Hon JACKIE JARVIS: No. I am a little confused. The member referred to 88 LGAs and 26 communities and then he rattled some off some other —

Hon Dr BRIAN WALKER: I said 75 individual submissions.

Hon JACKIE JARVIS: What are the 26 communities the member referred to?

Hon Dr BRIAN WALKER: Seven were in favour and of the individuals, 11 were in favour, giving 87 versus 84.

Hon JACKIE JARVIS: The member is correct in that of the 233 stakeholders, 88 were LGAs, and they did indeed refer to WALGA, which is obviously the professional body. I am advised that of the other submissions—the rest of the 233—it was not a basic, “Do you agree with all of these reforms or do you not agree?” More broadly there was support. Some people had different issues with individual items. It is too hard to categorise and say that they all supported everything. I am advised that generally most of the reforms were supported. All the submissions were read and it was felt that there is general support for all of the reforms. Some may have only commented on one particular policy area and just because one person comments on and disagrees with only one policy area, we cannot assume that they disagree with all the policy areas.

Hon Dr BRIAN WALKER: Indeed, there are certainly elements of the bill that are very admirable. As has been pointed out, this could be a very costly exercise. The question is: has the community been properly informed and given a point of view? This will affect us in the future.

I refer to the Select Committee into Local Government, which was chaired by Hon Simon O’Brien, and to recommendation 4 of its final report, which states —

Explanatory memoranda accompanying a Bill should be required to address the potential impact of the bill on local governments, including any costs of complying with and administering the proposed legislation.

Specifically, the Minister for Local Government’s second reading speech in the other place did not address this issue, which, I think, is an issue about which we ought to be concerned because long laid plans have been laid in place but the costing will be considered in more detail in later aspects of this bill. It would have been fairer if we had had the full picture of the costs that will be involved, and this leads to the question about how well the community was consulted, which then leads me to the green bill, which I mentioned in my second reading contribution. I understand that the green bill was proposed over many years. Can the minister tell me which year or when the government decided against the proposed green bill?

Hon JACKIE JARVIS: The first part of the member’s question referred to the cost of the exercise; it is not clear what costs the member is referring to so I will leave that one unless he has a more specific question.

The minister made it clear in 2021 after the state election that he was not considering a green bill and that the imperative was to deal with local government dysfunction sooner rather than later.

Hon Dr BRIAN WALKER: Reference to the green bill was made repeatedly by the former minister, and with very good reason because it is an extensive document and bill that requires a multitude of changes that will impact on society and each one of us. I take on board that the minister decided in 2021 after the election that he was no longer interested in the green bill. Can the minister give me the reasoning behind that change?

Hon JACKIE JARVIS: The minister considered the number of high level and very expensive inquiries into local government dysfunction and, as I said, the decision was made to progress in this manner.

Hon Dr BRIAN WALKER: Of course, there will be repeated mention of the potential savings that will be made. We will take issue with that, I am sure, in the later stages of the Committee of the Whole. Was it the minister alone who made that decision or was it taken on advice; and, if so, on whose advice?

Hon JACKIE JARVIS: The advisers I have with me today cannot answer that question and I do not have insight into that.

Hon MARTIN ALDRIDGE: There are a few other issues I want to canvass in clause 1 carrying on along the lines of what a few speakers asked and it also featured in the minister’s second reading reply. I refer to the contention,

if I can call it that, that exists between perhaps the government's view that as an overall package, this bill will reduce the burden and cost on local government and the view of some others—I do not think that I am among them—who have suggested that aspects will increase the burden of cost on local government. Was the bill subjected to assessment by the better regulation unit, which is what it is now called after formerly being the regulatory gatekeeping unit? Was its regulatory impact assessed and, if so, is the minister in a position to provide that assessment?

Hon JACKIE JARVIS: The member referred to the better regulation unit. My understanding is that it is part of the cabinet process, but I might need to take some further advice on that, perhaps when we break for dinner tonight. Obviously, if it is part of the cabinet process, it will remain cabinet-in-confidence. I should point out, however, that WALGA was involved with the consultation on both the structure of the bill and the implementation. We consulted widely, and those issues of cost burden were not raised or had been dealt with through the drafting of the bill. I can take some further advice and come back to the member. I will take that on notice.

Hon MARTIN ALDRIDGE: I thank the minister; that would be appreciated. I certainly can recall instances when regulatory assessments have been tabled on bills, so I hope that is not an obstacle, as the minister suggested it could be.

Hon Dr Brian Walker referred to recommendation 4 of the Select Committee into Local Government —

Explanatory memoranda accompanying a Bill should be required to address the potential impact of the Bill on local governments, including any costs of complying with and administering the proposed legislation.

The context of this recommendation was more about the growing list of state law that fell within or was to some extent the responsibility of local governments. Obviously, the bill here directly impacts local governments. For the minister's benefit, the government's response was —

Explanatory memoranda are prepared to provide greater understanding of the legislation, including the intent. The potential impact of legislation on local governments, business or the community is a matter that should be considered as part of the regulatory impact assessment process.

It would be good if the minister can take that information on notice and report at some stage later this evening.

In my second reading contribution, I raised that one of the focus areas of the Select Committee into Local Government, its report and the evidence it heard was about the need for a size-and-scale approach to the regulation of local government. I said in my second reading contribution that this bill contains obvious evidence in the policy initiatives that this is being done. What I was not sure about was whether this was the first time. I think the minister said that this was the first significant reform to the Local Government Act in 25 years or thereabouts. Were there other instances of size and scale for tranche 1 reforms before now, or is this the first real, genuine attempt to address the size-and-scale issue in local government?

Hon JACKIE JARVIS: I am not sure that I have a clear answer, but I will do my best. What I have been told is that, obviously, there have been bills that have had an impact on local government and some changes, such as allowing electronic meetings. I am advised that the Salaries and Allowances Tribunal has previously refer to tiering in local government, but as I said in my second reading speech, this will be the first significant reform that specifically regulates local government. That is what I am advised.

Hon MARTIN ALDRIDGE: I was not directly linking those two issues; I was struggling in my second reading contribution to think of some others. The SAT is obviously a very different matter, largely around the remuneration of elected members and CEOs. I was struggling to think of another example in which size and scale have been used to the extent that we see in some of the reforms before us.

The minister mentioned this in her reply and confirmed something that I had alluded to in my second reading contribution about an example of when the minister or government had changed its view as a result of the consultation process. I think it was for local authorities with fewer than 5 000 people, and the original proposal was to have five elected members, but following consultation that was subsequently raised to seven members. Are there any other instances of the reforms changing materially as a result of consultation, apart from that example?

Hon JACKIE JARVIS: I referred earlier to the fact that they—the original proposal and then the change—were all published on the website. I do not have that list available, but we could probably get that list to table for the member. That was essentially the list.

Actually, we do have it. I table the list of current provisions, original proposals and amended proposals.

[See paper [2187](#).]

The DEPUTY CHAIR (Hon Sandra Carr): Members, noting the time, I will now leave the chair for the taking of questions.

Committee interrupted, pursuant to standing orders.

[Continued on page 1831.]

QUESTIONS WITHOUT NOTICE**WESTERN POWER — SUPPLY ALLOCATION****419. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Energy:**

I refer to the Minister for Energy's backflip media statement of 3 April 2023, titled "New across the board standard power supply allocation for SWIS", in light of the extended communication debacle and fiscal imposts suffered by regional businesses and regional consumers impacted by Western Power's ill-conceived 32-amp regional supply discrimination.

- (1) Does the government's welcome but lacking in any detail backflip on the regional power discrimination policy mean that the supply of 63 amps to regional power users is safe after all?
- (2) If yes to (1), was Western Power's use of safety as a justification for the discriminatory policy untrue?
- (3) Will the minister commit to implement a comprehensive compensation package to all regional businesses and households impacted by the application of the 32-amp regional power discrimination policy?
- (4) If no to (3), why not?

Hon MATTHEW SWINBOURN replied:

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

- (1)–(2) There has been no backflip regarding this matter.

Hon Dr Steve Thomas: There's comedy already!

Hon MATTHEW SWINBOURN: Do you want the answer?

The PRESIDENT: Order! I will respond to members' interjections if you respond to the question.

Hon MATTHEW SWINBOURN: Thank you. I shall endeavour to do so, hopefully without interruption.

Western Power listened to community and industry feedback and initiated a desktop review of the rural standard supply allocation. The review concluded it may be possible to increase rural supply allocations from 32-amp single-phase to 63-amp single-phase, in line with metropolitan connections. Following this, Western Power conducted a trial to test increasing rural supply allocation to 63-amp single-phase across seven local government areas in the south west and wheatbelt regions. This work was required to confirm that the rural supply allocation could be increased without causing safety and reliability issues.

- (3)–(4) No compensation is required because Western Power is taking direct action. For eligible customers who installed a lower rated main switch circuit breaker between 1 August 2021 and 11 April 2023, Western Power will reimburse the cost of a main switch circuit breaker upgrade to the value of \$250.

PUMPED HYDRO — COLLIE**420. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Minister for Energy:**

I should have saved that one for a Thursday!

I refer to the joint media statement of 14 June 2022 from the Premier and the Minister for Energy titled "State-owned coal power stations to be retired by 2030", detailing that Synergy and Water Corporation are undertaking analysis to determine the feasibility of a pumped hydro project in Collie.

- (1) As at 8 May 2023, what is the status of Synergy and Water Corp's analysis on the feasibility for pumped hydro storage in Collie?
- (2) What consultants external to government are party to Synergy and Water Corp's analysis and assessment of suitability of pumped hydro in Collie, and under what financial terms were they engaged?
- (3) Since March 2019, has the Department of Finance received and assessed any market-led proposals pitched at pumped hydro for Collie; and, if so, from what entities and on what dates?
- (4) If yes to (3), what is the status of the market-led proposals as at 8 May 2023?

Hon MATTHEW SWINBOURN replied:

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

- (1) An initial concept study has been undertaken regarding potential pumped hydro locations.
- (2) Synergy has engaged GHD to support its initial concept study under Synergy's standard procurement terms.
- (3)–(4) The honourable member should redirect those questions to the relevant minister, who I believe is the Minister for Finance.

SOUTH COAST MARINE PARK

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

I refer to the community engagement strategy dated July 2021 for the proposed south coast marine park published on the Department of Biodiversity, Conservation and Attractions website.

- (1) On what dates and in what form were the outputs and actions arising from community reference committee meetings provided to the community?
- (2) Did the CRC endorse or come to an agreement on an indicative management plan following its final meeting on 28 and 29 March 2023?
- (3) If no to (2), why not?
- (4) Were socio-economic values included in the IMP; and, if so, please provide the date of the socio-economic assessment on which those values were calculated?

Hon DARREN WEST replied:

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

- (1) The outcomes from each of the CRC meetings were communicated through the development of a communiqué endorsed by the CRC at the end of every meeting. Meeting 1 was held on 15 and 16 December 2021, meeting 2 was held on 2 and 3 March 2022, meeting 3 was held on 15 and 16 June 2022, meeting 4 was held on 31 August and 1 September 2022, and meeting 5 was held on 30 November and 1 December 2022. Meeting 6 was held on 29 and 30 March 2023. DBCA will communicate the conclusion of the CRC process through a community newsletter.
- (2) No.
- (3) The terms of reference of the CRC do not require the CRC to endorse the indicative management plan.
- (4) Yes. Socio-economic values are a key component of the IMP, including but not limited to economic development, tourism, recreational and commercial fishing, industry, mining and resources, development proposals and maritime heritage. These sections of the IMP are informed by advice and inputs received from community, stakeholders, and government agencies throughout the marine park planning process to date.

PUBLIC TRUSTEE — REPAIRS AND MAINTENANCE

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

This question does not have a number, strangely, but I will ask it in anticipation.

I refer to the Attorney General's admission on 28 March 2023 that recommendation 3 of the Auditor General's performance audit *Public Trustee's administration of trusts and deceased estates* had missed its implementation time line of 31 January 2023.

- (1) What progress has the Public Trustee made on each part of recommendation 3?
- (2) When will the full recommendation be implemented?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. For his reference, the number is C498. The following answer has been provided to me by the Attorney General.

- (1) The Public Trustee considered the feasibility of developing a schedule of common repair costs. Due to the varied nature of the work performed on behalf of clients, implementing a schedule of common repair costs may not be practical nor cost effective. Photographic evidence is now mandatory for all relevant completed works. Spot checks will be incorporated into the new contract and undertaken by inspectors.
- (2) The development and tendering for the contracts is expected to take between three to six months; therefore, the implementation date will need to be extended to 30 September 2023.

POLICE OFFICERS — RESIGNATIONS

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

- (1) How many police resigned in —
 - (a) March 2023; and
 - (b) April 2023?
- (2) What is the current total number of police officers?

Hon DARREN WEST replied:

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

- (1) The Western Australia Police Force advises —
 - (a) there were 38 in March; and
 - (b) there were 21 in April.
- (2) The headcount as at 30 April 2023 was 6 482.

ABORIGINAL CULTURAL HERITAGE ACT

424. Hon NEIL THOMSON to the minister representing the Minister for Aboriginal Affairs:

I refer to the implementation of the Aboriginal Cultural Heritage Act on 1 July 2023.

- (1) When will the Aboriginal Cultural Heritage service permit system be available to members of the public who will be required to make applications in order to comply with this legislation?
- (2) Is the minister confident that all information technology solutions will be operating to enable the processing of permit applications on 1 July 2023?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question. I assume that the written version of the question is the same as what I just tried to hear.

- (1) Applications for permits will be able to be made from 1 July 2023.
- (2) Yes.

GOLD CORPORATION

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

I refer to the answers provided to recent questions regarding Gold Corporation.

- (1) Can the minister confirm the board of Gold Corporation is to make all decisions according to prudent commercial principles as per the Gold Corporation Act?
- (2) Has the minister misled the Parliament in his answer to question without notice 316 in which the Parliament was advised that the 2021 decision to ensure a minimum average gold content of 99.996 per cent was not a commercial decision taken by Gold Corporation?
- (3) Noting the significant brand damage suffered by the Perth Mint under the McGowan Labor government, will the minister commit to full transparency to rehabilitate the Perth Mint brand, including the public release of all relevant board minutes to rebuild customer confidence?
- (4) If no to (3), can the minister confirm the brand reputation of the McGowan Labor government is more important to Western Australia than the brand reputation of the Perth Mint?

Hon MATTHEW SWINBOURN replied:

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

- (1) The Gold Corporation Act 1987 provides that the board shall perform its functions in accordance with prudent commercial principles.
- (2) No. Refer to Legislative Council question without notice 342.
- (3)–(4) The honourable member is stating an opinion rather than asking a question. In relation to board minutes, refer to Legislative Council question without notice 316.

GLEN IRIS GOLF COURSE

426. Hon BEN DAWKINS to the Leader of the House representing the Minister for Planning:

I refer to the minister's decision to approve a planning amendment to allow the redevelopment of former Glen Iris golf course in Jandakot into residential lots.

- (1) Can the minister confirm amendment 152 to the City of Cockburn's planning scheme was not supported by the elected members of the City of Cockburn by a margin of nine to one?

- (2) Can the minister confirm a petition was presented to the Legislative Council with 10 000 signatures opposing the amendment?
- (3) How many times has the minister met with representatives of the property developer, Eastcourt Management Pty Ltd, which currently owns the former Glen Iris golf course, in the period 1 January 2018 to date?
- (4) Is the minister concerned that overruling the wishes of the local community and their elected representatives in favour of supporting the commercial interests of political donors to the WA Labor Party—for a sum of \$27 500—creates perceptions of possible corruption within the McGowan Labor government?

Several members interjected.

The PRESIDENT: Order! I recognise that this is the honourable member's first question in this place, and I congratulate him on that, so I was listening quite closely to the question. For the member's information, all parts of the questions need to comply with the standing orders or will be ruled out of order. On first listening, the last part of that question may not meet the requirements of standing order 105 in that it possibly seeks an opinion, or standing order 45, in that it may suggest an imputation. At this stage, I will not rule that part of the question out of order. I know questions take a lot of practice to write in the first instance to ensure they comply with the standing orders, so I suggest that the member seek advice on those parts of the questions when drafting questions in the future. I will see whether the Leader of the House has an answer and is able to reply to at least the first part of the question.

Hon SUE ELLERY replied:

- (1)–(4) The minister's decision was consistent with both the City of Cockburn's planning department and the Western Australian Planning Commission, which assessed the proposed scheme amendment and recommended it be approved. The former golf course is on privately owned land and the proposed scheme amendment is permitted under the existing metropolitan region scheme. The minister gave due regard to a number of the concerns raised, which is why she provided conditional approval and requested a number of modifications regarding the retention of mature trees and upgrades to existing road infrastructure. As is appropriate on important planning issues, the minister and representatives of the minister have met with a number of parties in relation to this issue, including members of the ratepayers association.

BANKSIA HILL DETENTION CENTRE AND UNIT 18 DETAINEES

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

I refer to youth detention.

Please provide the following information on Banksia Hill Detention Centre and unit 18, respectively, for April 2023 and May 2023 —

- (a) the number of suicide and self-harm attempts;
- (b) the monthly average out-of-cell hours; and
- (c) the number of occasions on which a young person spent 20 or more hours in their cell.

Hon MATTHEW SWINBOURN replied:

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

- (a) The answer is in tabular form and I seek leave to have the response incorporated into *Hansard*.

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

Facility	April 2023			May 2023 to date		
	Attempted Suicide	Self-Harm – Serious	Self-Harm – Minor	Attempted Suicide	Self-Harm – Serious	Self-Harm – Minor
Banksia Hill	1	0	20	0	0	2
Unit 18	2	0	20	0	0	8

- (b) The monthly average out-of-cell hours is as follows: Banksia Hill Detention Centre for April 2023, 6.84; unit 18 for April 2023, 2.32; Banksia Hill Detention Centre for May 2023 to date, 7.07; and unit 18 for May 2023 to date, 0.98.
- (c) The number of occasions on which a young person spent 20 or more hours in their cell is as follows: Banksia Hill Detention Centre for April 2023, 871; unit 18 for April 2023, 358; Banksia Hill Detention Centre for May 2023 to date, 206; and unit 18 for May 2023 to date, 106.

TEMPORARY VISA HOLDERS — DISABILITY SUPPORT

428. Hon WILSON TUCKER to the parliamentary secretary representing the Minister for Disability Services:

I refer to the recent announcement of the South Australian government about extending disability support services to temporary visa holders.

- (1) What disability support services does the Western Australian government currently provide to families and individuals who are temporary visa holders?
- (2) As the Department of Communities is currently reviewing the state's disability legislation, will the government take this opportunity to follow South Australia's lead and extend disability support services to temporary visa holders?

Hon KYLE MCGINN replied:

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

- (1) Under the terms of the bilateral agreement between the commonwealth and Western Australia on the transition to the National Disability Insurance Scheme, the state is responsible for providing continuity of support for people under 65 years of age who do not meet the NDIS residency requirements and who were receiving state-funded disability-related supports. People who do not meet the NDIS residency requirements, including temporary visa holders, and who are seeking access to state-funded disability-related supports, may in some circumstances be eligible for Department of Communities support. Applications are assessed on a case-by-case basis.
- (2) Delivery of the current continuity of support model is consistent with WA obligations under the Disability Services Act 1993. Consultation on the reform of the Disability Services Act is still underway. The South Australian government's announcement indicates that the recent funding commitment brings the state into line with most jurisdictions in Australia. This government has ensured multicultural Western Australians have continued to have access to disability-related supports since it commenced its transition to the Australia-wide NDIS.

POLICE — DRUG OPERATION — CARNARVON AND GERALDTON

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

I refer the minister to the proactive drugs operation carried out by officers and detectives from Carnarvon and Geraldton between 27 and 31 March 2023, and reported by the *Midwest Times* on 5 April 2023, which apparently netted a total of 100 grams of cannabis.

- (1) How many individuals were charged with possession of cannabis as a result of this operation?
- (2) How many individuals were charged with possession with intent to sell or supply?
- (3) What was the amount of cannabis in each individual case referenced in (1) and (2)?
- (4) What other drugs were detected during the operation, and how many individuals have been charged in relation to drugs other than cannabis as a result?

Hon DARREN WEST replied:

I thank the honourable member for some notice of this question. I answer on behalf of the minister representing the Minister for Police. On behalf of the Minister for Police, I provide the following answer. The following information has been provided to me by the Minister for Police. The Western Australia Police Force advise the following.

- (1) Eight were charged with possession of cannabis.
- (2) One individual was charged with possession with intent to sell or supply.
- (3) The amount of cannabis possessed in each individual case referenced in (1) and (2) for was one, approximately one gram; two, approximately 0.5 grams; three, approximately one gram; four, approximately two grams; five, approximately 13 grams; six, approximately three grams; seven, approximately 68 grams; and eight, trace amounts only. The amount of cannabis possessed with intent to sell or supply was approximately 11 grams.
- (4) The other drug detected during the operation was dimethyltryptamine, and one individual has been charged.

*'ENOUGH IS ENOUGH': SEXUAL HARASSMENT AGAINST WOMEN
IN THE FIFO MINING INDUSTRY***430. Hon SOPHIA MOERMOND to the parliamentary secretary representing the Minister for Mines and Petroleum:**

I refer to the *'Enough is enough': Sexual harassment against women in the FIFO industry* report.

- (1) How many of the recommendations in the report relevant to the minister's portfolio have been implemented?

- (2) When is the next update on the report due to be presented in Parliament?

Hon MATTHEW SWINBOURN replied:

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

- (1) Of the 24 recommendations made in *'Enough is enough': Sexual harassment against women in the FIFO industry*, three are relevant to the minister's mines and petroleum portfolio. Of the three recommendations, one has been completed. The remaining two recommendations are being implemented.
- (2) The initial response to the *'Enough is enough'* report was tabled in Parliament in September 2022 and a progress report was tabled on 29 November 2022. As written in the introduction of the progress report, all future progress will be reported in the Department of Mines, Industry Regulation and Safety's annual report.

FIREFIGHTERS — PRESCRIBED DISEASES

431. Hon MARTIN ALDRIDGE to the parliamentary secretary representing the Minister for Industrial Relations:

I refer to the Workers Compensation and Injury Management Amendment Regulations 2023.

- (1) What is the estimated cost of adding "primary site melanoma" and "malignant mesothelioma" to the list of specified diseases that provide added protections to career and volunteer firefighters?
- (2) What is the estimated cost of adding "post-traumatic stress disorder" to the prescribed diseases that provide additional protection to only career firefighters?
- (3) Why have Department of Fire and Emergency Services communications systems officers been excluded from the PTSD presumptive protection when their equivalent in the ambulance service have been protected since 1 February 2022?

Hon MATTHEW SWINBOURN replied:

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

- (1) No costing was undertaken. The change was made on the basis of the independent scientific review on presumptive firefighter cancers by Dr Lin Fritschi of Curtin University.
- (2) No costing was undertaken. The change was made on the basis that firefighters are exposed to similar traumatic events as ambulance workers and therefore are placed on the same footing.
- (3) The government has determined that it will progress a further amendment to extend the PTSD presumption to relevant DFES officers equivalent to ambulance emergency communications officers.

CHILDREN IN CARE — WHEREABOUTS UNKNOWN

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

I refer to the answer on 15 March 2023 to my question without notice 218.

- (1) Have the three children recorded as missing people been found?
- (2) For how many days was each child recorded as missing?
- (3) How many children who are in the care of the CEO have their whereabouts currently recorded as —
- (a) a missing person; or
- (b) unknown—in contact?
- (4) Further to (3)(a), how many of the missing children have been reported to police as a missing person on multiple occasions?

Hon JACKIE JARVIS replied:

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

If the honourable member has particular concerns about a child, he may wish to raise them with the minister or report them to the central intake team by telephone on 1800 273 889 or by email at cpduty@communities.wa.gov.au.

Children and young people may move between living arrangements, which are recorded by case management in the child or young person's placement type. A child is recorded in a placement type "unknown—in contact" when the young person is unwilling to disclose their location but is still in contact with their caseworker or other safety networks that keep in contact with them. If the child cannot be located or contacted, they are recorded in placement type "missing child" and a missing person's report is submitted to the Western Australia Police Force. The

Department of Communities and police work to contact and locate the child and ensure their safety. Many of these children are teenagers. Every child still has access to the same supports that would be made available to them if they were residing in their approved placement.

The Department of Communities advises —

- (1) Yes.
- (2) Two days, 17 days and seven days.
- (3) (a) Two.
(b) Two.
- (4) None.

EAST PERTH COMMON GROUND PROJECT

433. Hon STEVE MARTIN to the minister representing the Minister for Housing:

I refer to the McGowan government's stalled Common Ground project in East Perth.

- (1) Has a tender been accepted for the design and construction of Common Ground in East Perth?
- (2) If a tender process has not been commenced and completed, why not?
- (3) When is construction expected to begin?
- (4) When will Common Ground in East Perth be complete?

Hon JACKIE JARVIS replied:

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

- (1)–(4) The East Perth Common Ground tender process closed in February 2023. The evaluation process is currently underway. The evaluation includes tender panel evaluation meetings to assess submissions and requires independent assessments of technical and contractual compliance of each submission, including design as well as detailed financial assessments of each tenderer.

SYNERGY — COAL IMPORTS

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

I refer to Synergy's unprecedented importation of 100 000 tonnes of coal from Newcastle to Collie.

- (1) Have the blending ratios of 7:1 of the imported Newcastle coal to local Collie coal changed; and, if so, when did the change occur?
- (2) As at 8 May 2023, how much of the imported coal has been blended to be used for electrical generation?
- (3) As at 8 May 2023, how much of the imported coal has been burnt for generation?
- (4) What is the anticipated date on which all imported Newcastle coal will have been burnt for generation?

Hon MATTHEW SWINBOURN replied:

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

Firstly, I think he would like to note that importation refers to the receipt of goods from overseas. The additional coal was purchased and transported from New South Wales.

Hon Dr Steve Thomas interjected.

Hon MATTHEW SWINBOURN: I am just reading the answer.

- (1) The blend ratio changes to meet Synergy's operational requirements. It is currently 10:1 and was changed on 21 March 2023.
- (2)–(3) It is 42 300 tonnes.
- (4) It is October 2023.

DIRECTOR OF PUBLIC PROSECUTIONS — JACOB ANTHONISZ

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

I refer to the Office of the Director of Public Prosecutions' decision to drop 542 charges against Mr Jacob Anthonisz due to a "significant breakdown of understanding" with police.

- (1) On how many occasions did prosecutors from the DPP meet with, or communicate with, officers from Western Australia Police Force's financial crimes unit in relation to compiling the brief of evidence?

- (2) What was or were the common understanding or understandings in relation to the management of this case that arose from these meetings, and at what organisational level was this information communicated and when?
- (3) What measures will be taken by the DPP in relation to its future dealings with WA police regarding this and other cases to avoid another comprehensively poor outcome?

Hon MATTHEW SWINBOURN replied:

I thank the honourable member for some notice of this question. The Office of the Director of Public Prosecutions has provided the following advice.

- (1) From June 2021, the ODPP held regular joint meetings with the Western Australia Police Force, including meeting with it more than 10 times between August 2021 and August 2022. The ODPP routinely provided police investigators with updated schedules of outstanding matters, and sent regular correspondence to WA police, writing on more than 10 occasions between 4 November 2021 and 19 December 2022.
- (2) At the first joint meeting convened by the ODPP, the ODPP prosecution team explained the expectations and requirements for the prosecution case, including the nature of the financial analysis reports needed, and provided to the WA police an outstanding matters requisition schedule, listing requisitions and time lines for disclosure. This was again explained by the ODPP at a joint meeting on 3 August 2021, and regularly articulated at meetings and in correspondence.
- (3) A review of all current complex financial crime prosecutions, including corruption prosecutions, involving similar evidentiary issues is being undertaken. The ODPP is also reviewing relevant practices and procedures. The ODPP will work closely with WA police as part of that process.

POLICE — MENTAL HEALTH SUPPORT SERVICES

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

- (1) How many of the following are currently employed by the Western Australia Police Force —
 - (a) psychologists; and
 - (b) psychiatrists?
- (2) How many of those referred to in (1) are stationed in regional Western Australia?

Hon DARREN WEST replied:

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

- (1)–(2) The Western Australia Police Force advise that as at 9 May 2023, nine psychologists are employed by the WA Police Force whom personnel can access irrespective of their location and undertake regional visits as well as providing an option for delivery via telehealth for additional convenience. Psychiatrists services are undertaken by a contract-for-service arrangement.

ABORIGINAL CULTURAL HERITAGE ACT

437. Hon NEIL THOMSON to the Leader of the House representing the Minister for Aboriginal Affairs:

I refer to the implementation of the Aboriginal Cultural Heritage Act on 1 July 2023.

- (1) Will the heritage agreements that were agreed as part of the south west native title settlement remain valid on the promulgation of the new act?
- (2) If no to (1), will they need to be renegotiated?
- (3) Has the Department of the Premier and Cabinet sought legal advice on the matters raised in part (1)?
- (4) If yes to (3), can the advice be tabled?

Hon SUE ELLERY replied:

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

- (1)–(2) The government is reviewing the template Noongar standard heritage agreements to ensure compliance with the new act and relevant guidelines.
- (3) Yes, the State Solicitor's Office is providing ongoing legal advice about the implementation of the Aboriginal Cultural Heritage Act.
- (4) No. The advice is subject to legal professional privilege.

CORONAVIRUS — RAPID ANTIGEN TESTS — PROCUREMENT PROCESS

438. Hon JAMES HAYWARD to the Leader of the House representing the Minister for Health:

I refer to the Auditor General's report relating to COVID-19 impacts.

- (1) Can the minister explain how panic buying \$440 million worth of rapid antigen test kits is another example of the McGowan government's world-leading COVID-19 management?
- (2) Notwithstanding the information available at the time of the purchases of the RAT kits in 2022, does the government concede that it overestimated community demand for RAT kits considering currently available information in 2023?
- (3) What policies and procedures will be implemented to ensure that panic buying of items by government does not happen again?
- (4) How have the 2.7 million RAT kits that expired in March 2023 been disposed of and what was the cost of that disposal?

The PRESIDENT: Honourable member, after conferring on standing order 105 and whether that seeks an opinion, I will give the call to the Leader of the House in the hope that she may be able to answer the question, noting that that part of the question may be ruled out of order next.

Hon SUE ELLERY replied:

- (1)–(4) The ordering of RATs and the supply made available across the community was instrumental in delivering a soft landing for WA, and our free RATs continue to provide an important role across the community today. RATs continue to be provided and made available to the WA health system and the Western Australian community through a variety of distribution channels, including schools and pop-up sites. No self-test RATs have expired to date; 2.7 professional-use RATs for clinical use only have expired. At a critical time when RATs were scarce across Australia, only WA provided a comprehensive free RAT program for everyone—a vital public health measure.

GNANGARA PINE PLANTATION

439. Hon Dr BRAD PETTITT to the Minister for Forestry:

I refer to the removal of the Gnangara pine plantation.

How many hectares of pine trees —

- (a) were cleared in the last three financial or calendar years;
- (b) remain to be cleared; and
- (c) is it estimated will be left at 31 December 2023?

Hon JACKIE JARVIS replied:

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

- (a) In 2021–22, there were 950 hectares. In 2020–21, there were 893 hectares. In 2019–20, there were 778 hectares.
- (b) There are approximately 4 861 hectares.
- (c) There will be approximately 3 951 hectares.

HEMP — LIVESTOCK FEED

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

I refer the minister to the Department of Primary Industries and Regional Development release issued in December entitled "Opening the gates to hemp fed livestock in Australia", which gave details of a plan to test hemp as a new summer forage option for ruminants. Welcoming the move, I ask the following.

- (1) Can the minister update the house on this project and any outcomes that may have emerged from the second phase of testing, which was scheduled to conclude in March this year?
- (2) Can she outline any plans for further research, presuming the second phase concluded successfully?

Hon JACKIE JARVIS replied:

I thank the member for some notice of the question.

- (1) Opening the gates to hemp-fed livestock in Australia is a Department of Primary Industries and Regional Development-led project, with the aim to provide data on the nutritional value of hemp and THC residues

in tissues from sheep fed industrial hemp to assist the development of regulations on its use as a forage crop. Phase 2 has been extended and is now due for completion in November 2023. It will provide information on the half-life, or breakdown, of THC in livestock.

- (2) The direction of future research will be dependent on the outcomes and results of phase 2 of the project.

EDUCATION — SCHOOL-AGED CHILDREN — BROOME

Question on Notice 1305 — Answer Advice

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.04 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1305, asked by Hon Neil Thomson on 15 March 2023 to me, Leader of the House representing the Minister for Education, will be provided on 16 May 2023.

QUESTIONS ON NOTICE 1297, 1274, 1294, 1312, 1313, 1330 AND 1367

Answer Advice

HON JACKIE JARVIS (South West — Minister for Agriculture and Food) [5.04 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1297, asked by Hon Martin Aldridge to me, the Minister for Small Business, will be provided by Wednesday, 10 May 2023.

I also wish to inform the house that the answer to question on notice 1274, asked by Hon Dr Brad Pettitt on 23 February 2023 to me, the Minister for Agriculture and Food representing the Minister for Housing, will be provided on 18 May 2023.

Further, I wish to inform the house that the answer to question on notice 1294, asked by Hon Martin Aldridge to me, the Minister for Agriculture and Food, will be provided by Wednesday, 10 May 2023.

I wish to inform the house that the answer to questions on notice 1312 and 1313, asked by Hon Dr Brad Pettitt on 21 March 2023 to me, the Minister for Agriculture and Food representing the Minister for Housing, will be provided on 18 May 2023.

I wish to inform the house that the answer to question on notice 1330, asked by Hon Steve Martin on 21 March to me, the Minister for Agriculture and Food representing the Minister for Housing, will be provided on 18 May 2023.

I wish to inform the house that the answer to question on notice 1367, asked by Hon Martin Aldridge on 20 March to me, the Minister for Agriculture and Food representing the Minister for Housing, will be provided on 18 May 2023.

STATE DEVELOPMENT, JOBS AND TRADE — AGENT GENERAL — TRAVEL

Question on Notice 1287 — Answer Advice

HON DARREN WEST (Agricultural — Parliamentary Secretary) [5.06 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 1287, asked by Hon Martin Aldridge to the Minister for Emergency Services representing the Minister for State Development, Jobs and Trade, will be provided on Thursday, 11 May 2023.

QUESTIONS ON NOTICE 1311, 1326, 1372, 1355, 1356, 1357, 1365 AND 1380

Papers Tabled

Papers relating to answers to questions on notice were tabled by **Hon Sue Ellery (Leader of the House)**, **Hon Jackie Jarvis (Minister for Agriculture and Food)** and **Hon Darren West (Parliamentary Secretary)**.

REGISTRY OF BIRTHS, DEATHS AND MARRIAGES — ADOPTION ACT

Question without Notice 383 — Answer Advice

HON NICK GOIRAN (South Metropolitan) [5.07 pm]: Hon Jackie Jarvis is the Minister for Agriculture and Food and, amongst other things, also represents the Minister for Child Protection. On Wednesday, 29 March 2023, in part response to a question asked by me during question time, I was informed that they needed more time to identify and review any relevant briefing notes, and I quote from the answer —

This will be done as soon as practicable and the member will be advised accordingly.

I appreciate that that answer did not provide a time limit and did not say that the information would be provided on the next sitting day, but I note that we have not been sitting for the last five weeks. I thought that that would have been enough time, but I just ask whether this could perhaps be taken on notice and dealt with on the next available occasion.

Hon Sue Ellery: I give an undertaking that I will do that. I will chase it up.

The PRESIDENT: Thank you. The Leader of the House has given an undertaking to pursue that matter. I note that is not a point of order, but rather a point of clarification.

LOCAL GOVERNMENT AMENDMENT BILL 2023*Committee*

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Steve Martin) in the chair; Hon Jackie Jarvis (Minister for Agriculture and Food) in charge of the bill.

Clause 1: Short title —

Committee was interrupted after the clause had been partly considered.

Hon MARTIN ALDRIDGE: I assume that we do not have an update on the regulatory matter.

Hon Jackie Jarvis: I am told that it will be after the dinner break.

Hon MARTIN ALDRIDGE: Okay. The other issue I want to canvass at clause 1, and only because it relates across the bill, is the tiering of local governments. If I heard correctly, without the benefit of the uncorrected *Hansard*, the minister mentioned in her second reading reply speech that it was the government's intent that if the Salaries and Allowance Tribunal were to change its approach to the tiering of local government, the regulations that effectively mirror the tiers would be adjusted. Noting that it is really just a policy intent, not a legislative intent, will the government's codification of local government match that of the Salaries and Allowance Tribunal? Is what I have taken from the way the minister referred to that issue in the second reading debate correct?

Hon JACKIE JARVIS: I am advised that the regulation will be reviewed from time to time, particularly when there is a change by the Salaries and Allowances Tribunal, and it will be a change via regulation, which offers greater flexibility.

Hon MARTIN ALDRIDGE: Therefore, the intent is that the tiering model will effectively be one and the same except for the fact that there will be scope for it to be different and in the future the tribunal could take a different approach. I think I mentioned in my second reading contribution that at one point the Salaries and Allowances Tribunal established eight tiers of local government. I did not look back and do an extensive research project on the Salaries and Allowances Tribunal's determinations on local government, but I at least established that not that long ago there were eight tiers and there are now four. In the meantime, the policy intent is that the government's codification of tiers of local government, at least initially, will mirror the tribunal, notwithstanding that the government and the tribunal may well form different views in the future. There is no hard link between the bill and the codification that it will enable any future decisions of the tribunal.

Hon JACKIE JARVIS: Yes, that is correct.

Hon MARTIN ALDRIDGE: Can the minister elaborate any further on the way in which the Salaries and Allowances Tribunal currently codifies, and has in the past codified, local government into four bands? I understand that it is more than a measure of population; it is an assessment of other factors. It is relevant because some of the decisions that flow from the policy initiatives in this bill relate to that banding structure, and it comes up in the bill quite a few times. I want to get an understanding, or an appreciation, of that because it is not obvious. The current determination on local government basically sets out four bands based on a number of measures, and we do not really get any greater understanding than that. Is the minister in a position to elaborate on what in the tribunal's determination constitutes a band 1 local government versus a band 4 local government?

Hon JACKIE JARVIS: I am advised that the Salaries and Allowances Tribunal sets out in considerable detail its determinations and publishes the discussion material, but I am happy to provide a fuller response after dinner. We will get those details and the exact wording.

Hon MARTIN ALDRIDGE: Minister, that will be helpful because, as I said, there are many steps throughout the bill that relate to the tiers and I think it is important to understand that when we talk about tier 1 versus tier 4 local governments. On this note, we have touched on the changes to the number of elected members a couple of times. It might be the only provision that deviates from this banding approach and goes for a more arbitrary number—that is, zero to 5 000, 5 000 to 75 000 and 75 000-plus. Am I correct in my assessment that that is the only initiative in the bill that deviates from the banding approach and simply assesses local governments by, I assume, population? Could the minister check that for me?

Hon JACKIE JARVIS: The member is correct that it is by population. However, I am advised that SAT also considers population when considering banding.

Hon Martin Aldridge: Yes, but that is only one of the things that it considers in its banding, I'm pretty sure.

Hon JACKIE JARVIS: I am not quite clear on the member's question. The Salaries and Allowances Tribunal sets out the banding structure and, yes, it considers population, amongst other things. As the member pointed out, the act determines the number of elected members by population. I am not exactly sure what the question is.

Hon MARTIN ALDRIDGE: I am trying to understand why, at several points in the bill, we categorise a local government effectively by its SAT band. From my understanding, a SAT band is based on an assessment that is

more than population, yet at this point in the bill, where we are determining whether a local government should have seven or another number of elected members, we are reverting back to a population figure, perhaps discounting those other factors that are considered in the context of a SAT classification. I hope that clarifies where I am going.

Hon JACKIE JARVIS: The member is correct that the number of elected officials is directly linked to population. That is because population is considered the key consideration to ensure representation along the lines of the way we use population to determine state and federal representation. In that regard, yes, it provides an easy mechanism so we can see whether an LGA will go into the next population tier.

Hon MARTIN ALDRIDGE: Perhaps I could conclude with a couple of comments on this issue, because I think we can explore it more deeply when we get to the clause. If we are dealing with the question of how many elected members are sufficient, the government could obviously adopt the approach it has taken, which is to go for an arbitrary population number. I will flag when we get to the clause that I would like to understand what is the population figure that is used to determine the classification of a local government. I would have thought other indices such as remoteness, geography and the number of communities would be considered. I would have thought a bunch of other factors would be contemplated in, effectively, the design of an electoral system that elects council members to represent the community rather than using just a blunt instrument, which is population.

I said in my contribution to the second reading debate that I guess we will deep dive into this issue more when we get to the clause; even the numbers are significant. It is zero to 5 000, then 5 000 to 75 000 and then 75 000-plus. There are some really big leaps. There could effectively be a council of 5 005 people and another of 74 998 people, and they will be limited to the same number of elected members. I wonder whether there might have been some consideration of perhaps another step, particularly between the 5 000 and the 75 000. I am happy for those points to be taken on notice and, when we get to the clause, those are the sorts of issues I want to consider a little bit more deeply.

Hon NEIL THOMSON: I think it is worthwhile addressing this, now we are on the subject. I know we will get to it in more detail but I want to touch on the issue of population a little bit more in the clause 1 debate, simply because it is hot off the press. It is curious that we have a process by which SAT determines the bands and obviously has a thoughtful process of taking in a multifactor assessment to determine the bands. I hear regularly in my region about how complex those local governments are and the types of issues that have to be addressed by local governments, vis-a-vis the issues that might be addressed by a metropolitan local government. I particularly note some of the commentary in the panel report on COVID and the issues there.

I will highlight a second part before I get to my question. It is also inconsistent with the views of the Western Australian Electoral Commission if, for example, we look at the issue of regional representation. We are currently undertaking a review at state level of the number of seats that will be applied to those regions. We assess it on the number of electors who are registered. Those who have taken the time to look at the submissions on the Electoral Commission's website will see I have made a short submission on the matter because I have put some thought into it. It is important to make the point that there is a very big discrepancy in the population of a region and the number of registered electors—the proportion—and the population of an urban seat and the number of registered electors. I think that is a fundamental problem that, unfortunately, the gentleman Professor Phillimore who was on the local government panel failed to address with the others who were part of that process of the electoral reform review. They failed to consider that there is a fundamental breakdown at the state level in making sure as high a proportion as possible of eligible electors is actually registered on the roll. That is creating a serious problem going forward. In that respect, by using population, I think the bill before us is somewhat better than using the assessment of registered electors at the state level. We look at the registered electors. I think it is really important for the chamber to understand the difference between the state and what is being proposed in this bill. There is an improvement in this bill compared with what the state is proposing. For example, in the seat of the Kimberley, 40 per cent of the population is enrolled to vote. There is a young demographic there at a certain level but it does not account for the fact that only 40 per cent is enrolled to vote. That is what the Western Australian Electoral Commission uses —

Hon Darren West: Is this a question?

Several members interjected.

Hon NEIL THOMSON: If members opposite would just listen for once, they may understand the difference between this bill and what is being implemented by the state. Yes, using population is a good thing as far as that but I ask why we have used just population because I do not think population properly accounts for the complexity when making these assessments, particularly given the dispersed nature of local governments. For example, a local government like Ngaanyatjaraku is a massive area, yet we have issues around the number of elected members who can sit on that council. It is similarly the case with the Shire of Derby–West Kimberley, which covers a massive area and has complex issues, particularly given the state government's neglect in its disaster response. Why did the minister not consider the State Administrative Tribunal process and bring that more into the open—a stronger set of multi-criteria assessments in terms of how we assess the bands for local governments?

Hon JACKIE JARVIS: I have some notes on this. In the 2020 Local Government Review Panel report, which the member quoted on a number of occasions, recommendation 26 includes a proposal to determine the number of elected member positions based on the population of a district. The Local Government Review Panel proposed that for a population of up to 5 000 people there be five councillors; for a population of between 5 000 and 75 000 there be five to nine councillors; and for a population of above 75 000 there be nine to 15 councillors. Through the consultation process and based on requests from the impacted councils received through the public consultation, the proposal was amended to allow local governments with a population of up to 5 000 to decide whether to have five, six or seven councillors. The amended position is five to nine councillors for a population up to 5 000 and five to nine councillors for a population between 5 000 and 75 000—the five to nine councillors accounts for the population difference between 5 000 and 75 000—and nine to 15 councillors for a population above 75 000. The member mentioned the regional perspective. Between 2019 and 2021, a number of local governments followed the example of this requirement and reduced councillor numbers, which reflects this trend. In 2019–20, the Shire of Perenjori abolished all wards and reduced councillor numbers from nine to seven; in 2020, the Shire of Dalwallinu reduced the number of councillors from nine to eight; in 2020, the Shire of Dumbleyung abolished wards and reduced the number of councillors from nine to seven; in 2020, the Shire of Katanning reduced the number of councillors from nine to seven; and in 2020, the Shire of Wagin reduced the number of councillors from 11 to nine. Individual councils will still be able to decide on the specific size of the council within the range. A similar policy principle has been established in the South Australian Local Government Act 1999 with regard to boundaries. I hope that assists.

Clause put and passed.

Clause 2: Commencement —

Hon MARTIN ALDRIDGE: Clause 2 is probably not the neatest commencement clause I have ever seen but nevertheless this is a big bill that will do many things so that is understandable. I want to briefly explore clauses 2(b) and (c). I might start with the easiest one first, which is clause 2(c). It reads —

Part 3 (but only Division 2) on the day after assent day;

That is clauses 102 to 103 on my assessment, which are amendments to the Local Government Amendment (Auditing) Act 2017. Can the minister explain why these clauses have been set out separately from the rest of that part?

Hon JACKIE JARVIS: I think it is safe to say that this was written by someone much cleverer than me! I am advised that these are consequential amendments that will result in changes to the Local Government Amendment (Auditing) Act 2017. The reason for the number of days after assent is to make sure that it is consistent with that act.

Hon MARTIN ALDRIDGE: That is about as far as I got as well, minister! I think we can probably leave that as it is.

Clause 2(b) is a little more interesting in that it carves out a number of clauses of part 2—that is, clauses 3, 60, 86, 87 and 99—as coming into operation on the day after assent day. Clause 60 will increase the signatures for special electors' meetings; clause 86 will confer power on the minister to set regulations to determine classes of local government, an issue we have just been canvassing; clause 87, which is an interesting clause that we will come to in due course, will insert a new section to allow the minister to grant exemptions from compliance with the act; and clause 99 will insert transitional provisions to assist in the transition to the new act. The latter one is probably self-explanatory, but how did the government identify the other clauses as a priority for implementation versus others?

Hon JACKIE JARVIS: I am advised that it was felt that those clauses would be required before the October local government elections and that the rest of them, where there is a fixed day, will allow for regulations to be prepared for the other clauses that are not included in part 2.

Hon MARTIN ALDRIDGE: I can understand the local government election impact. One of the reasons that we are trying to move quickly with this bill is to have certainty before October. The main electoral provisions are not with the ones that I have just canvassed. Is that because those electoral provisions require regulations to be made and will therefore be postponed and done by proclamation?

Hon JACKIE JARVIS: I am advised that that is correct.

Hon MARTIN ALDRIDGE: This is my last question on the commencement clause. Obviously, a lot of provisions will be left to proclamation. What is interesting—we will encounter this as we go through the bill, minister—is that the detail is absent in many of the clauses because it will be a matter for the regulations. Because of the extensive public consultation that has occurred on this reform process, we at least have an understanding of the intent—I would probably go further and say the agreed intent of the government with respect to regulation-making. Often we engage on a bill and everything will be speculation because it will be a matter of future government decisions as to what the regulations will look like and where they land on certain policy decisions, but to a significant extent this bill is different because we know where many of those landing points are with regulations, which will be useful. Can the minister provide any guidance on when proclamation and regulation making will occur and whether there is a time frame? The easy answer is that it will probably occur before October but I assume it will probably be more near term than that.

Hon JACKIE JARVIS: I am advised that proclamation and the regulations will need to be in place by June 2023 to allow them to be used in the October elections and the rest of the regulations throughout the rest of the year, so things like communications agreements et cetera will be progressed through the rest of the calendar year.

Hon MARTIN ALDRIDGE: I did say that was my last question. June is not far away. Has the drafting of regulations commenced?

Hon JACKIE JARVIS: Yes.

Hon MARTIN ALDRIDGE: That is most interesting. Usually the government's consistent position is that it cannot possibly contemplate regulation making until the sovereign power of Parliament has been exercised and it would not dare second-guess the outcome of the legislature before contemplating regulations. It is good to see that the government can be flexible when it chooses.

Hon Dr BRIAN WALKER: There has been a little bit of confusion on my part because I am not a lawyer, much less a constitutional lawyer. I am led to believe that section 52 of the WA Constitution states —

The Legislature shall maintain a system of local governing bodies elected and constituted in such manner as the Legislature may from time to time provide.

If that is correct, it is in conflict with what the government has said. It stated —

Parliament has charged the Minister and the DLGSC with the responsibility for the oversight of local government and the system of local government through the *Local Government Act 1995*.

We either have the legislature, which is not the Legislative Assembly alone but both houses of Parliament, and maintain a system of local governing bodies elected and constituted in such manner as we may from time to time provide. We have been asked in clause 2 to follow on from what the executive has said. This is not actually constitutional. I ask the minister to comment on that please.

The DEPUTY CHAIR (Hon Steve Martin): Just before the minister replies, honourable member, we are dealing with clause 2. The minister can respond but I believe the member is stretching the bounds of the clause 2 debate.

Hon JACKIE JARVIS: I am not sure I have an answer for the member. I have been advised that a group of people who perhaps refer to themselves as sovereign citizens have raised this issue. I have been advised that it is not relevant to clause 2 and it is not relevant in the circumstance.

Hon Dr BRIAN WALKER: I quoted directly from the WA Constitution, brought into contemplation by allowing this rather complex series of commencements to take place. I put to the minister that we ought to be removing this and replacing it with “this act comes into operation after the Legislative Council has formally adopted and implemented recommendation 5 of the report of the Select Committee on Local Government”, Hon Simon O'Brien's committee. That says —

The Legislative Council amend Standing Orders of the Legislative Council to expand the terms of reference of an existing parliamentary committee, or establish a new parliamentary committee, to address issues relating to the system of local government.

It has been noted that this was not rejected by the government in its response to this report.

Hon JACKIE JARVIS: I do not have any constitutional lawyers with me this evening, so I am not able to respond to that question.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 1.3 amended —

Hon MARTIN ALDRIDGE: On initial assessment of clause 4, it looks pretty benign. It states —

Delete section 1.3(3).

Section 1.3(3) of the act states —

In carrying out its functions, a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

I guess the government is removing this from the content and intent provision and inserting a similar provision in clause 21 in an expanded form, which we will get to in the fullness of time. Why has the government chosen to split between section 1.3 and existing section 3.1? Is there a reason for the approach, apart from some sort of drafting reason and the way in which the bill flows?

Hon JACKIE JARVIS: I am advised that it is indeed only a drafting change. Part 1 relates to introductory matters, which mostly includes definitions. Part 3 is about functions of local government. Since the new principles are intended to inform how local governments perform their functions, it is appropriate that it be within part 3.

Hon Dr BRIAN WALKER: That refers to a part I mentioned in my second reading contribution. I would very much like a clarification. Again, I must stress that I am not a lawyer but my understanding is that the closer an element is brought to the front of the bill, the more weight it has. The further back we move it, the less weight it has. That is my understanding as expressed to me by a lawyer, not a so-called sovereign citizen. Is this true? Can the minister clarify this for me or am I completely wrong?

The DEPUTY CHAIR: Minister, I am waiting with bated breath.

Hon JACKIE JARVIS: I do not believe that to be true. I think the law is the law.

Point of Order

Hon SUE ELLERY: The honourable member is entitled to ask any questions he wants about the bill before us. The last two questions that he asked actually go to matters way beyond this particular piece of legislation. They go to the Constitution and other matters that might be deemed to be covered by many academic papers that have been written over the years about the role of legislation. I suggest that he seek advice from the clerks about those matters. They really go way beyond what the advisers have prepared to deal with in terms of the bill, with the greatest of respect to the advisers that the minister has with her, whom I know to be great advisers. They really do not go to the clause in front of us.

The DEPUTY CHAIR: After seeking advice, I do not believe there is a point of order but I advise the honourable member that I gave him some leeway on clause 2. I asked him to direct his questions to the relevant clause, and I think that would be good advice for future clauses.

Committee Resumed

Clause put and passed.

Clause 5 put and passed.

Clause 6: Section 1.4A inserted —

Hon NEIL THOMSON: This clause relates to the insertion of the caretaker period. I note that a Western Australian Local Government Association survey indicated a level of support for the caretaker period. I understand the reasons for it. In that survey, 52 per cent of the public supported it and 60 per cent of elected members supported it, but only 40 per cent of staff wanted a compulsory caretaker period because they thought it would be easier to work through it administratively. I guess there was a bit of a division between the staff of local governments and the general public and elected members. I understand some of those concerns. I think a caretaker period is in itself useful to the extent, as with the state government, that major decisions cannot be made by local government when in election mode.

I have a question on proposed section 1.4A(b)(i), which is about when the caretaker period ends. It states —

... on the day after the day on which the returning officer declares the result of the relevant election under section 4.77 ...

That is when the caretaker period ends. Was any consideration given by the minister relating to the swearing-in of councillors? There would potentially be a period of up to three weeks from the declaration of a result to the swearing-in of new councillors. I wonder whether that gap needs to be considered. Was any consideration given to extending the caretaker period until such time as those newly elected council members were sworn-in and were able to meet?

Hon JACKIE JARVIS: As we discussed, the caretaker period was implemented because some local government authorities already had one; it is about providing consistency. I appreciate the question being asked about why the caretaker period ends the day after an election. This is to ensure the smooth running of local government. Local governments have an election every two years, so it could potentially take a significant chunk of time if new councillors had to be sworn-in before the caretaker period ends. The caretaker period provision is to ensure that decisions are not being made that could influence the result of a poll. Once a result has been declared, I think it is considered that the business of the council can continue with the continuing council members until such time as new councillors are sworn-in. It is about seeking a balance—not shutting down the business of local government for too long and ensuring that decisions being made by councils will not potentially influence polls.

Hon NEIL THOMSON: Thank you. That is very enlightening. The caretaker provision was there only to protect any influence over the result of the election within that close period; it is not there to protect a future council being committed to specific actions by local government staff. Staff could still potentially make decisions that might be within their authority but outside the scope of the caretaker period before the council meets. Is it correct that the minister's purpose was only to protect potential influence at the election?

Hon JACKIE JARVIS: To a certain extent. My understanding was that a significant number of complaints received around local governments reflected the idea that decisions were being made in the period leading up to an election. It is not only to prevent decisions being made that could influence the poll. It is similar to our state government caretaker provisions. They increase public confidence and trust in the integrity of government. However, we did not want to make it too long to prevent local governments from being able to make decisions. It is basically provided

to deal with a significant number of complaints and to ensure a statewide standard caretaker period that all local governments will follow. There is current confusion about election periods resulting from individual councils having different policies and protocols for decision-making during ordinary elections. The idea is that local governments should not be making controversial decisions during an election period until the results of the poll are known.

Hon NEIL THOMSON: Could there be a situation in which an election was declared and the next council meeting was not for a couple weeks? It might be possible that staff, without imposing any motivation on them, could make decisions during that period that might not be to the liking of the new council. I am not sure why the caretaker period was not extended until the swearing-in process. I assume the state caretaker period does not end until after the swearing-in of new members, but I may be wrong. Maybe the minister could enlighten me. I wonder why there seems to be a gap. It may even accelerate decisions if there is a particular combination of local councillors who have a very different publicly expressed view from that of the previous councillors.

Hon JACKIE JARVIS: I will just point out that local governments already have elected representatives in place. Elections are every two years. There is a staggered system of councillors, so local government representatives will already be in place.

Hon Dr BRIAN WALKER: I have a quick question: is there a possibility that the majority of a council could be up for election at an extraordinary election?

Hon JACKIE JARVIS: Yes—if multiple councillors resigned at once.

Hon Dr BRIAN WALKER: Would it therefore follow that we ought to have a definition to include extraordinary elections at this phase?

Hon JACKIE JARVIS: I think I know where the member is heading with this. There is no caretaker period for extraordinary elections. Ordinary elections involve an election of half the council, so the campaign is significant and usually across a district. Extraordinary elections usually are often much smaller in scale and the remaining council can continue to operate. It would obviously be an extraordinary circumstance if there were an extraordinary election, and a commissioner may well be appointed in that instance. If a significant number of councillors resigned at once, a commissioner would most likely be put in place to manage the affairs of the local government. With the new backfilling provisions, there obviously will be less need for extraordinary elections. The circumstance that the member mentioned would be quite unusual. It is possible, but we would expect that in the case of large-scale resignations, a commissioner might be put in place.

Sitting suspended from 6.00 to 7.00 pm

Hon Dr BRIAN WALKER: State guidelines for the caretaker period are neither legally binding nor inflexible rules. What is the logic behind local government laws being inflexible?

Hon JACKIE JARVIS: We have taken the opportunity to include this in the bill in response to issues raised by local government. That is why it has been added to the bill. Some local governments were doing it and some were not, so it is to create consistency and respond to concerns.

Hon Dr BRIAN WALKER: Could we make it consistent by making it the same style of regulation as the state regulation? Would that not make more sense?

Hon JACKIE JARVIS: At the state level, it is a convention rather than a law. As I said, we have 139 local governments and it was included in the bill to create consistency. Some local governments were doing it and some were not, so it is to create consistency.

Hon Dr BRIAN WALKER: I take it that the official partners, the Western Australian Local Government Association and Local Government Professionals, have agreed to these changes and they are part of their recommendations.

Hon Jackie Jarvis: Can you say that again?

Hon Dr BRIAN WALKER: Do WALGA and LGPro agree with this and is it part of their manifesto, if you like?

Hon JACKIE JARVIS: I am advised that they were consulted on the provisions in the act and their implementation and no objections were raised.

Hon Dr BRIAN WALKER: I think we will come back time and again to the question of costs. What estimated costs will local governments have to incur to ensure that they abide by this ruling?

Hon JACKIE JARVIS: We are not sure what additional costs a local government could incur around caretaker periods. No-one has raised issues, and we do not anticipate that there will be additional costs with regard to this.

Hon MARTIN ALDRIDGE: I want to ask a couple of questions at clause 6, which is one of two clauses about the caretaker period, the other relevant one being clause 23, which we will come to in due course. I will ask my question at this point to make it easier. The minister mentioned the issue of consistency of caretaker provisions across local governments and indicated that at least one local government has such a thing. Is the minister in a position to advise the chamber how many local governments currently have caretaker provisions and how those provisions might differ from what is proposed in this bill?

Hon JACKIE JARVIS: I am afraid we do not have that level of detail.

Hon MARTIN ALDRIDGE: I appreciate that the minister might not know the precise number, but is the minister aware of whether there are any material differences between what is proposed in this bill and what might already be in existence?

Hon JACKIE JARVIS: I do not have a quantum for the member, but I can tell the member that this has been driven by the fact there have been numerous complaints about inconsistencies between local governments. My understanding is that there are vastly different systems across different local government areas. This is being implemented to provide consistency. I do not have a quantum for which local governments have caretaker periods and which do not.

Hon MARTIN ALDRIDGE: I thank the minister. Does the minister have available to her what has been the experience in other jurisdictions? For example, I understand that in Victoria, local government caretaker provisions are effectively contained within the code of conduct, which provides more of a personal obligation on elected members as opposed to what is anticipated with the caretaker arrangement in this bill. Is this a new initiative in Australia in the local government context or are we following the experience of others?

Hon JACKIE JARVIS: In response to the member's earlier question about which local governments currently have a caretaker period, some examples are City of Perth, City of Fremantle, City of Joondalup, City of Stirling, Town of Mosman Park and Shire of Ashburton. I have not been able to get any advice on which particular states have this provision, but I have been told that Victoria, for example, is looking at the WA proposal. Councils in other states have caretaker periods. I am not aware that we have lifted this provision from any other state, but I am aware that Victoria is looking at the WA provision for consideration, presumably because it has similar issues with inconsistencies.

Hon MARTIN ALDRIDGE: This is one of those initiatives in which the government talks about adopting something that we obviously use at a state level and applying it to local government, albeit at a state level it is a convention. I understand there is no statutory underpinning for our caretaker arrangements at a state level; it is literally a convention that has long existed. The other observation I would make is that unlike our elections, which occur every four years, local government elections occur every two years, with only half of the elected members or thereabouts up for election. There are some obvious differences in comparing local and state jurisdictions. Clause 6 defines the caretaker period and when it would be applied, whereas clause 23 sets out the rest of the meat on the bones with what could or could not be done, and exceptions to those rules. The list of things under the definition of "significant act" nearly all relate to procurement in one way or another, either a financial decision, procurement decision or the making of a local law. There are some other things such as entering into, renewing or terminating a contract of employment of a CEO or a senior employee.

Could I confirm whether a local government would be prevented from having a council meeting during the caretaker period? Would it be prevented from making planning decisions or holding citizenship ceremonies during the caretaker period? Could the minister confirm that these sort of high-level significant transactions, with some exceptions, otherwise the ordinary business of councils, could continue on during that time?

Hon JACKIE JARVIS: The intent is that councils do not make any significant new decisions or actions during the caretaker period. That should not impact day-to-day service delivery. That should continue as usual. Clause 6 allows for local government to continue to work to implement decisions made before commencement of the caretaker period. It is intended that administration of a local government could still do operational things necessary to continue its delivery of services. The definition of a "significant act" will allow for regulations to provide exclusions. For instance, a local government would be able to enter into routine contract for goods and services to continue daily operations such as renewing the contract for printer servicing or procuring office supplies. A local government could do a "significant act" to comply with the law, a court order or a pre-existing contract. The director general of the Department of Local Government, Sport and Cultural Industries could provide an exemption in an emergency or if there is a significant act for another reason. An example is that a local government might need to urgently enter into a new contract for IT services to address a cybersecurity issue. It could then apply to the director general to seek that exclusion or in case of an emergency.

Hon MARTIN ALDRIDGE: This is probably my last question on this clause. When we look at what constitutes a significant act, we see that it could be one person making the decision, but it is more likely to perhaps be the council itself making the decision, unless there is some sort of delegation in place. What will be the penalty or the outcome of somebody acting contrary to this proposed section? Will a penalty be applied to the person or persons who act ultra vires during the caretaker period? What would that mean in terms of the validation of the decision they made?

Hon JACKIE JARVIS: I am advised that there is not a specific offence in the act; it would be covered under the broader breach-of-act provisions and the council would be deemed noncompliant. With regard to what effect that would have on the decision that was made, it would depend on the individual circumstances. The matter would be reviewed by the department; it would look at such an issue as it would with any other noncompliance under the act.

Hon MARTIN ALDRIDGE: It would effectively constitute a breach and the provisions of the act would be applied. I forget the correct language, but this is in tranche 2 and we are dealing with conduct. Effectively, a person or persons could be reported for a minor breach or a major breach—I cannot remember the exact terminology—or is that specifically in relation to conduct?

Hon JACKIE JARVIS: I am advised that the discussion around minor and major breaches relates to the individual. In this case, it would be a breach by the local government—a case of noncompliance by the local government—and it could lead to the inspector intervening. Obviously, this will be covered in tranche 2 with regard to the powers of the inspector.

Hon MARTIN ALDRIDGE: The second part of my question referred to the validity of a decision that was made. If a local government enters into a contract, for example, that falls within the definition of a “significant act”, what is the validity of the contract? Does the contract remain valid notwithstanding that it was entered into contrary to the Local Government Act or would it be subject to challenge and invalidation?

Hon JACKIE JARVIS: I am advised that the bill will not invalidate the decisions made by a council. With regard to whether a contract would stand up, that is more of a legal question under contract law and I am afraid that I do not have the advisers here to answer that.

Hon Dr BRIAN WALKER: Following on from that answer, if this bill were to be enacted, would we then potentially be putting people at risk of losing substantial sums due to the possibility of having legal action taken against them because we have not yet quite found out what the legal situation is?

Hon JACKIE JARVIS: It is important to note that professional CEOs of local governments are well aware that this clause is coming. We think that potential breaches of this proposed section, “Caretaker period”, would be extremely rare, and we do not envisage that that would be a major risk.

Clause put and passed.

Clause 7: Section 2.2 amended —

Hon JACKIE JARVIS: I committed to provide some answers to Hon Martin Aldridge before the break. I refer to the local government reform better regulation unit. Earlier today, Hon Martin Aldridge raised questions about whether the local government reforms had been subject to assessment by the Department of Treasury better regulation unit. The Department of Local Government, Sport and Cultural Industries regularly engages with the better regulation unit to ensure that proposals and policies are considered against relevant policies and frameworks. Through engagement on these proposed reforms, it was identified that these proposals do not meet the criteria of “economically significant” as established by the better regulation unit.

I refer to a question about the Salaries and Allowances Tribunal. Each year, the tribunal publishes a determination that includes commentary on its processes and banding model. Page 3 of the 2018 determination, which I will table, includes a detailed list of factors that the tribunal considers. It considers things such as population, total FTE of employees, operating expenditure and three-year average capital expenditure. I will table the full document. Subsequent determinations also mention how the tribunal has considered specific factors, and the 2018 determination also outlines the four-band model that has been in place since 2012. I table that document.

[See paper [2196](#).]

Hon NEIL THOMSON: I rise to make some comments on this clause and raise a question. Under these provisions, regulations may provide that a district cannot be divided into wards. That is an interesting approach in that it is done through regulation. I note that wards in bands 3 and 4 are being abolished, and I note, as outlined in my second reading contribution, that these changes will compel the Shires of Shark Bay and Menzies to abolish wards. Anybody who has been out into those shires will know that it is an incredibly vast area of distance to travel from one end of the shire to the other. Notwithstanding some of the comments made by other members in this place on wards and their respective shires, those shires in particular cover a considerably vast distance.

I note that some shires have chosen to abolish their wards as part of their response to the communications that were put out for this bill. Certainly, having spoken to people within those shires, whether they streamlined or abolished their wards, I know that they did so under a perception that they were not going to be able to retain them, and they were effectively told what to do by ministerial communication. Notwithstanding all that, I ask: why have we chosen to have a regulatory power to effectively prohibit the establishment of wards? To me, it seems a bit like the minister is wanting to have a bet both ways. At some point, there may be a desire to change those rules by regulation. Shires like the Shire of East Pilbara have representation from Aboriginal communities specific to those regions. There might be small populations in those communities but it is a very distinct representation due to the diverse nature of that shire. I feel uncomfortable about the fact that this change will be set out in regulations and we have not provided any long-term guarantees to those shires, particularly the regional shires. I can understand why the government chose to target certain shires. There has been a bit of campaigning against certain local governments, such as the Town of Cottesloe. I can understand why the government has targeted that particular local government. I cannot say it is justified but there certainly has been a moving away from wards; that seems to be the minister’s

pet project. I do not really understand why the Shires of Shark Bay and Menzies will be eliminated. Why will this be put into regulations and what guarantees will be provided in the future for our local governments to retain wards in those very disperse shires?

Hon JACKIE JARVIS: Currently only 11 out of 95 band 2 and 3 local governments have wards. There has been a trend of smaller local governments looking to reduce the use of wards. I have a list of some councils that have done that. It was felt that wards increase the complexity of elections. It also requires multiple versions of ballot papers to be prepared, obviously at a cost to the local government, it makes elections simpler and it can deliver savings to ratepayers. There has also been a longstanding myth that ward councillors just represent the electors of their ward, and this is not the case, so we want to make it clear in the Local Government Act that decisions should be made in the interests of all people in the district.

The member gave the example of the Shire of Menzies. At the 2021 election, the Shire of Menzies rural ward was elected with just 26 votes, so 58 of the ward's 114 electors voted at that election. That ward councillor received only 26 votes.

Dividing a district into wards also tends to increase the likelihood that a vacancy will be unfilled and creates a need for an extraordinary election, which is obviously an additional cost to ratepayers. Eight vacancies across six councils were unfilled at the 2021 ordinary elections, so abolishing wards will reduce this risk and the cost.

The Shire of Shark Bay has 489 electors so, again, I am assuming it would have similar issues, with some wards being elected by a very low number of voters. I think this was obviously taken to stakeholders for consideration and that is why we have progressed with that.

Hon NEIL THOMSON: I appreciate the response. I do not agree with everything that the minister said. Reducing the number of electors in some of these wards in those particular shires is probably a function of the unique nature of those wards. There are not too many shires like the Shire of Menzies or the Shire of Shark Bay, particularly given there is a resident population in the town of Menzies.

I also wish to comment on the matter raised by the minister. Of course all councillors represent the whole shire once elected but they bring to the table specific understandings that cannot possibly be brought to the table by anyone else. I would hate to think that the minister has any view like that I just expressed now. For example, I think of those remote communities along the roads out in the East Pilbara. Specific people are represented by a shire councillor who brings specific knowledge to a community like Newman—otherwise, the Newman community may dominate that smaller community. However, I understand that there is an excellent working relationship and the East Pilbara has a great local council. Therefore, my question, which I do not believe the minister has answered, is: why are we choosing to go through a regulatory process rather than hardwiring this into the act?

Hon JACKIE JARVIS: Member, I have a couple of things. East Pilbara is not required to remove its ward system; it is retaining its ward system. It will be done through regulation so that it can be updated if required if anything changes to the tiering system.

Hon Dr BRIAN WALKER: Section 2.2 of the act empowers the minister to recommend changes to the Governor. Has the minister ever made such a recommendation?

Hon JACKIE JARVIS: I am advised that recommendations are made to the Governor via the advisory board. The advisory board would make a recommendation to the minister when a local government comes for a ward review or a representation review. The advice currently is that that happens about six to 12 times per annum. The advisory board makes a recommendation to the minister and the minister then recommends to the Governor.

Hon Dr BRIAN WALKER: In what way has the Governor acted on that advice, please?

Hon JACKIE JARVIS: I am advised that the Governor acts on the advice of the government in a similar way that the Governor does when we are preparing regulations.

Hon Dr BRIAN WALKER: That seems like a perfectly sensible regulation to me. What will proposed section 2.2A add to the existing legislation that we cannot achieve right now?

Hon JACKIE JARVIS: The effect of that provision will be to ensure that small band 3 and 4 councils cannot have wards.

Clause put and passed.

Clause 8: Section 2.2A inserted —

Hon MARTIN ALDRIDGE: The Local Government Review Panel found there was some merit to retaining wards. For instance, with respect to remote communities, it stated —

... it is important to ensure there is balanced representation on council ... local governments in bands 3 and 4 can apply to the new Local Government Commission for wards should it be necessary to enable local democracy in their districts.

Will there be an exemption provision that a tier 3 or 4 local government will be able to seek an exemption from the prohibition of wards?

Hon JACKIE JARVIS: The recommendations of the local government review panel did include a proposed limit to the use of wards in band 3 and 4 councils. With regard to exemptions, there is not a position for exemptions in the bill before us. As we said, there is a trend towards less use of wards in smaller councils. There has been a significant issue with vacancies under the ward system. As I said, only 11 councils at the moment still have wards that would be impacted by this clause. I have been advised that, in some councils, some wards have had vacancies for a significant period. I guess that is the issue we are trying to fix at this stage.

Hon MARTIN ALDRIDGE: I recognise that the bill before us does not have a provision of exemption but it also does not explicitly say that wards in band 3 or 4 councils will be abolished either. That is a matter for regulation. Does the government agree with the local government review panel that there will be circumstances that may exist in remote communities where wards do serve a purpose, particularly to ensure and enable local democracy in their districts, and that a local government should be able to seek an exemption via the regulations?

Hon JACKIE JARVIS: No, we are not considering it in this bill or in the regulations.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 2.12B inserted —

Hon MARTIN ALDRIDGE: Clause 10 will effectively insert proposed section 2.12B that goes to the issue of the election method for a mayor or president. I understand that the intention here is that this will apply to band 1 and 2 councils. Can the minister confirm how many councils currently fall within band 1 and 2 that do not currently have a directly elected mayor or president?

Hon JACKIE JARVIS: I will take that question on notice and we will hopefully get it before the end of this evening's session. We are just trying to track down that data.

Hon NEIL THOMSON: WALGA did provide an assessment of that. I understand that there are 24 councils affected by this in one way or another —

Hon Jackie Jarvis: I have been given a response.

Hon NEIL THOMSON: The minister may give a response.

Hon JACKIE JARVIS: A number of band 1 and band 2 councils have already moved to a public vote to elect a mayor or president. Of the state's 23 band 1 councils, 15 already have a directly elected mayor. Of the state's 21 band 2 councils, seven already have a directly elected mayor. For band 1 councils, it is 65 per cent and for band 2 councils, it is 33 per cent. Of the 22 local governments affected by this change, 18 have resolved to change the method of filing for the office of mayor or shire president prior to the October elections. I hope that assists.

Hon NEIL THOMSON: I thank the minister for providing an update. Her numbers are only slightly different to the ones I have from the Western Australian Local Government Association. I suggest that although a number of shires chose to do this, it was hardly a choice; they were effectively told this was happening and they took a proactive step to ensure that they comply when the changes occur. There will be significant changes. I raised this issue in my second reading contribution, and we have plenty of examples of directly elected mayors not necessarily resulting in the best outcome for governance. The main issue that has been raised with me is that having a shire president elected by peers provides a level of collaboration and cooperation in the council that is beneficial. I think this is an ideologically driven piece by the minister. I do not think there is any logic to it whatsoever. I put that on the record again. I predict that this will result in more conflict between presidents or mayors who may have been elected on a particular platform who fall foul of their council colleagues, about which very little can be done. That can create a more difficult situation. We should trust local governments that chose for their unique circumstances the tradition of electing their shire presidents via those band 1 and 2 councils, particularly band 2 councils because they are often regional centres like Broome, for example, where there has been an incredible wealth of shire presidents. There has been incredible quality and collaboration in our shires and hopefully that will continue regardless of the model and the fixation of the minister on a particular issue.

I note we are again using regulations to drive this process, contrary to the panel recommendation on their use. What guarantee have the people of Western Australia, and in particular local governments in band 3 and 4 councils, that there will not be a regulation passed under the cover of the regulatory process and we do not see this fixation by the minister continue to be promulgated in the scope of the so-called reform?

Hon JACKIE JARVIS: This is not a fixation of the minister. Ratepayers in large local governments have indicated they would prefer directly electing mayors and presidents. I am advised that ratepayers support this change. When councils have put this to the ratepayers, it has always been overwhelmingly supported. This is not just one person's fixation; this has been supported by the general public.

Does the member's question relate to why we are doing this just for local governments?

Hon Neil Thomson: Why are you doing it by regulation?

Hon JACKIE JARVIS: It is the same answer we gave previously, and that is because it is linked to tiering so that any changes to the tiering system can be done by regulation. Everything linked to those bands is done by regulation and is linked to that tiering system.

Hon Dr BRIAN WALKER: Did the local government review panel actually recommend this change?

Hon JACKIE JARVIS: I am afraid I do not have that information to hand, member. As I indicated earlier, a number of reports were considered for the whole raft of these reforms. This obviously was taken to public consultation and numerous submissions were received. I do not have information on what that panel reported on, but I referred to a number of different reviews that were considered.

Hon Dr BRIAN WALKER: I take it the same answer will apply to the next question: did the Select Committee into Local Government recommend this change? I will assume it will be the same answer, by interjection.

Hon Jackie Jarvis: Yes.

Hon Dr BRIAN WALKER: When it came down to the question of moving to directly elected mayors or presidents, who actually recommended that change?

Hon JACKIE JARVIS: I am advised that there is incredibly strong support for it amongst the general public, and every time it has been put to a vote in larger local governments, ratepayers have supported this change. This was one of the reforms that were put forward, and as I said, it went through the consultation process.

Hon Dr BRIAN WALKER: I thank the minister. In my contribution to the second reading debate I indicated that I personally also prefer the idea of directly elected mayors, but there comes with that a corollary. If this is now established in legislation, future changes could also occur. I am wondering whether the government is considering creating executive powers for elected presiding officers—mayors and presidents. Is the government considering creating executive powers for such elected officials?

Hon JACKIE JARVIS: We are not quite sure what the member is asking, but all the proposed reforms in tranches 1 and 2 have been released in that report and there are no other changes other than the ones that we are anticipating.

Hon Dr BRIAN WALKER: The drift of my question is, in essence, that if we are moving to having presidents and mayors popularly elected, which is not a bad idea, the question then arises that this person is now no longer an ordinary councillor occupying that office, but a person with an elevated status. With that elevated status, one could probably expect more powers accruing to that individual. Is that a correct understanding?

Hon JACKIE JARVIS: I am advised that mayors and presidents already have a leadership role defined under the legislation, so nothing will change.

Hon MARTIN ALDRIDGE: I am trying to understand the motivation behind this change. I have heard the minister say a few times in response to some of my colleagues that this is almost like a consumer-driven thing; the ratepayers want it, so therefore it is a good thing. It is state budget week and I am sure that most of the electors in our electorates would probably want to pay less tax; that does not mean we should necessarily do that. Most ratepayers and electors probably want less restriction on road speed limits, but that does not mean we should do it. Has there been some research or experience to show that it will deliver more functional, higher-performing, collegiate councils if leaders are elected in this way as opposed to being elected by their peers? This is an interesting exception to the government's narrative on the Local Government Amendment Bill 2023, which has been to almost sync local governments with many of the things the state government does, assuming that state government actions are the right ones. This is an exception to that rule, so I want to try to understand the motivation for moving this way.

Hon JACKIE JARVIS: I cannot point to a single report other than obviously there have been numerous reviews and significant public consultation around these reforms. There are levels of dysfunction across many areas of local government. That is what the reforms will correct. A large number of local governments already have directly elected mayors and presidents. These reforms will bring consistency to those larger local government areas so that we have consistency across the board. As I said, there is significant public support for this and it has been through an extensive public consultation process.

Hon MARTIN ALDRIDGE: It does not fill me with confidence that we should proceed in this way, particularly in the context of the sector actually opposing this and the lack of the government's ability to substantiate the need for this reform. I think I heard comments during the course of the second reading debate, including the comments of Hon Steve Martin earlier today, that this could actually lead to greater dysfunction amongst some councils rather than the opposite. I think that having an elected member, a leader of a council, who is accountable to their fellow council members delivers a better relationship, in my experience. I have an extract from the City of Armadale's submission to the review panel that says —

It is further noted that since 2000, the circumstances involving the dismissal of elected Councils have all involved local governments with a popularly elected Mayor or President.

Is the minister in a position to substantiate the extent to which that is the case?

Hon JACKIE JARVIS: We are not able to verify the quote that the member took from the City of Armadale's submission, so I cannot provide commentary on that. There already are a large number of local government authorities that have directly elected mayors and presidents who are accountable to the public in the same way that all elected members are. They are all accountable. We are introducing mandatory live streaming and recording of council meetings, which will increase transparency and hopefully assist in mitigating council dysfunction. But I cannot comment on the particular quote from the City of Armadale's submission.

Hon NEIL THOMSON: When I studied at university, one of the things I was taught was sampling bias and how it can lead people to the wrong conclusions. I think this is a classic example whereby the minister has been so single-minded on this reform that we have ended up with this one-eyed approach to the sample. I quote from the what the member said—or paraphrase it, at least—that whenever the community has voted on this matter, the community supported it. Maybe the minister could have taken the view that the council was able to make a wise judgement about the mood of the community and put it to the community and obviously supported it. It was on the basis of the decision of the particular community and its leadership group that the community acknowledged and supported it. The 20-odd communities that have chosen not to would understand that communities would not support it because they do not support it. They see that there is this collaboration. There has been an amazing lack of evidence. The City of Armadale was laid out as an example of the problems that arise when councils are dismissed. We have not been provided with a skerrick of evidence, other than this sampling bias that has been undertaken by the minister just to prove a point that has already been agreed to.

I put it to the minister again: other than the votes done by councils that have chosen to promote this in their community because they see this as being a positive thing, what evidence is there that this will result in more functional operations for the 20 or so shires and cities that will now be forced onto this pathway of a directly elected mayor?

Hon JACKIE JARVIS: With regard to the City of Armadale submission, I can confirm that the Shire of Donnybrook–Balingup was the council that was most recently dismissed. It had a council-elected president, not a directly elected president. I cannot go back further than that, but I can provide that information. Obviously, there has been extensive consultation on all the reforms. The minister and the government are comfortable that this is supported by the majority of people in Western Australia.

Hon Dr BRIAN WALKER: It seems that we are offering differing solutions for the same problem—for example, local governments having directly elected mayors. I would not say that is a bad idea, but I would probably guarantee that the government would not suggest that at the next state election the Premier be elected by popular acclaim. There are two very good reasons for that.

Several members interjected.

Hon Dr BRIAN WALKER: That is very well likely. One reason is that the government would not want it because it would want to have one of its own whom it could trust and stand behind, knowing that person better. The other reason is a very sensible one—the direct costs. The Electoral Commission operates on full cost recovery for local government elections. What will be the cost of this change?

Hon JACKIE JARVIS: The reform will give electors in large local governments a direct line of sight of the person who will fulfil this important leadership role. At state and federal elections, voters have clear visibility of who is going to be the Premier or the Prime Minister and they have a clear understanding of the parties and the policies. They know whom they are voting for when they vote for their local member. I am sure the member will agree that there is not the same level of visibility in local government. Ratepayers do not necessarily know each of the candidates or council members and what they stand for. Requiring a public vote for mayor or president will give people a clear and direct choice of the leadership of their council, and we cannot see any additional costs. The main cost in local government elections is sending out the ballot papers. The ballot papers sent out will give people an opportunity to vote for the mayor or the president, so we cannot see any additional costs.

Hon MARTIN ALDRIDGE: On the issue of costs, it occurred to me while listening to Hon Dr Brian Walker ask his questions that in time we will deal with the issue of backfilling, which is primarily to avoid or minimise costs to local government. If we force a bunch of band 1 and 2 local governments to directly elect their mayors and presidents, will that create a situation in which a new election will be needed to replace a person who does not fulfil their term of office, because that will increase costs, or does the government anticipate another way to replace a directly elected mayor or president?

If a local government has elected its mayor or president from amongst its councillors after an election and that mayor or president resigns from office or simply wants to stand down and become an ordinary member again, would they be able to do that under this model? My reading of the legislation is that unless the government is going to draft some sort of special regulations that provide for that situation, there would have to be a new election, and that means costs.

Hon JACKIE JARVIS: I am advised that because preferential voting is part of the reform, the same backfilling provisions for councillors will exist for the mayor or president.

Hon MARTIN ALDRIDGE: The minister might have to assist me—how? Let us say there is a band 1 council that is required to have a directly elected mayor. Hon Neil Thomson becomes the mayor. Two years into his term, he says, “This isn’t for me. I’m out of here.”

Several members interjected.

Hon MARTIN ALDRIDGE: That was a bad example.

Several members interjected.

The DEPUTY CHAIR (Hon Stephen Pratt): Order, members!

Hon MARTIN ALDRIDGE: Is the minister saying that the backfilling provisions are intended to replace not just ordinary council members, but also a mayor or a president? If, three years into a term, the mayor stands down—another bad example. If it is two years into a term, will they need to call the mayor who did not win and say, “We’ve got a job for you”? If it happens in the third year, will they be off to an election? I must have missed the nuance there. I thought backfilling was simply for elected members or ordinary councillors, and it has to be a direct election for a mayor or president, but I now hear that the backfilling arrangements will apply in the same way to a mayor or president. That obviously assumes that there was more than one nomination for the position as well.

Hon JACKIE JARVIS: The same backfilling provisions will apply. If a mayor or a president resigns in the first 12 months, the backfilling provisions will come into play. If it is in the second year, an acting mayor or president can be appointed because there will be another election at the two-year point. The backfilling provisions are the same as for councillors.

Hon MARTIN ALDRIDGE: Let us say that a person lives in a tier 1 local government that needs to have a directly elected mayor, and there are two nominees for that position. In my experience, there is often not a laundry list of nominees for the position of directly elected mayor. One of the nominees is a good candidate and gets 10 000 votes, and the other is a dud and gets 10 votes. The candidate who gets 10 000 votes is clearly elected, but six months in they have a family emergency or health crisis and decide to leave. What will happen then?

Hon JACKIE JARVIS: The backfilling provisions will apply. The scenario that the member gave is highly unlikely, but it could happen. It is also highly likely that the second person would have also run for council and would already be a councillor—in the Shire of Menzies, perhaps—so the backfilling provisions would then apply.

Hon MARTIN ALDRIDGE: In that case, the council could end up with a dud mayor. In the example that the minister just gave, the person might already be an elected member. That is a real possibility. As I understand it, a person could run for council and also for the position of mayor. If the council member were to backfill the position of mayor, would there then be a double backfill? Is that what would happen?

Hon JACKIE JARVIS: In the scenario that the member gave of only two candidates, if they have not exhausted the backfilling provision, the councillor would move to the position of mayor and other people would be able to be backfilled into the councillor position. No. I need to get more advice. I have given the member wrong information. I apologise. There are two separate election processes. A person who has run for mayor and also run for council but has been elected only to council cannot backfill as mayor. I am advised that they could go to an extraordinary election if the backfilling has been exhausted. I apologise for that misunderstanding. I need a whiteboard!

Hon MARTIN ALDRIDGE: We now have three candidates for mayor. That is not unbelievable. The first gets 10 000 votes and is elected to mayor. The second gets 5 000 votes and is elected to council. The third gets five votes. The popular mayor then pulls out after six months because of a family emergency. However, the next person, who received significant support from the electorate but was not as popular as the popular mayor, cannot fill the vacancy of mayor because they have been elected to the office of councillor. In that circumstance, the backfilling would go to the candidate with five votes. If that is where we are at with clause 10, this is going to be a disaster.

Hon JACKIE JARVIS: The member is correct in that scenario. The third candidate would backfill as the mayor. I am advised though that obviously this would be for only tier 1 or 2 councils and it would be a very rare scenario. It is very rare for a mayor to resign before 12 months.

Hon TJORN SIBMA: It would appear that I have entered proceedings at an interesting juncture in the debate. With all the best intention of the world, I think the intent of the drafters behind the operation of this provision is well understood, but through the minister I would encourage representations being made to the relevant minister to apply some political logic to this kind of scenario, because there might be around 40 band 1 or band 2 local governments for which this would apply. I think the kind of very reasonable hypothetical scenario that has been laid out is one that we can anticipate, and the kinds of outcomes that the minister is relaying to the chamber that would arise are, frankly put, completely and utterly unacceptable, bordering on the ridiculous. I might encourage the minister to reconsider this and provide some clarification to the chamber at another point

Hon JACKIE JARVIS: I thank the member for his comments. I am happy to take that on notice and raise the issue with the minister. I am advised that the advisers can only remember one occasion in the last decade in which

a mayor resigned in this scenario, and that was due to being elected to federal Parliament, I believe. I am happy to speak to the relevant minister. I assume we are not going to race through the rest of the clauses this evening, so I will see members here tomorrow for the response.

Hon NEIL THOMSON: I would like to add my weight of voice to this issue. I would not say it is bordering on ridiculous—this is ridiculous. Let us take the Shire of Derby–West Kimberley. I think the population is 5 500, it might be 7 000; I do not know, but it is a very small number that creeps into band 2. It is a small shire that has a collegiately elected shire president. I hope the Western Australian Local Government Association and people in local government land are watching this, because this is really serious. It is quite likely that at the next election there will be one or two candidates for mayor, possibly two. We have had a situation in which a couple of popular councillors who do a lot of hard work put up their hand and decide to go head-to-head. Often people have a nod to each other and say, “You have a go.” That is fine because there is an expectation of filling that position if something happens. This is what collegial government is all about. We could end up in a situation with someone with one vote. It could be the most outrageously radical or ridiculous person coming third or fourth at the recount because the other ones are already elected to council.

This is an outrageous provision. I guarantee that not a single member in this place knew that this is how the provision will work. I would like members opposite to comment on it. This is outrageous. If the Western Australian Local Government Association had comprehended this, I do not think it would have supported it. We cannot possibly support this provision. I cannot vote for it. I will be saying no when it comes the vote on this clause. It is outrageous and it cannot be supported. I ask the advisers who are watching right now to get down here and make a commitment. The question is: will the minister’s advisers come into this place and advise the acting minister on this matter in order to put forward an amendment to remove this provision so that we can make sensible government for future generations of local government?

Hon JACKIE JARVIS: I am not the acting minister; I am the representing minister. I have already committed to speak to the relevant minister on this matter.

Hon Dr BRIAN WALKER: Moving back onto topic, can the minister advise whether the Western Australian Electoral Commission will be able to conduct these elections along with the scheduled elections later this year?

Hon JACKIE JARVIS: Yes; the WA Electoral Commission has been consulted throughout this process.

Clause put and passed.

Clause 11 put and passed.

Clause 12 put and passed.

Clause 13: Section 2.17 replaced —

Hon Dr BRIAN WALKER: Perhaps this is a minor point, but what is the difference between election day and ordinary election day?

Hon JACKIE JARVIS: I am advised that an ordinary election is the two-year cycle of elections and election day refers to an extraordinary election or when an election has been deferred for some reason.

Hon MARTIN ALDRIDGE: Clause 13 is quite a substantial clause. In addition to the new section, “Terms used”, it includes the new section, “Population estimates”, which then flows into “Members of council where mayor or president elected by electors” and “Members of council where mayor or president elected by council”. These are the provisions that effectively put limitations on the number of elected members based on the population size of a council. It is in this part of the bill that we deviate from the Salaries and Allowances Tribunal–banded approach and shift to population estimates. Perhaps we can start with the population estimates. Proposed section 2.16B(1) provides for a power via regulations that —

The Governor may ... by order —

- (a) specify an estimate of a district’s population; and
- (b) provide that the specified estimate is taken to be the district’s population for the purposes of sections 2.17 and 2.17A.

We will come to those proposed sections shortly. Proposed section 2.16B(4) states —

Before making a recommendation under subsection (1), the Minister must consult the Government Statistician.

The proposed section continues. I have a couple of questions I can ask here, but I will start with the obvious ones. The population estimate will be done in this way, whereby the minister will have a chat to the Government Statistician and then ask the Governor to make an order. What alternatives were contemplated to estimate population within a local government district?

Hon JACKIE JARVIS: Just to be clear, the timing reflects the use of Australian Bureau of Statistics data. The Government Statistician refers to the use of ABS census data, so the five-year provision is obviously for new population estimates that will be made through census data, if that assists.

Hon MARTIN ALDRIDGE: Not exactly. I do not see the direct link to the census data. For example, proposed section 2.16B(8) states —

Government Statistician means the Government Statistician appointed under the *Statistics Act 1907*.

Is that a commonwealth act? My understanding is that the state has a Government Statistician. I think that person sits as a commissioner on the Office of the Electoral Distribution Commissioners. Is that a commonwealth act? Usually, it will stipulate if it is a commonwealth act and that is a reference to some senior office holder within the ABS.

Hon JACKIE JARVIS: I am advised that there is indeed a state act, and there is indeed a WA Government Statistician. They provide advice to government outside this act; they also provide advice when it comes to state election redistributions, but it is my understanding that they provide advice using the ABS census data. That is why it refers to the fact that population estimates will be made every five years. Yes, indeed, the WA state Government Statistician provides advice, but using ABS data.

Hon MARTIN ALDRIDGE: I thank the minister for clarifying that. Obviously, the most obvious dataset will be the one that is available through the ABS.

Before I move on to proposed sections 2.17 and 2.17A, I go back to this issue of why we are deviating from the Salaries and Allowances Tribunal banding just in relation to these provisions. I think I asked a question earlier; I do not think that the minister has identified any other clauses in the bill except this one in which this is relevant. We effectively use the four-band approach everywhere else, but here we are using population estimates alone.

After the dinner break, the minister kindly tabled what I think was the latest determination of the Salaries and Allowances Tribunal for local government, chief executive officers and elected members. That was dated 10 April 2018. Page 3 of that determination makes reference to paragraph 14, which states —

The Tribunal continues to utilise the four band classification model adopted in its 2012 determination. The model provides for a range of factors to be taken into account including:

- major growth and development;
- strategic planning, including risk management;
- infrastructure development and asset management;
- significant social/economic/environmental issues;
- population;
- significant demand to service and support non-resident needs;
- diversity of services;
- community involvement and advocacy;
- state or national negotiations;
- operational and managerial requirements;
- capacity to pay;
- total expenditure; and
- FTEs.

There are 13 factors, one of which is population. The tribunal has identified 13 factors—we could probably argue that there are others—that effectively assess the complexity of a local government.

This bill and these reforms have deviated from the rule with respect to the number of elected members who can be elected to represent a council. We are using one measure, and that is population alone. I will ask the question that I asked earlier: why has the government deviated from the four-band SAT approach to the number of elected members?

Hon JACKIE JARVIS: Obviously, across the reforms we have drawn a number of recommendations. In this instance, we have directly lifted recommendation 26 of the 2020 *Local government review panel: Final report* to include a proposal that determines the number of elected members based on population. The ABS data is being used to reflect population as it was identified by that Local Government Review Panel report as a suitable benchmark and was largely accepted through public consultation. It also provides a level of consistency across the three tiers of government that use population as a measure of the number of representatives.

Hon MARTIN ALDRIDGE: I accept the minister's last point, to a point, because, as the minister would know, there are allowances within our electoral system that provide, for example, for geography and the challenges of representing remote parts of Western Australia. There are seats in Western Australia that are substantially and significantly allowed to be below the average thresholds in those matters. Here we are using population alone as the sole determining factor of how many elected members shall represent a district. This concerns me because when we flow into new sections 2.17 and 2.17A, obviously they will have to be split because we will have to take into account the direct election of mayors or presidents. That is probably the only reason they will be split.

Earlier I made the point that exacerbating that are the steps that the government has landed on with respect to the number of councillors that can be elected, when we go from a population of 5 000 to 75 000 people. I think that below 5 000 and above 75 000 people is probably of less concern, but there is enormous diversity when we consider the local governments that are potentially in that category of 5 000 to 75 000 people.

The bill also does not recognise many of the other things that will be recognised through the adoption of the SAT banding, and I will not mention them all again, but one that really stood out, for example, is major growth and development. The bill does not recognise areas of the state that are growing or developing very rapidly. It does not recognise infrastructure development, significant social, economic or environmental issues, diversity of services, community involvement and advocacy, or state and national negotiations in an area. The tribunal will take into consideration a range of things when it bands a local government. But through this bill and the government's decisions, we will literally just say, "Based on the population, this is what the computer says." There will be a small amount of discretion—it sets minimums and maximums—but this is a very arbitrary approach and it has not been explained to me why the government has chosen to deviate from the SAT banded approach that is adopted throughout the rest of the bill.

Hon JACKIE JARVIS: The member asks why we are not using the SAT banding. It is because not using it will give the councils some flexibility. As the member pointed out, if a smaller council of up to 5 000 people has geographic challenges or the other scenarios that the member presented, it will have a choice of between five and seven councillors. Again, a population of 5 000 to 75 000 people is quite a big leap, but again councils will get a choice of between five and nine councillors, and for populations of over 75 000 people, councils will get a choice of between nine and 15 councillors. Therefore, although population is the measure, individual councils will have the opportunity to have that broad range of flexibility. I think the range of five to nine councillors for that middle population of between 5 000 to 75 000 people will allow local governments to have the number of councillors that they think is suitable.

Hon Dr BRIAN WALKER: I take the minister back to proposed section 2.16B. Why will the Governor be given the role to specify an estimate of a district's population?

Hon JACKIE JARVIS: Member, can I clarify the question? We were not clear what it was.

Hon Dr BRIAN WALKER: Yes. Proposed section 2.16B states —

- (1) The Governor may, on the recommendation of the Minister, by order —
 - (a) specify an estimate of a district's population ...

Why is this?

Hon JACKIE JARVIS: It is just to enable these provisions. The bill states —

The Governor may, on the recommendation of the Minister, ... specify ... a district's population ...

The state's statistician looks at the Australian Bureau of Statistics data and provides that advice.

Hon Dr BRIAN WALKER: The wording the minister used, however, is "The Governor may", which means that he also may choose to not follow the minister's recommendation.

Hon JACKIE JARVIS: I am advised that it is standard drafting for these clauses.

Hon NEIL THOMSON: I would just like to come back to this issue of population generally and the challenges that exist around it. I support the comments on having a multifaceted approach to the assessment of the levels that are used. It is important, for the record, to understand that population estimates in the bush are not the most reliable estimates, even though, as I said earlier, we have the situation of the Western Australia Electoral Commission assessing our state boundaries based on voter registration, which is even worse. The neglect of the regions has a compounding effect and ensuring that all eligible adults register to vote is affecting the distribution of representation in the bush. It is a chicken-and-egg situation that is self-fulfilling in its own way as we further neglect the bush in terms of the work of the commission. There has been a lack of registering people to vote. We are seeing a falling away of voter numbers.

The population count itself is also terribly flawed, because we have such high numbers of FIFO workers in some of these communities. My understanding is that when someone completes a census through the Australian Bureau of Statistics, they need to nominate the place in which they spend most of their time as their primary residence. In many cases, a FIFO worker in the Pilbara, should be saying they are in the Pilbara. This does not happen in practice. It is something that I have had people speak to me about. We have a situation in East Pilbara where the snapshot says there are 15 353 jobs—24 per cent of all jobs in the Pilbara are actually based there—which probably does not account for all the jobs in mining and construction. If a full estimate of the number of people actually employed in that community was calculated, it could be much higher. The population of East Pilbara is only 10 591. To me, that is symptomatic of the problem of the very city-centric approach on this minister to local government reform. It highlights that Minister Carey has a Town of Cambridge approach to reform across our regions.

We are seeing the way that the Labor Party operates with its city-centric approach to electoral reform. It is a one-size-fits-all approach that does not take regions into consideration. I again ask why the minister did not consider the broader multifactorial approach taken through the Salaries and Allowances Tribunal. It is not perfect, but at least it takes into consideration a range of issues. This one-size-fits-all approach to population is flawed in its own right, notwithstanding the fact that the figures are greater than the WA Electoral Commission uses. Again, I think that is quite sad in a way because of the erosion of our democratic system in the bush. I ask why the minister will not take a multifactorial approach to assessing the needs of and the tiers of our local governments?

Hon JACKIE JARVIS: As I advised, this reform was taken directly from the Local Government Review Panel report, which the member previously quoted. There is flexibility built into it. As the member noted, ABS data is the best data to use for population. If we did not use ABS data for population, I am not sure what we would use. The member gave the scenario of a local government area with a population of 10 000 people. That local government would have the option of having between five and nine elected representatives based on their population size to take into account the different geographic and economic factors that the member outlined.

Hon Dr BRIAN WALKER: I have to confess that my OCD demands I go back a little because I am out of sync at the moment. I have been noticing here that the state Electoral Act requires that the state reviews after every election. Local government elections are every two years. Why is the review in five years?

Hon JACKIE JARVIS: It is to align with Australian Bureau of Statistics census data.

Hon Dr BRIAN WALKER: I apologise; this will carry on a bit. I refer to the population cut-off of 75 000. Who had input into that decision? How was 75 000 come to? What was the thinking behind that?

Hon JACKIE JARVIS: That was taken directly from the 2020 local government review panel report.

Hon Dr BRIAN WALKER: Did the body representing councillors, Local Government Managers Australia, have any input into any of these decisions?

Hon JACKIE JARVIS: I understand it provided a submission, but I do not have the details of that submission to hand.

Clause put and passed.

Clauses 14 and 15 put and passed.

Clause 16: Section 2.18A inserted —

Hon MARTIN ALDRIDGE: Clause 16 will insert a new section that will give effect to change orders. This is a matter that flows subsequently from the issues previously canvassed with respect to the abolition of wards and when councils need to adjust their level of representation under proposed sections 2.17 and 2.17A. This is quite an extensive clause. Can the minister give us some examples of when a minister may seek the Governor to exercise a change order?

Hon JACKIE JARVIS: Change orders provide for the implementation of changes to council representation, such as in relation to population estimates. Specifically, and significantly, change orders are required to be made ahead of the October 2023 elections to allow new council member numbers and other representation changes to come into effect.

Hon MARTIN ALDRIDGE: Could a change order be used to override the provisions we have previously discussed; for example, when a band 3 or 4 local government has to abolish wards, would a change order be used to prevent that from occurring? Equally, when a local government is required to reduce the number of elected members to comply with proposed sections 2.17 or 2.17A, could a change order be used arrive at a different number?

Hon Jackie Jarvis: Could you repeat that last bit—sorry?

Hon MARTIN ALDRIDGE: My last bit was about elected council members. Proposed sections 2.17 and 2.17A will determine the range—say, between five and seven members for a small local government. Could the minister use change orders to say there are special circumstances that a council that would ordinarily need between five and seven members could instead have eight?

Hon JACKIE JARVIS: The change orders will not give the minister unfettered powers; the purpose of a change order is to implement changes to how councils are elected, and change orders are specifically limited by the requirements of proposed section 2.18A.

Hon MARTIN ALDRIDGE: I think the intent is that it will effectively give the minister the power to direct a council to comply in the lead-up to the next election. I think some councils will do that voluntarily; in fact, I think some already are adjusting their elected member numbers and abolishing wards and the like. This will, I guess, allow the minister to deal with the others, or for the Governor to do so on the minister's advice.

Hon Jackie Jarvis: By interjection, yes.

Hon MARTIN ALDRIDGE: In respect of the restriction the minister talked about, could the minister point out where in this provision the minister is restricted in using that power for the circumstances I talked about? Proposed section 2.18A(3) states —

- A change order must provide for the increase or decrease in the number of councillors to have effect —
- (a) on and from an ordinary election day for the local government; or
 - (b) subject to subsection (6), on and from an election day for the local government that is not an ordinary election day.

Obviously, that is the trigger for the change order, but what will prevent the minister from saying, “I know what the act says, but I actually think this local government’s made a good case and it should have eight council members rather than seven”?

Hon JACKIE JARVIS: Proposed section 2.18A(11) states —

The *Interpretation Act 1984* section 42 applies to a change order as if the change order were regulations made under this Act.

That is what I am advised.

Hon MARTIN ALDRIDGE: It is disallowable by the Parliament; I am not going to hazard a guess as to how many of the government’s regulations the government will allow us to disallow in this term of government. I think in providing that answer the minister is saying that, as long as Parliament does not disallow it, a minister could use a change order to provide for a number of elected council members, notwithstanding proposed sections 2.17 and 2.17A, which set limits.

While the minister is taking advice, the answer to my question could be that the situation I have anticipated is limited by proposed section 2.18A(2)(b) which states, in part —

- (ii) decreasing the number of councillors to ensure that that number is, or will be, not more than the maximum number that applies, or will apply, to the local government under section 2.17 or 2.17A in consequence of the order made under section 2.16B.

Proposed subparagraph (i) provides that the number will not be below the minimum. Is it the case that proposed section 2.18A(2)(b) provides that limitation—that the minister can make a change order, but it has to be within the threshold established by proposed sections 2.17 and 2.17A?

Hon JACKIE JARVIS: Yes. As I said, change orders are specifically limited to the requirements of that provision. Furthermore, section 42 of the Interpretation Act provides for regulations to be laid before each house of Parliament. This allows for motions to amend or disallow new regulations to be made or considered. The member is correct in that the provision he mentioned is where it is stated that the change orders are specifically limited to the other requirements of the provision.

Hon Dr BRIAN WALKER: I raised this in my second reading contribution and I was very pleased to hear the answer. I understand that a change order issued by the Governor could be disallowed in the legislature here, which I think basically confirms what the Western Australian Constitution says. If that is not possible, what avenues of appeal are available to local government, or indeed the ratepayers, who may have concerns about such a decision?

Hon JACKIE JARVIS: We have set the bands in this bill, so there is no provision for an appeal to that within the bill. As I said, motions to amend or disallow new regulations are laid before the house of Parliament.

Clause put and passed.

Clause 17: Section 2.19 amended —

Hon NEIL THOMSON: This provision appears to relate to trying to get rid of phantom or sham leases. That is the intention. Although the Shire of Wickepin, I believe, does not have too many phantom leases trying to stack the Shire of Wickepin council, that may have occurred in the City of Perth, potentially. My first question on this is: was any analysis done on the eligibility of this provision and the impact it would have on the eligibility of voters, to the extent to which that problem does occur within the City of Perth, for example?

Hon JACKIE JARVIS: This provision was included after the City of Perth inquiry and sham leases were identified as an issue. My advisers have indicated that this is more likely to be an issue in a large city where there are a number of leased properties, such as in the City of Perth or the City of Fremantle, for example. The purpose of this clause, as outlined, is to prevent candidates from running for office on the basis of a sham lease, as identified by the City of Perth inquiry.

Hon NEIL THOMSON: My understanding of the disqualification requirements is that a leaseholder—I am trying to find the provision in my notes—is required to hold a lease for at least 12 months in order to not be disqualified from enrolling. If that is the case, is there a risk that this provision might also disqualify a genuine business holder of a lease who has just moved into an area to participate in local government decision-making?

Hon JACKIE JARVIS: The member is correct. They will be required to have a lease that has existed for at least 12 months prior to the claim being made. This is about trying to seek a balance. We know from previous inquiries that there have been situations in which people have had a three-month lease for a hot desk in a shared office. In that circumstance, there were questions around whether it was a sham lease. Someone will be required to have had a lease for 12 months before the claim can be made. There can also be additional requirements. Regulations may prohibit the leasing of, say, a toilet, a cupboard or a parking bay. It is designed to get that balance right. It is not intended to exclude genuine business owners who pay rates and are impacted by local government decisions, but it will fix the problem that was identified in the City of Perth inquiry.

Hon NEIL THOMSON: That is interesting. We all hope it will fix the problem. In terms of the evidentiary situation, are we going to rely on leases that might be registered through Landgate? Will the onus still be on the elector or will it be centrally controlled through some sort of process through Landgate?

Hon JACKIE JARVIS: My understanding is that a person needs to submit a claim to be considered to vote in an election and they will have to submit the evidence to the local government for the purpose of claiming eligibility to vote or run in an election.

Hon NEIL THOMSON: The minister mentioned hot-desking. We know that a lease can be taken out for a shared office. There are plenty of those on the Terrace. Will someone who has a lease agreement just to have a desk be eligible, notwithstanding the clarity around toilets and car parking bays? Will they be eligible if it is meant to be a 12-month provision?

Hon JACKIE JARVIS: I mentioned the scenario of someone having a hot-desk lease for only three months. It is not intended to exclude sole traders by any means. Provisions will require that the lease must have been in place prior. They will need to be a genuine business operating in the local government area. The scenario was of someone who has a hot-desk lease for three months. We put in the 12-month provision. Obviously, an office is quite different from a parking bay; for example, someone might have a lease arrangement for a parking bay. My example of a hot desk was simply to point out that a three-month hot-desk lease would not apply, but if someone was running a legitimate business from part of an office and they could provide evidence of that, they would be allowed to vote.

Hon Dr BRIAN WALKER: I must confess that this sticks in my craw a little bit. Perhaps it is my sense of justice. I would have thought that the more appropriate approach to local government elections would be to use the electoral rolls. I have a fundamental problem with the eighteenth century idea of buildings voting. What is it precisely that makes us want to be concerned about giving people who own or lease buildings permission to vote in a place where they do not live?

Hon JACKIE JARVIS: We need a mechanism. People need an address to enrol to vote. Likewise, small business owners need to identify where they operate their small business from. I am the Minister for Small Business, so I appreciate that businesses come in all shapes and sizes. The provisions in the bill will ensure that businesses that pay rates and contribute to the local government area through the economic activities that they undertake can vote. Although I note the member's comments about linking it to property, I guess that is a measure. We need an address where someone operates a business from or lives for them to be eligible to vote.

Hon Dr BRIAN WALKER: I thank the minister for that. I appreciate the point she made, but I assume that the government has taken on board and considered the views in the City of Perth inquiry and undertaken further consultation. Is it possible for the minister to table the results of the consultation?

Hon JACKIE JARVIS: That consultation has already been published. We referred earlier to the report that listed all the submissions.

Hon MARTIN ALDRIDGE: Clause 17 amends section 2.19 of the act, which is concerned with the qualifications required for election to council. I think the debate has ranged into some other areas that I anticipate we will get to shortly on voting in council elections, but this provision is about the qualifications required for election to council. Proposed section 2.19(2A) will create a regulation-making power and refers to prescribed requirements. That flows into proposed section 2.19(2C), which states —

The requirements that may be prescribed for the purposes of subsection (2A) include (without limitation) the following —

- (a) requirements relating to whether any person is enrolled, or is regarded under section 4.29(2) as being enrolled, as an elector for the Legislative Assembly in respect of a residence that is the rateable property;

I am trying to get my head around this provision. Are we effectively creating a regulation-making power that will make regulations in some form saying that a person who intends to run for council at an election first has to be a registered elector in the Legislative Assembly district for a residence that is a rateable property? Am I following the sequence of events correctly; and, if not, can the minister explain them better?

Hon JACKIE JARVIS: I am advised that section 2.19, “Qualifications for election to council”, outlines a number of ways that people can qualify—that is, as an owner-occupier, as a resident or as a business owner. Proposed

section 2.19(2C)(a), which the member referred to, deals with a resident, but that is just one of the ways that an elector will be deemed qualified to vote in a local government election—that is, they are enrolled to vote for the Legislative Assembly in respect of a particular residence. It does not say that they must be; it is basically saying that that is one of the provisions that relate to a resident. It does not exclude. The person does not have to be enrolled to vote for a residence that is a rateable property to meet the business owner provision. Does that make sense? I am not being very clear. A person could qualify for election to council if they own a property in the local government area, or because of the fact that they live in a property within the local government area. The proof is that they are on the electoral roll and therefore entitled to vote.

Hon MARTIN ALDRIDGE: The subtlety that I am struggling with here is that a person could be eligible to stand for election to council by nature of their state electoral status, for example. No; that does not make sense either. The person would still need to be an elector. Section 2.19(1) currently states —

A person is qualified to be elected as a member of a council if the person —

- (a) is of or over the age of 18 years; and
- (b) is an elector of the district ...

Those two things are not negotiable. I am trying to understand what these regulations are intended to do. Do we have visibility through the consultation process of what the regulations will look like in a policy sense? Is there some intent here that is known or can be known? Maybe that is where we should start in order to understand. I am struggling with the link between proposed subsections (2A) and (2C).

Hon JACKIE JARVIS: Proposed subsection (2A) states that regulations “may” provide. I am advised that this is to provide a head of power so that regulations may be made if required. It became clear when the issue of sham leases came up that there was no provision to create regulations around who could qualify to be an elector and who could not, or who could be elected. Proposed subsection (2A) states that regulations “may” provide that an elector is not qualified. I am advised that there will not be a substantive change, other than with regard to sham leases. This is just to provide a head of power to make regulations if an issue were to arise in the future.

Hon Dr BRIAN WALKER: I will give Hon Martin Aldridge a bit of a rest. Proposed subsection (2C) contains the phrase “without limitation”. Is this just a drafting style or does it have actual meaning? What does that phrase mean?

Hon JACKIE JARVIS: It is saying that a local government may wish to create a regulation. If an issue arose, a regulation could be made with the requirement that a person be enrolled to vote to confirm that they are in residence at a rateable property. The phrase “without limitation” is a drafting mechanism to say that these are examples. It is saying that these are not the only examples, but if there was an issue with, perhaps, sham rentals—for want of a better word—on residential properties, an example could be that a regulation may be required to say that someone could provide evidence that they are enrolled to vote.

Hon MARTIN ALDRIDGE: I understand the current arrangements are that someone can be an elector of a district in multiple districts. Does that mean that someone could stand for election in multiple districts? If so, will this change limit that?

Hon JACKIE JARVIS: I am advised that there is no change. The example given is that the Lord Mayor of Perth does not need to live in the City of Perth if they operate a business or meet the criteria in another way. There is no change. As I said, it is providing that head of power so that if an issue arose in the future, they could make some provisions.

Clause put and passed.

Clause 18: Section 2.25 amended —

Hon MARTIN ALDRIDGE: Clause 18 will insert some provisions into section 2.25 of the act. I believe this is the clause on parental leave. The explanatory memorandum states —

Clause 18 amends the existing section relating to leave of absence by council members by permitting a council member to take parental leave where the council member gives birth or adopts a child, for a period up to 6 months on each occasion.

Can I get an understanding of what we are doing here? At the moment, if an elected member wanted to take a period of leave for the circumstances as envisaged, which is the birth or adoption of a child, that would require some form or formal motion and the agreement of their fellow council members, whereas what we are doing here is inserting an entitlement, for want of a better word, to allow that to occur, notwithstanding the view of the council.

Hon JACKIE JARVIS: Yes—in a nutshell. The provision provides up to six months of parental leave that does not require council approval. It provides exemptions from disqualification from council for failure to attend council meetings if the non-attendance is related to parental leave.

Hon MARTIN ALDRIDGE: What impact might that have on an elected member’s entitlement to receive remuneration and fees and access services or other benefits that they would ordinarily be entitled to if they were not accessing parental leave?

Hon JACKIE JARVIS: I am advised that that is a matter for individual councils. The amendments do not specifically deal with attendance at meetings; they do not create an entitlement to be paid. Council members are not employees. A council member might have outside employment. It is up to individual councils.

Hon NEIL THOMSON: I can see why the provision has been included in the bill. I assume that it has been included so that a member going through the personal experience of becoming a parent does not need to go cap in hand to council. I would have thought that 99.9 per cent of councils would be very accommodating. Has the minister considered other issues that would warrant entitlement—for example, a serious illness or another major event in a person’s life that results in the person needing to spend time on leave? Was consideration given beyond parental leave?

Hon JACKIE JARVIS: There are already provisions by which a person can seek leave from council for other extenuating circumstances. This formalises the parental leave as a set period of six months. Other provisions under the act allow council members to seek leave from council for various reasons.

Clause put and passed.

Clauses 19 and 20 put and passed.

Clause 21: Section 3.1 amended —

Hon MARTIN ALDRIDGE: We made a brief reference to this earlier—clause 4 to be exact. We are now at clause 21, which will insert new words into the Local Government Act in part 3, “Functions of local government”, “Division 1—General”, section 3.1, “General function”. At the moment, section 3.1 reads —

(1) The general function of a local government is to provide for the good government of persons in its district.

After section 3.1(1)—we will not delete those words, but add to them—proposed section (1A), which will form part of the general functions, is to be inserted. Can the minister share with us how the government arrived at these words in this form? As I understand it, the consultation process that occurred probably did not have the level of detail that we now have before us in this bill. I think that much simpler information was provided through the consultation process. How did the government prioritise and arrive at these matters as adding to the general function provisions of the act?

Hon JACKIE JARVIS: I am advised that these principles were consulted on and the wording of the section was informed by workshops with WALGA and Local Government Professionals Australia WA.

Hon MARTIN ALDRIDGE: Perhaps I should have started with an earlier question: What is the purpose of proposed section 3.1 of the Local Government Act? Is it really just to guide readers in the general function of local government? Will it have a legal or interpretation purpose? Are there provisions within the Local Government Act that will reflect on or relate directly to proposed section 3.1 of the act, or are they simply there to inform the reader—to be symbolic in nature and provide guidance but not necessarily direction?

Hon JACKIE JARVIS: The local government is asked to consider these principles in decision-making. Section 3.1(3) of the current act states —

A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Hon MARTIN ALDRIDGE: One thing that I think has caused some concern here amongst local governments has also been reflected by some of the feedback that I have had from the Western Australian Local Government Association and has also attracted some media coverage. I raised it at my briefing and I would like to try to get some confirmation on the record. I refer to proposed section 3.1(1A)(b), which refers to —

... the need —

- (i) to recognise the particular interests of Aboriginal people; and
- (ii) to involve Aboriginal people in decision-making processes;

I asked a couple of questions at the briefing. I asked for some examples of what a local government would be expected to do to achieve that intent, noting that the start of this proposed section states —

Without limiting subsection (1), the general function of a local government must be performed having regard to the following —

I raised this at the briefing following some media coverage of this issue. I wrote down three things in my notes: first, the provisions in this section are drafted in very broad terms; second, they are broad and principle based; and, third, they are not justiciable. Can I get some confirmation of those things and also the government’s view on the general function provision? If they are not correct, what is the correct interpretation of this provision?

Hon JACKIE JARVIS: Yes, these are indeed broad principles. Local governments across the state already engage with Aboriginal people through a range of local government businesses. I have some examples. Many local governments have already developed or are developing reconciliation action plans. Local governments may work with Aboriginal people on caring for country and native title matters. Local governments may involve Aboriginal

people in decision-making processes through appropriate community and stakeholder engagement. In addition, there will be a new requirement to establish a community engagement charter. We will also provide an avenue for local governments to individually consider how they work towards this principle. This section will encourage local governments to work towards broad participation in local government elections and council meetings and support the inclusion and involvement of Aboriginal people. The diversity of Aboriginal people and cultures across WA will require LGAs to specifically consider the best way they can work towards this principle. For this reason, the bill inserts a broad principle and avoids excessive detail and description. I have been advised that the Western Australian Local Government Association has been working hard for many years to advance Aboriginal engagement and reconciliation in local government across WA. Last year, WALGA held the sixth Aboriginal Reconciliation Engagement Forum for over 200 delegates.

Hon MARTIN ALDRIDGE: I agree with the minister that some local governments are doing some really good things in this space, but I guess my concern is whether amending section 3.1 of the act will allow somebody to hold a local government accountable—potentially legally accountable—for the decisions it makes.

I have just focused on one part of this, which is to involve Aboriginal people in the decision-making processes. Would that allow a local government to be challenged if it made a decision when Aboriginal people were evidently not involved in a decision-making process? We should keep in mind that this clause states —

... a local government must be performed having regard to the following —

...

(ii) to plan for, and to plan for mitigating, risks associated with climate change ...

If somebody felt that a local government took a decision that was contrary to mitigating the risks associated with climate change, could a local government be challenged or be held accountable, legally or otherwise?

Hon JACKIE JARVIS: I am advised that these broad principles cannot be challenged in a legal sense. However, local governments must consider and work towards whatever best reflects their local context and circumstances. I guess the ultimate test is that they need to explain to electors if they have not met these broad principles. It is a broad provision that I guess the council will be held accountable for at the next local government election.

Hon Dr BRIAN WALKER: We understand very well the honourable intent in this part of the bill. Let us not be too kind about this. These are actually weasel words. They may be politically correct weasel words but they do give a lot of —

Hon Kate Doust: Member, if you don't like them, just vote against them. That's the simple solution.

Hon Dr BRIAN WALKER: Yes. We can look at them as being politically correct, which also means that under certain circumstances they can be ignored with impunity. For example, let us take the economic and social needs of a community having a firefighting centre and the issue of environmental sustainability. In this example, a bit of polychlorinated biphenyls in the soil would not hurt. People being people will go for the easiest option if they can, especially if costs or difficulties are involved. This gives us a fair amount of wiggle room to say that we have considered the options but then the wrong thing happens. We can justify it over time; we have been doing this for a long time. My statement recaps a situation in which we say that we would like to do something, but we are in hard times and we will have to do something different. Does the minister agree with that characterisation? I assume she does not, but I will put my question on the record.

Hon JACKIE JARVIS: I do not agree with the member's assessment. As I said, there will be a new requirement to establish a community engagement charter. These are broad principles. We have 139 unique local governments that will determine how they will apply these broad principles, and they will be held accountable at the ballot box.

Hon NEIL THOMSON: I will go back to the issue that my colleague raised. I refer specifically to proposed section 3.1(1A)(b). Will this provision provide some legal protection if there is a legal challenge? Clause 21 will insert —

(1A) Without limiting subsection (1), the general function of a local government must be performed having regard to the following —

...

(b) the need —

...

(ii) to involve Aboriginal people in decision-making processes;

Having intent is fine. A lot of local governments have reconciliation action plans. Some do not, and I think it would be a good move to push those forward. I assume the community engagement charter will outline the procedures around some of that. Local governments make many decisions on a daily basis. I am concerned about the potential for a litigious approach to this. Over the years, we have seen litigation against the state for its decisions on matters.

It sends a very strong message to involve Aboriginal people in the decision-making processes; I am thinking of a planning decision beyond the normal permits that may be required under the Aboriginal Cultural Heritage Act. My concern, which is reflective of the concern raised by my colleague, is that we could find ourselves in a situation in which a decision is made and it ends up in court. How will this provision work, given that there is no definition in it, on local planning decisions?

Hon JACKIE JARVIS: I will not go into the intricacies of what may happen in different scenarios. I can tell the member that the bill will insert a broad principle while avoiding excessive detail or prescription. The provision is a broad principle that local governments can consider and work towards in whatever way best reflects their local context and circumstances. The amendment supports a general principle of increased community engagement with a diverse range of community stakeholders, and recognises the specific interests and importance of First Nations people across WA. As I said previously, this provision will not open up LGAs to a legal challenge. They will be judged at the ballot box.

Hon Dr BRIAN WALKER: As I said, the aims are admirable and I fully support them, but what oversight is proposed for these changes?

Hon JACKIE JARVIS: As I said, they are broad principles. There is no regulatory body overseeing this. Local government councils will need to explain to their electors if they have not met these broad principles.

Hon Dr BRIAN WALKER: I take it that what the minister is saying is that there are no enforcement powers available to require these to occur?

Hon JACKIE JARVIS: That is correct. Local governments will work towards these broad principles in whatever way best reflects their local context.

Hon NEIL THOMSON: I will come back to the recommendation of the Local Government Review Panel that suggested that the act be simplified and condensed by 50 per cent.

This seems rather odd. What I find particularly odd relates to proposed section 21(1A)(c). It states —

(1A) Without limiting subsection (1), the general function of a local government must be performed having regard to the following —

...

(c) the need to consider collaboration with other local governments.

That seems to be a tautology in the sense that it is really repetitive. We have seen the amazing work done by the WALGA zones that are already in place. I do not know of a single local government that does not already operate in collaboration. The wording of proposed section 21(1A)(c) almost looks like someone did their school project and just put it in. There is a very light-handed approach in the wording of “need to consider collaboration”. Collaboration with other local governments is already embedded into the structure of local governments yet we have the very hardwired wording—*notwithstanding* “without limitation”—in proposed section 21(1A)(b), which states “the need ... to involve Aboriginal people in decision-making processes”. There seems to be a disjunct. If it were a general principle, I would have thought there would have been some sort of outlining of said principle in a way in which the encouragement was consistent. The wording in this proposed section certainly does not appear to be drafted by parliamentary counsel with any expertise, because it is just put together by —

Hon Kate Doust interjected.

Point of Order

Hon JACKIE JARVIS: Point of order.

The DEPUTY CHAIR (Hon Dr Sally Talbot): Hon Neil Thomson still has the call as long as there is still a question in progress.

Committee Resumed

Hon NEIL THOMSON: Thank you. My question is: why is there an inconsistency in the style of wording between proposed section 21(1A)(b)(ii) and 21(1A)(c)? Why is there such a light-handed approach when this is already something —

Hon Kate Doust: What is your problem, member? You just don’t want people to have a say in their local patch; is that the problem? That is what it is coming across as.

The DEPUTY CHAIR: The member’s question is finished.

Hon JACKIE JARVIS: I am advised that the wording the member is referring to, “the need to consider collaboration with other local governments.”, was specifically asked for by WALGA. I reject the claim that the parliamentary drafters were somehow not doing an excellent job.

Clause put and passed.

Clauses 22 to 28 put and passed.

Clause 29: Section 4.31 amended —

Hon MARTIN ALDRIDGE: According to my notes, clauses 29 to 32 is where we enter the sham lease realm, about which we had some discussion earlier. The discussion earlier centred around qualification for election. That was a provision we were dealing with then. I do not intend to go through those clauses one by one, but I am hoping I can ask a couple of questions about the package, if you like. We previously dealt with qualification for election. Are clauses 29 to 32 around qualification to be an elector in a local government district or is it more than that?

Hon JACKIE JARVIS: I am advised that this relates to both candidates and voters, and, again, provides a new head of power for regulations to deal with enrolment based on occupation, provides that regulations can be made to the owner–occupier role and provides the power to specify requirements to claim eligibility for enrolment in the base of ownership or occupancy of a property. These requirements are to deal with dubious lease arrangements for the purpose of voting and/or nominating as a candidate in a district.

Progress reported and leave granted to sit again, pursuant to standing orders.**PARLIAMENTARY FRIENDS OF AFRICA***Statement*

HON AYOR MAKUR CHUOT (North Metropolitan) [9.43 pm]: Sorry, guys; everybody wants to drive home, but it is good to be back! Thank you for giving me five weeks' leave to have my daughter, Ajak, who was born on 24 March. I am a new mum again. Thank you to all my parliamentary colleagues for keeping up with me.

Today has been an incredible day for me. I came back, and I had a very wonderful event that we hosted with my Parliamentary Friends of Africa co-convenors Hon Dr Steve Thomas; Meredith Hammat, member for Mirrabooka; and Terry Healy. We hosted a very wonderful event. How lucky we were. We were able to have the presence of the Premier of Western Australia, so that was amazing. Members of the community took a lot of selfies with the Premier. As we know, the Premier is really, really popular, so it was really great. We were also joined by many members of Parliament, of course, from the Legislative Assembly and Legislative Council. I am really, really proud. Thank you, guys. I thank all the honourable members from this chamber and, of course, all the Assembly members for their support. I also acknowledge you, President, for your support, and all the ministers. Thank you for joining the event.

It is really important for us as parliamentarians to connect with the communities that we represent and make sure they have that sense of belonging. That is really important to me. When I was elected, I think I created that sense of belonging to this Parliament, being the first South Sudanese member sitting in this chamber. I am so proud to be among all the MPs who are part of parliamentary groups, because I think it is important. It does not matter if we do all the organising, but it is important to give a sense of belonging to our Parliament because that is what it is.

Thank you very much, and everybody can go home now!

MISUSE OF DRUGS AMENDMENT BILL 2023*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Sue Ellery (Leader of the House)**, on behalf of the Minister for Emergency Services, read a first time.

Second Reading

HON SUE ELLERY (South Metropolitan — Leader of the House) [9.46 pm]: On behalf of the Minister for Emergency Services, I move —

That the bill be now read a second time.

The Misuse of Drugs Amendment Bill 2023 will introduce amendments to the Misuse of Drugs Act 1981 to create a border search area, or BSA, scheme. The intent of the BSA scheme is to detect, deter and reduce the importation of illicit drugs into Western Australia. Serious and organised crime groups are overwhelmingly responsible for orchestrating the supply of illicit drugs such as methylamphetamine into Western Australia. These groups rely on supply chains that incorporate transport networks capable of importing and dispersing large volumes of drugs. Disrupting these supply chains and transport networks is an important step in disrupting the activities of serious and organised crime groups as well as disrupting the overall availability and subsequent consumption of illicit drugs in Western Australia.

National wastewater analysis results show that methylamphetamine is the most consumed illicit drug in Australia, and its consumption continues to increase. Western Australia has commonly been considered a jurisdiction with high levels of methylamphetamine use, with wastewater testing often ranking WA as having the highest level of methylamphetamine consumption in Australia. Western Australia's consumption of methylamphetamine changed significantly in 2020. This coincided with the introduction of Western Australia's hard border closures as part of the travel restrictions that were put in place in response to COVID-19. During this time, WA saw a substantial

decrease in methylamphetamine consumption. When comparing the pre-border closure consumption rates with the consumption rates during the border closures, wastewater analysis indicated a decrease of 51 per cent in the Perth metropolitan area, 73 per cent in Albany and 65 per cent in Geraldton. Unfortunately, once the border restrictions eased, the analysis results began to indicate an increase in the availability of methylamphetamine once again. WA has now returned to being one of the jurisdictions, nationally, with the highest estimated consumption of methylamphetamine. The Western Australia Police Force attributes as the main contributing factors in the reduction of methylamphetamine in 2020 to the border closures and associated police presence at border checkpoints, paired with the perception of police officers being able to conduct searches at border checkpoints.

The border search area scheme outlined in the bill is founded on what was learnt and achieved during the hard border closures, and will provide police with a set of tools to target the importation of illicit drugs into WA and the serious and organised crime groups that orchestrate these activities. The powers that will be introduced by the scheme are based upon, and designed to complement, the powers of the vehicle search authorisation scheme under part 4A of the Misuse of Drugs Act 1981. Part 4A of the Misuse of Drugs Act 1981 commenced in 2017 and provides powers for police to disrupt the illicit drug market through setting up temporary vehicle search locations via vehicle search authorisations. The intent of these powers was to target the transit of illicit drugs through creating additional powers for police to search vehicles. Under the vehicle search authorisation scheme, a senior police officer can authorise police officers to conduct vehicle searches in a designated area. Once the area has been authorised, police can stop and detain any vehicle in that area and conduct searches, including preliminary drug-detection tests on the vehicle and any persons or property in or on the vehicle. Although the WA Police Force has had some significant cash and drug-related seizures as a result of the vehicle search authorisations, these powers are targeted at road transit within WA and cannot be effectively used to disrupt border-related importation activities.

There are several aspects of the vehicle search authorisation scheme that make it unsuitable for targeting the importation of illicit drugs into WA through our borders. Vehicle search authorisations can be issued only after first establishing that there are reasonable grounds to suspect that a specific area is being, or is likely to be, used for the transport of a prohibited drug, plant or controlled precursor. A vehicle search authorisation only has effect for a period not exceeding 14 days and can be renewed only by a senior police officer for a further 14 days if the reasonable suspicion threshold is again satisfied. Vehicle search authorisations cannot be issued for an area within the metropolitan area. Only three authorisations can be in force at any one time. The scheme is vehicle focused, and preliminary drug-detection tests can be done only on persons who are, or recently were, in vehicles. These provisions within the vehicle search authorisation scheme do not allow for the WA Police Force to actively police importations when the drugs are being moved by a person who is not in a vehicle and when the importation is taking place within the Perth metropolitan region, such as Perth Airport.

The scheme will also prevent police from conducting deterrence or disruption activities as they are unable to have a presence at numerous entry or egress points at once. Instead, only three vehicle search authorisations can be in place at one time, and locations can be authorised only if there are reasonable grounds to suspect that the area is being, or is likely to be, used for the transport of a prohibited drug, plant or controlled precursor.

The BSA scheme draws from the vehicle search authorisation scheme but nuances the powers and processes to respond to the unique requirements of policing drug importation activities at entry and egress locations across the state. Broadly, the scheme is centred on identifying the key locations of entry and egress into Western Australia used to import and export illicit drugs, and will provide police with additional powers at these locations to detect drug-related activity.

The bill will provide for the BSA scheme through five key components. The first component of the scheme is the identification of border search areas or BSAs. BSAs are the key locations of entry and egress into Western Australia that have been identified as potential drug importation or exportation locations. The bill will provide for 22 BSA locations that will be listed in a new schedule to the act, schedule 6A. The 22 BSAs will comprise all major road, rail, air and sea entry points into WA as well as other air and sea ports that have been identified by the WA Police Force as potentially being used for the movement of illicit drugs. Division 1 of schedule 6A provides a description of the boundary lines of each BSA, using longitude and latitude coordinates. To ensure that the boundaries of each BSA are as accessible as possible, division 2 provides an image of each BSA using an aerial photograph overlaid with an illustration of the boundary lines. These images have been included for guidance purposes only and division 1 should be relied upon for the exact detail on the boundary lines. The bill provides a comprehensive process for amending schedule 6A to either declare a new BSA or modify an existing BSA. The process will require the Minister for Police to consult other relevant ministers and seek approval from the Attorney General, as well as to be satisfied of various criteria, including that the BSA is limited in size to an area that does not exceed five square kilometres. Once these requirements have been met, any amendments to schedule 6A will then be able to be made by the Governor by Order-in-Council and published in the *Government Gazette* in accordance with the process for amending other schedules under the act.

The second component of the scheme is the process for activating a BSA. The additional powers that will be introduced by the BSA scheme can be used only when a BSA is activated. BSAs will be dormant unless the BSA is specifically activated by a written authorisation from a senior officer with a rank of inspector or above. If the officer

who issues the BSA authorisation is of the rank of inspector, the BSA authorisation must then be further ratified in writing by a police officer of, or above, the rank of superintendent. If this does not happen, the BSA authorisation will cease to have effect. A BSA authorisation can be in effect for a maximum of 28 days.

The third component of the BSA scheme is the powers that will be available to police within an activated BSA. Once a BSA is activated, police officers will be provided with two key powers. The first is the power to conduct preliminary drug-detection tests on persons, and the second is to conduct vehicle searches. A preliminary drug-detection test is a non-invasive test involving either placing a drug-detection dog in the vicinity of a person or property or using a drug-detection device such as a wand by passing it over the person or property. Preliminary drug-detection tests are used to detect the presence of prohibited drugs, prohibited plants and controlled precursors. Police will be able to conduct these tests on persons who are in public places within an activated BSA. Police will also have a power to detain a person for a reasonable period in order to do the test.

A vehicle search is when police can enter and search a vehicle or any part of a vehicle and includes conducting a preliminary drug-detection test on the vehicle. Under the border search area scheme, police will be able to conduct searches on any vehicle that is in a public place within an activated BSA. In order to conduct the search, police will be able to utilise a range of powers, including detaining the vehicle for a reasonable time and moving the vehicle to a more suitable place. There will also be powers for police to require the driver or any passenger to do certain things to support the search, such as stopping the vehicle; opening any part of the vehicle, such as the boot; and requiring them to remain in the vehicle. Any person who does not comply with these instructions will be committing a simple offence under the bill. This offence will have a penalty of a fine of up to \$3 000 or a term of imprisonment of up to three years, or both.

The bill will also provide that any person who hinders a police officer conducting a preliminary drug-detection test or a vehicle search will be committing a simple offence under section 29 of the act. This offence will have a penalty of a fine of up to \$3 000 or a term of imprisonment of up to three years, or both.

If a preliminary drug-detection test conducted on either a person or a vehicle indicates the presence of a prohibited drug, prohibited plant or controlled precursor, the bill specifies that this will be considered reasonable grounds to suspect that the person involved is in possession of a thing suspected of being used in the commission of an offence. This will then enable police to utilise powers under section 23 of the act whereby police will be able to stop, detain and search the person, along with any baggage, package, vehicle or other thing in their possession, and use such force as is reasonably necessary.

Several limitations will be placed on the BSA powers. These will function as safeguards to ensure that the powers are targeted at those involved in the illicit drug trade and include that the powers can be used only in a public place and that the powers cannot be exercised on persons engaging in certain exempt activities, such as political demonstrations, religious or cultural activities and medical emergencies. A regulation-making power has also been included in the bill to allow for further exemptions to be listed should they be identified as necessary.

Comprehensive reporting and oversight provisions are included in the border search area scheme as the fourth key component. The scheme will require the Commissioner of Police to provide a report to the Corruption and Crime Commission every six months. The bill prescribes a comprehensive list of what must be included in the report. This includes data on the number of times that preliminary drug-detection tests and vehicle searches were carried out in each BSA, and any seizures, arrests and prosecutions arising from the utilisation of powers. The Corruption and Crime Commission must then provide an annual report to the Minister for Police on the activities undertaken by police under the BSA scheme. This report must be tabled in Parliament.

The final component of the BSA scheme is that two key mechanisms are included in the bill to ensure the legislation is effective and necessary. The first is a statutory review mechanism. Three years after the reforms commence, the BSA scheme will be subject to a review to scrutinise the operation and effectiveness of the scheme. The Minister for Police will be required to table the final review report in Parliament. The second mechanism is a sunset provision. The bill includes a sunset clause that will take effect five years after the scheme commences. The sunset clause will immediately cease the BSA scheme by removing the changes made by this bill from the act unless Parliament takes active steps to extend the BSA scheme. This has been included in the bill to ensure that the BSA scheme and the powers it provides to police officers will be in force only while they are effective and necessary.

The provisions contained within the Misuse of Drugs Amendment Bill 2023 are aimed at providing the Western Australia Police Force with effective tools for disrupting the supply of illicit drugs, such as methylamphetamine, into Western Australia. It is intended that these reforms will enhance community safety and contribute to dismantling the serious and organised crime groups that conduct their business in our state.

This bill complements a broader suite of recent legislative reforms targeted at disrupting serious and organised crime, including the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021, which is targeted at disrupting outlaw motorcycle gangs, and the Firearms Amendment Act 2022, which provides police with the tools to prohibit dangerous people, such as members of serious and organised crime groups, from being in possession of a firearm.

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

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

[See paper [2197](#).]

Debate adjourned, pursuant to standing orders.

House adjourned at 10.02 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

SOCIAL HOUSING — REGIONS

1288. Hon Steve Martin to the minister representing the Minister for Housing:

I refer to the total number of Government social housing properties, and I ask:

- (a) to date, how many of the social housing properties in the following towns are occupied:
- (i) Leonora;
 - (ii) Carnarvon;
 - (iii) Kununurra;
 - (iv) Port Hedland; and
 - (v) Laverton; and
- (b) for the towns in (a) to (e), how many social housing properties are vacant?

Hon Jackie Jarvis replied:

- (a)–(b) Vacancy numbers are always a single point in time number that fluctuates for a range of reasons including maintenance, refurbishments, and redevelopments waiting for relet. Returning properties may be awaiting acceptance of offers from applicants, undergoing minor maintenance repairs or refurbishment prior to new occupants moving in, or undergoing major refurbishment, or a redevelopment.

The time required to refurbish and relet a property can be impacted by the scope of works required, which may be significant. Where maintenance is undertaken to return a property to service, it is done so that they can be relet in clean, safe and working order.

Non-returning properties may be scheduled for demolition due to reaching the end of their useful life, may be in very poor condition or uneconomical to be returned to stock. Other properties may be subject to redevelopment or are undergoing review for potential future use.

Information for Community Housing vacancies is unavailable as these properties are managed by Community Housing Providers. Communities reports public housing data by Local Government Area (LGA).

As at 28 February 2023:

Local Government Area	Total Social Housing	Returning Public Housing	Not Returning Public Housing
Shire of Leonora	44	6	1
Shire of Carnarvon	346	31	8
Shire of Wyndham–East Kimberley	491	43	1
Town of Port Headland	655	40	11
Shire of Laverton	25	8	0

SOCIAL HOUSING — REGIONS

1289. Hon Steve Martin to the minister representing the Minister for Housing:

I refer to the total number of Government social housing properties, and I ask:

- (a) to date, how many social housing properties are there in the following towns:
- (i) Leonora;
 - (ii) Carnarvon;
 - (iii) Kununurra;
 - (iv) Port Hedland; and
 - (v) Laverton; and
- (b) do the towns in (a) to (e), how many social housing properties were there on 30 June 2017?

Hon Jackie Jarvis replied:

- (a)–(b) The State Government has added 1,182 public housing properties across the State since 1 July 2021 and more than 1,200 social housing dwellings are currently under contract or construction. Across these regions, there are 18 properties under contract or construction.

Since coming into Government, the Department has had to make difficult decisions on social housing that was no longer meeting the needs of the community and public housing tenants. These decisions were necessary for the future planning and development of public housing across Western Australian suburbs. In a heated construction market, the State Government is accelerating social housing delivery through a diversity of reforms including the modular build, timber frame, and spot purchasing programs.

The Department of Communities maintains a large asset base of public housing properties and manages it to best meet the needs of the community and ensure that properties are in safe, clean, and working order for tenants.

Social housing stock fluctuates across specific regions due to a range of factors. Across the regions mentioned, social housing stock has been subject to properties that have been demolished due to reaching the end of their useful life and were considered in poor condition and uneconomical to be refurbished, many of which contained asbestos and were structurally damaged. Other properties have been subject to critical fire damage.

As at 28 February, the total housing stock in the Shire of Leonora was 44.

As at 28 February, the total housing stock in the Shire of Carnarvon was 346.

As at 28 February, the total housing stock in the Shire of Wyndham–East Kimberley was 491.

As at 28 February, the total housing stock in the Town of Port Hedland was 655.

As at 28 February, the total housing stock in the Shire of Laverton was 25.

Due to a change in reporting systems within the Department of Communities, data captures from 2017 and earlier are not available and would require a manual review of individual files. Communities reports public housing data by Local Government Area (LGA).

BOOM GATES — SCARP ROAD, WAROONA

1290. Hon Dr Steve Thomas to the parliamentary secretary representing the Minister for Water:

I refer to the installation of two boom gates on Scarp Road in Waroona, and I ask:

- (a) when were the two boom gates installed;
- (b) why were the two boom gates installed;
- (c) what notification was given to residents and visitors that the gates were to be installed; and
- (d) how long will the boom gates be present?

Hon Pierre Yang replied:

- (a) Temporary boom gates were installed on Scarp Road in 2003. These were made permanent in 2005.
- (b) The boom gates were installed to manage unauthorised access to the drinking water catchment, in line with standard catchment management protocols across the State.
- (c) Stakeholder Liaison Group meetings and community open evenings were held in 2002 in order for key stakeholders and the local community to provide comments on the Samson Brook drinking water catchment protection plan, which included the Scarp Road boom gates proposal. Notification was also given to local residents via an advertisement asking for public comment in the Harvey Reporter when the temporary barriers were first put up in 2003 and again in 2005 before the boom gates were made permanent.
- (d) The boom gates at Scarp Road are a permanent measure in order to protect the health of Western Australians and the long-term security of drinking water resources. The State Government has adopted the multiple barrier approach to the protection of drinking water, consistent with the Australian Drinking Water Guidelines 1996.

BOOM GATES — SCARP ROAD, WAROONA

1291. Hon Dr Steve Thomas to the parliamentary secretary representing the Minister for Environment:

I refer to the installation of two boom gates on Scarp Road in Waroona, and I ask:

- (a) when were the two boom gates installed;
- (b) why were the two boom gates installed;
- (c) what notification was given to residents and visitors that the gates were to be installed; and
- (d) how long will the boom gates be present?

Hon Darren West replied:

Please refer to the response to Legislative Assembly Question on Notice 1290.

POLICE — SPEEDING INFRINGEMENTS

1292. Hon Dr Steve Thomas to the minister representing the Minister for Police:

I refer to speeding infringements issued in the calendar year 2022, and I ask:

- (a) what was the total number of infringements issued;
- (b) how many were issued for speeds between 0 and 10 km per hour over the posted limit;
- (c) how many were issued for speeds between 10 and 20 km per hour over the posted limit;
- (d) how many were issued for speeds between 20 and 30 km per hour over the posted limit;
- (e) how many were issued for speeds between 30 and 40 km per hour over the posted limit; and
- (f) how many were issued for speeds more than 40 km per hour over the posted limit?

Hon Stephen Dawson replied:

The Western Australia Police Force advise:

- (a) 843,593
- (b) 546,739
- (c) 266,973
- (d) 25,187
- (e) 4,076
- (f) 562

Note: Figures are provisional and subject to revision.

CYCLONE SEROJA — RECOVERY GRANTS

1293. Hon Martin Aldridge to the Minister for Emergency Services:

- (1) I refer to the Cyclone Seroja recovery grants and financial assistance and I ask, for the 'Recovery and Resilience Grants for Insured Residents' program please identify:
 - (a) the total funding pool available;
 - (b) the number of applications to date;
 - (c) the number of approvals to date;
 - (d) total funds disbursed to date;
 - (e) will the Minister please provide a breakdown of approved funding by local government area; and
 - (f) the date this funding will expire?
- (2) For the 'Clean Up Assistance for Uninsured Residents' program please identify:
 - (a) the total funding pool available;
 - (b) the number of applications to date;
 - (c) the number of approvals to date;
 - (d) total funds disbursed to date;
 - (e) will the Minister please provide a breakdown of approved funding by local government area; and
 - (f) the date this funding will expire?

Hon Stephen Dawson replied:

The below answer is in response to Legislative Council Questions on Notice 1293, 1294, 1295, 1296, 1297 and 1298.

The Recovery and Resilience Grant program is administered by the Department of Emergency Services (DFES). It is for insured homeowners and is a reimbursement grant. Payments cannot be undertaken until the invoice has been paid by the owner. Once an applicant is assessed as being eligible the timing of the grant payments is dependent on progress of works and is not within the control of DFES.

- (1) As of 03 April 2023:
 - (a) \$45 million is the total funding pool available
 - (b) 609 applications have been received
 - (c) 264 applications have been approved and have paid or are pending payment
 - (d) \$1,633,828

(e)

Local Government Area	Funds Disbursed
City of Greater Geraldton	\$132,655.62
Shire of Chapman Valley	\$110,745.28
Shire of Mingenew	\$40,000.00
Shire of Morawa	\$62,951.52
Shire of Northampton	\$1,247,794.11
Shire of Perenjori	\$39,682.00
Total	\$1,633,828.53

(f) Eligible works must be completed by 30 June 2024.

(2) As of 03 April 2023:

(a) The 'Clean Up Assistance for Uninsured Residents' program is funded through Category A of the joint Commonwealth–State Disaster Recovery Funding Arrangements (DRFA) and is uncapped

(b) 25 applications have been received

(c) 16 applications have been approved

(d) \$252,802.35

(e)

Local Government Area	Funds Disbursed
Shire of Chapman Valley	\$52,748.00
Shire of Northampton	\$195,620.74
Shire of Morawa	\$4,433.61
Total	\$252,802.35

(f) Eligible works must be completed by 30 June 2023.

For the Primary Producer Recovery Grant

The Primary Producer Recovery Grant is administered by the Department of Primary Industries and Regional Development (DPIRD).

(1) As of 03 April 2023:

(a) \$26.3 million is the total funding pool available

(b) 136 applications have been received

(c) 106 applications have been approved

(d) \$2,123,466.24

(e)

Local Government Area	Funds Disbursed
City of Greater Geraldton	\$472,614.11
Shire of Chapman Valley	\$357,053.96
Shire of Mingenew	\$140,790.00
Shire of Carnamah	\$122,368.78
Shire of Perenjori	\$182,182.16
Shire of Carnarvon	\$47,368.78
Shire of Northampton	\$559,343.10
Shire of Dalwallinu	\$50,000
Shire of Koorda	\$25,000
Shire of Morawa	\$129,357.50
Shire of Marshall	\$12,387.85
Shire of Three Springs	\$25,000
TOTAL	\$2,123,466.24

(f) Eligible works must be completed by 30 June 2024

(2) As of 03 April 2023:

- (a) These are demand-driven assistance measures. There is no capped total funding for the assistance measures in this category.
- (b) 45 applications have been received
- (c) 25 applications have been approved
- (d) \$366,907.46
- (e)

Local Government Area	Funds Disbursed
Shire of Chapman Valley	\$13,138.00
Shire of Perenjori	\$137,508.00
Shire of Mingenew	\$83,741.15
Shire of Northampton	\$15656.45
Shire of Coorow	\$17,572.82
City of Greater Geraldton	\$48,711.04
Shire of Morawa	\$50,580
Total	\$366,907.46

(f) Applications close on 30 June 2023.

The Community and Recreational Asset Clean-Up and Restoration Program.

The Community and Recreational Asset Clean-Up and Restoration Program is a reimbursement scheme as opposed to a grants program and is jointly funded through the Commonwealth–State Disaster Recovery Funding Arrangements.

(1) As of 03 April 2023:

- (a) \$2.2 million has been allocated to the Community and Recreational Asset Clean-Up and Restoration Program (Local Government). \$2.1 million has been allocated to the Department of Biodiversity, Conservation, and Attractions (DBCA) for the restoration of tourism sites and recreational assets that are managed and owned by the State.
- (b) Applications are not made under this program, however, there were 10 claims received
- (c) 9 claims have been paid
- (d) \$135,656.16 has been reimbursed for local government claims
- (e)

Local Government Area	Funds Disbursed
Shire of Chapman Valley	\$922.82
City of Greater Geraldton	\$1,125.60
Shire of Mingenew	\$61,683.64
Shire of Mt Marshall	\$5,635.00
Shire of Northampton	\$66,289.10
Total	\$135,656.16

(f) Eligible works must be completed by 30 June 2024.

For the Cultural and Heritage Asset Clean-Up and Repair Grant.

The Cultural and Heritage Asset Clean-Up and Repair Grant is administered by the Department of Planning Lands and Heritage (DPLH).

(1) As of 03 April 2023:

- (a) \$1,960,000 million is the total funding pool available
- (b) 50 applications have been received
- (c) 3 applications have been approved

(d) \$40,154.84 has been disbursed

(e)

Local Government Area	Funds Disbursed
City of Greater Geraldton	\$28,866.82
Shire of Northampton	\$11,288.02
Total	\$40,154.84

(f) Eligible works must be completed by 30 June 2024.

For the Small Business Recovery Grant Program.

The Small Business Recovery Grant Program is administered by the Small Business Development Corporation (SBDC).

(1) As of 03 April 2023:

(a) \$17.7 million is the total funding pool available

(b) 92 applications have been received

(c) 62 applications have been approved

(d) \$952,909.86

(e)

Local Government Area	Funds Disbursed
City of Greater Geraldton	\$125,110.48
Shire of Chapman Valley	\$58,994.13
Shire of Mt Marshall	\$6,368.00
Shire of Morawa	\$41,100.00
Shire of Northampton	\$681,595.25
Shire of Perenjori	\$39,742.00
Total	\$952,909.86

(f) Eligible works must be completed by 30 June 2024.

For the Community Outreach and Welfare Program.

The Department of Communities (DoC) is responsible for the Tropical Cyclone Seroja Community Outreach and Welfare program.

(1) Seven.

(2) The local government areas are currently receiving additional mental health staff through this program are:

Shire of Northampton (including Kalbarri)

Shire of Chapman Valley

Shire of Morawa

Shire of Perenjori

Shire of Three Springs

Shire of Mingenew

Shire of Carnamah

City of Greater Geraldton (including Mullewa)

Shire of Koorda

Shire of Shark Bay

Shire of Dalwallinu

Shire of Irwin

Shire of Mount Marshall

(3) As of 28 February 2023, a total of \$4,065,481 has been disbursed.

- (4) As of 28 February 2023, a total of \$1,695,005 has funded 13 Full Time Equivalent (FTE) Communities staff to coordinate and deliver ongoing recovery activities which include:

Coordination of financial assistance to low-income and uninsured residents to replace or repair essential household items and/or repair homes to be habitable, safe, and secure.

Coordination of specialist service providers such as the Red Cross and GIVIT to support the social well-being of who have been severely impacted.

Coordination of mental health services through the following local providers: Centacare, Desert Blue Connect, and Mission Australia.

Provision of support for complex case coordination for at-risk people.

A further \$1,382,216 has funded specialist and mental health service providers to deliver against recovery priorities structured around the following areas: personal support such as social, emotional, and psychological support services; community resilience, training, and development.

The operational expenses for the Community Welfare and Outreach Program to 28 February 2023 amount to \$988,260.

- (5) (a) As of 28 February 2023, a total of \$4,934,519 of funding remains unspent. Communities are currently working with stakeholders, service providers, and the community to evaluate the existing program and assess the need for further services post-June 2023.
- (b)–(c) The funding arrangement is a reimbursement model with no up-front funding; therefore, no funds are to be returned.
- (d) Any unspent funds cannot be utilised for additional or other programs.

CYCLONE SEROJA — RECOVERY GRANTS

1295. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Environment:

I refer to the Cyclone Seroja recovery grants and financial assistance and I ask, for the ‘Community and Recreational Clean-Up and Restoration Grants’ program, please identify:

- (a) the total funding pool available;
- (b) the number of applications to date;
- (c) the number of approvals to date;
- (d) total funds disbursed to date;
- (e) will the Minister please provide a breakdown of approved funding by local government area; and
- (f) when will this funding expire?

Hon Darren West replied:

Please refer to the response to Legislative Assembly Question on Notice 1293.

CYCLONE SEROJA — RECOVERY GRANTS

1296. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Heritage:

I refer to the Cyclone Seroja recovery grants and financial assistance and I ask, for the ‘Cultural and Heritage Asset Clean-Up and Repair Grant’ program please identify:

- (a) the total funding pool available;
- (b) the number of applications to date;
- (c) the number of approvals to date;
- (d) total funds disbursed to date;
- (e) will the Minister please provide a breakdown of approved funding by local government area; and
- (f) the expiry date for this funding?

Hon Samantha Rowe replied:

- (a)–(f) Please refer to Legislative Council question on notice 1293.

CYCLONE SEROJA — COMMUNITY WELFARE AND OUTREACH

1298. Hon Martin Aldridge to the minister representing the Minister for Community Services:

- (1) I refer to the \$9 million severe tropical cyclone Seroja community welfare and outreach program. How many additional mental health staff, by FTE, have been provided to support communities impact by Cyclone Seroka through this funding allocation?

- (2) Will the Minister please identify which local government areas are currently receiving additional mental health staff through this program.?
- (3) How much of the \$9 million has been disbursed to date?
- (4) Will the Minister please provide a breakdown of how the \$9 million program is being spent, including specific projects or programs being funded.?
- (5) Noting in the Minister's answer to question on notice 1060 that funding will expire for this project on 30 June 2023:
 - (a) what proportion of funding remains unspent;
 - (b) what funding amount will be returned to consolidated revenue after 30 June 2023;
 - (c) what funding amount will be returned to the Commonwealth after 30 June 2023; and
 - (d) what proportion of funding will be used for other purposes after 30 June 2023, and please identify these purposes.?

Hon Jackie Jarvis replied:

Please refer to Legislative Council Question on Notice 1293.

CYCLONE SEROJA — DISASTER RECOVERY FUNDING

1299. Hon Martin Aldridge to the Minister for Emergency Services:

- (1) I refer to the \$104.5 millions secured through the Disaster Recovery Funding Arrangements for Cyclone Seroja recovery and I ask, what is the total value of this fund spent to date?
- (2) What is the total amount of unspent funding to date?
- (3) What proportion of this funding is set to expire on 30 June 2023?
- (4) What proportion of unspent funding will be returned to consolidated revenue after 30 June 2023?
- (5) What proportion of unspent funding will be returned to the Commonwealth after 30 June 2023?
- (6) What proportion of unspent funding will be used for other purposes after 30 June 2023, and please provide details?

Hon Stephen Dawson replied:

- (1) As of 20 March 2023 \$8,852,901.10, has been disbursed.
- (2) As of 20 March 2023 \$95,647,098.90, remains available for residents in the TC Seroja affected regions to apply for.

The amounts above do not include \$27.3 million in additional funding to TC Seroja affected areas outlined below:

\$9.2 million in additional funding allocated to impacted communities to aid recovery from TC Seroja, including:

- \$500 000 to all eligible impacted local governments
- \$400 000 additional funding for the Shire of Northampton
- \$200 000 additional funding for the Shire of Chapman Valley
- \$200 000 additional funding for the Shire of Mingenew
- \$200 000 additional funding for the Shire of Morawa
- \$200 000 additional funding for the Shire of Perenjori

\$2.2 million State Government assistance package

\$2 million in State Government contribution to the Lord Mayor's Distress Relief Fund Appeal

\$3.5 million through the Construction Training Fund Disaster Recovery Grant

\$3.1 million in State Government electricity relief grants

\$2.3 million through the small business and individual \$4,000 grants program;

\$2.3 million through the Department of Communities' emergency assistance program;

\$2.2 million in Water Corporation service waivers;

\$280,000 through Western Power relief grants to customers impacted by damage to Western Power's network.

\$220,000 in tourism marketing support to attract travellers back to the Coral Coast; and

Associated costs of over 15,000 hours committed to the recovery process by DFES personnel, community recovery officers, and other agencies since September 2021.

- (3) The portion of funding allocated to the Department of Communities ‘Community Welfare and Outreach Program,’ will not be available for eligible activities post–30 June 2023. As at 28 February 2023, the Department of Communities had spent \$4,065,481 out of a total \$9 million.
- (4)–(6) The only program which will cease on 30 June 2023 is the Department of Communities, ‘Community Welfare and Outreach Program.’

The following programs have been extended for a further 12 months:

- (1) Primary Producer Recovery Grants
- (2) Small Business Recovery Grants
- (3) Recovery and Resilience Grants for Insured Residents
- (4) Clean-up and Restoration of Community, Recreational, Cultural, and Heritage Assets Program

The funding to deliver on these programs will continue to be made available to impacted communities until 30 June 2024 and used to deliver on the recovery objectives as outlined within the Disaster Recovery Funding Arrangements program guidelines and agreed to between the Commonwealth and State.

COMPLIANCE WITH MINING ENVIRONMENTAL CONDITIONS REPORT

1300. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Environment:

I refer to the recent Auditor General’s report, *Compliance with Mining Environmental Conditions* (audit.wa.gov.au/wp-content/uploads/2022/12/Report-11_Compliance-with-Mining-Environmental-Conditions.pdf) and the report’s case study which states that: “DWER found an established operator had built a number of wastewater treatment plants over several years without approval. The operator noted that waiting for approval would have delayed operations. DWER issued a letter of warning and retrospectively approved the plants.” I ask:

- (a) which company was issued with the letter of warning;
- (b) what is the location (or locations) of the wastewater treatment plants;
- (c) is the company still operating the retrospectively approved wastewater treatment plants;
- (d) why did the Department of Water and Environmental Regulation (DWER) choose not to issue a financial penalty or prosecute the company;
- (e) is DWER monitoring the wastewater treatment plants to ensure there are no further compliance failures or environmental harm and, if not, why not;
- (f) if yes to (e), have any further compliance failures been identified;
- (g) is this the first time DWER has identified companies building wastewater treatment plants without approval; and
- (h) if no to (g), where have other such instances occurred and what action did DWER take?

Hon Darren West replied:

- (a) Rio Tinto Exploration Pty Ltd.
- (b) All wastewater treatment plants are located at the Winu Exploration Site, mining tenement E45/4833 located in Telfer, Western Australia.
- (c) Yes.
- (d) The determination to issue no letter of warning was made in accordance with the Department of Water and Environmental Regulation’s (DWER) Compliance and Enforcement Policy after considering all the facts and circumstances of the case. Factors which were considered in this case include Rio Tinto Exploration Pty Ltd self-reported the non-compliance, applied, and was subsequently granted registrations to operate the premises. The risk to the environment was considered low.
- (e) Rio Tinto Exploration Pty Ltd holds a registration granted under Part V of the *Environmental Protection Act 1986* (EP Act) for a Category 85 Sewage Treatment Facility at the Winu Exploration Site. DWER undertakes proactive compliance of activities regulated under the EP Act. The Winu premises has not been prioritised for an inspection due to being considered low risk to water, the environment and public health.
- (f) No further compliance matters have been recorded in relation to the registered Sewage Treatment Facility.
- (g) No.
- (h) Two previous instances relate to the construction and operation of a Sewage Treatment Facility without approval under Part V of the EP Act. The first relates to a premises in Gngangara, which was finalised by letter of warning in 2021 and the site applying for retrospective licence. The second relates to a mining operation in Greenbushes; this matter was closed in 2021 with no further action taken as the mine applied for a licence.

COMPLIANCE WITH MINING ENVIRONMENTAL CONDITIONS REPORT

1301. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Environment:

I refer to the recent Auditor General's report, *Compliance with Mining Environmental Conditions* (audit.wa.gov.au/wp-content/uploads/2022/12/Report-11_Compliance-with-Mining-Environmental-Conditions.pdf) and the report's case study which states that: "In April 2018, an operator asked DWER for permission to pump contaminated water from an overfull tailings dam to a storage reservoir. DWER advised that this can only be done in an emergency and must be reported immediately. Inspectors visited the mine in December 2018 and discovered it had become standard process to pump wastewater into a decoy pond intended to attract animals away from the tailings dam. DWER rated the matter high priority, but it remained unresolved at the time of audit." I ask:

- (a) which company was responsible for this high priority non-compliance;
- (b) what is the location of the tailings dam;
- (c) is the company still operating the tailings dam, storage reservoir and decoy pond;
- (d) why has the Department of Water and Environmental Regulation (DWER) chosen not to issue a financial penalty or prosecute the company;
- (e) is DWER monitoring the tailings dam, storage reservoir and decoy pond to ensure there are no further compliance failures or environmental harm and, if not, why not;
- (f) if yes, to (e), have any further compliance failures been identified;
- (g) will DWER allow the company to continue to operate in breach of its approval and/or environmental conditions; and
- (h) if yes to (g), why?

Hon Darren West replied:

- (a) Newmont Boddington Gold Pty Ltd.
- (b) Newmont Boddington Gold, Gold Mine Road, Boddington WA 6390.
- (c) Yes.
- (d)–(f) The investigation into the matter has not been finalised. The Department of Water and Environmental Regulation (DWER) is undertaking a site inspection as part of the 2022–2023 Compliance Program to determine if there have been any further compliance issues and whether there have been any environmental impacts associated with the non-compliance.
- (g) Any further compliance issues identified will be assessed and any action required determined in accordance with DWER's Compliance and Enforcement Policy.
- (h) Not applicable.

COMPLIANCE WITH MINING ENVIRONMENTAL CONDITIONS REPORT

1302. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Mines and Petroleum:

I refer to the recent Auditor General's report, *Compliance with Mining Environmental Conditions* (audit.wa.gov.au/wp-content/uploads/2022/12/Report-11_Compliance-with-Mining-Environmental-Conditions.pdf) and the report's case study which states that: "In 2017 and 2018, DMIRS issued three petroleum operators with directions to decommission wells and rehabilitate sites. The directions expired without being complied with. At the time of audit, no operator had been penalised, although these cases remain open as DMIRS explores options." I ask:

- (a) which three companies were issued with the directions;
- (b) what is the location of the non-compliant sites;
- (c) are any of the three companies still operating:
 - (i) if yes to (c), which ones;
- (d) why has the Department of Mines, Industry Regulation and Safety (DMIRS) not taken any enforcement or prosecution action against any of the companies in relation to these compliance failures;
- (e) when will decommissioning and rehabilitation of the sites be commenced and completed;
- (f) what is the expected cost to the State Government of carrying out the required decommissioning and rehabilitation works at each of the sites;
- (g) does this case highlight the need for a pooled industry rehabilitation fund for the onshore petroleum sector, as applies to the mining sector; and
- (h) if no to (g), why not?

Hon Matthew Swinbourn replied:

- (a) Rough Range Oil Pty Ltd; New Standard Onshore Pty Ltd; and Onshore Energy Pty Ltd.
- (b) Rough Range Oil Pty Ltd's site is located near Exmouth; New Standard Onshore Pty Ltd has multiple sites located in the Great Sandy Desert and one site near Carnarvon; and Onshore Energy Pty Ltd's two sites are located near Kununurra.
- (c)–(c)(i) Yes, Rough Range Oil Pty Ltd.
- (d) The Department of Mines, Industry Regulation and Safety has taken enforcement action in relation to the company still operating.
- (e) Compliance action is due 29 February 2024.
- (f) Total costs for decommissioning and rehabilitation works have not been estimated.
- (g) Yes.
- (h) Not applicable.

COMPLIANCE WITH MINING ENVIRONMENTAL CONDITIONS REPORT

1303. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Mines and Petroleum:

I refer to the recent Auditor General's report, *Compliance with Mining Environmental Conditions* (audit.wa.gov.au/wp-content/uploads/2022/12/Report-11_Compliance-with-Mining-Environmental-Conditions.pdf) and the report's case study, which states that "DMIRS took no action on multiple breaches over 2021–22 by an established operator. Non-compliances included disturbing land outside of approved areas, improper construction of retaining walls, not burying hazardous material within 24 hours and not cleaning oil spills in a timely manner. DMIRS issued a letter of education to the operator for drilling under an expired approval and a warning for drilling in an unapproved area." I ask:

- (a) which company was issued with the letter of education and warning;
- (b) what is the location of the non-compliant site or sites;
- (c) is the company still operating at this site;
- (d) why has the Department of Mines, Industry Regulation Safety (DMIRS) not taken any financial penalty or prosecution action against the company;
- (e) has the company corrected and rehabilitated the identified non-compliances, including the improper retaining wall, exposed hazardous material and oil spills;
- (f) if yes to (e), when was this work completed; and
- (g) is DMIRS monitoring this operator to ensure it does not conduct further non-compliant and environmentally damaging activities?

Hon Matthew Swinbourn replied:

- (a) FMG Pilbara Pty Ltd.
- (b) Exploration Licence 47/1832, E47/1333, Mining Lease 47/1523 and M47/1524 in the East Pilbara.
- (c) Yes.
- (d) The non-compliances were considered minor in scale and impact. The Department of Mines, Industry Regulation and Safety did not consider that forfeiture action was appropriate.
- (e) Yes.
- (f) April 2022.
- (g) Yes.

WATER — GROUNDWATER — ALLOCATION

1304. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Water:

- (1) I refer to the media statement of the former Minister for Water on 3 June 2022 entitled 'Plan to rebalance precious groundwater resources released', and I ask:
 - (a) will the Minister please detail the water users or classes of users that will be impacted by the water allocation reduction;
 - (b) for each identified in (a), will the Minister please identify the reduction of water allocation that will be applied;
 - (c) will the Minister please identify water users or classes of users that will be exempt from reduced water allocations;

- (d) will the Minister please breakdown the \$11.5 million support package and the source of funding for each element of the package; and
 - (e) of the \$11.5 million support package, how much has been expended to date?
- (2) I refer to the \$1.5 million allocated to assist eligible commercial Western Australian horticultural businesses and I ask how many applications have been approved to date and what proportion of funds have been disbursed to date?

Hon Pierre Yang replied:

- (1) (a)–(b) The water users or classes of users that will be impacted by the water allocation reductions are outlined in Chapter 5 of the publicly available Department of Water and Environmental Regulation’s 2022 *Gnangara groundwater allocation plan*. The abstraction reductions in the *Gnangara groundwater allocation plan* will be shared across Gnangara groundwater users. For most licensed users this will be a 10 per cent reduction from 2028. The reduction for public water supply will be 27 per cent.

The change in the garden bore sprinkler roster from three to two days per week to align it with the scheme water roster from 1 September 2022, applies to ‘Area 3’ under the Water Agencies (Water Use) By-laws 2010 which includes Perth and Mandurah.

- (c) The water users or classes of users that will be exempt from reduced water allocations are outlined in Section 3.2.1 and are also explained in Section 4.5 and Chapter 5 of the *Gnangara groundwater allocation plan*.

Households with a garden bore in the Perth and Mandurah area can seek an exemption from the two-days-per-week sprinkler roster if they do not have access to scheme water and are located in a Department of Fire and Emergency Services identified bushfire prone area.

Applications can continue to be made for a temporary exclusion from sprinkler restrictions for the irrigation of new lawns and gardens while they are being established.

- (d) \$1 million to support agricultural licensees within the Gnangara plan area (in addition to \$600,000 previously committed to support agricultural licensees in North Wanneroo). This funding is from the Department of Water and Environmental Regulation, and is administered through the Department of Primary Industries and Regional Development’s Gnangara Horticultural Water Use Efficiency Grants Program.

\$4 million to support local governments within the Gnangara plan area. This funding is from the Water Corporation.

\$6.5 million to assist households in Perth and Mandurah with making their gardens more water efficient. This includes rebates on smart irrigation technology, spring sprinkler system check-ups and waterwise workshops. The funding is from the Water Corporation.

- (e) Under the Gnangara Horticultural Water Use Efficiency Grants Program (which is inclusive of North Wanneroo), \$147,930 has been committed through approved water efficiency grants and vouchers. Of that, \$53,800 has been disbursed (see further detail in answer 2 below). The program will close on 30 June 2024, or when funds are fully committed.

Grant applications to support eligible local governments within the Gnangara plan area are currently open. It is anticipated that initial grant payments to recipients will occur in July 2023, with final payments to be made in 2026.

At 22 March 2023, Water Corporation has expended more than \$1.1 million of the \$6.5 million committed to deliver rebates on smart irrigation technology, sprinkler system improvements, garden audits and waterwise workshops. Many of these initiatives are ongoing and further funds are expected to be spent for this and in subsequent financial years.

- (2) Total number of water use efficiency grants approved – six
 Total number of water use efficiency vouchers approved – two
 Combined value of grants and vouchers – \$147,930
 Amounts disbursed to date – \$53,800

CORRECTIVE SERVICES — KIMBERLEY JUVENILE JUSTICE STRATEGY

1306. Hon Neil Thomson to the parliamentary secretary representing the Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations:

- (1) How effective has the Kimberley Juvenile Justice Strategy been?
- (2) Have the Kimberley Juvenile Justice Strategy (KJJS) programs been reviewed, monitored and evaluated?

- (3) What was the methodology of the evaluations?
- (4) What was the findings of the evaluations of the KJJS and each individual project of the KJJS?
- (5) How cost effective has the funds of KJJS been in reducing youth crime?
- (6) Will the Minister please provide details on the recidivism rates of young people enrolled in the North Regional Tafe Young and Deadly Program.?
- (7) What are the family support and or parenting interventions offered to the caregivers of the participants in the North Regional Tafe Young and Deadly Program?
- (8) Will a review be conducted into the effectiveness, of the North Regional Tafe Young and Deadly Program and implement recommendations to increase effectiveness – with particular focus on developing a complimentary program for caregivers of those enrolled?

Hon Matthew Swinbourn replied:

- (1)–(5) An external evaluation is due for completion in September 2023. Routine service data has been collected since program commencement and will be used to inform the external evaluation.
- (6) It is expected this information will be captured in the evaluation.
- (7) Participants of the Young and Deadly Program are referred via Youth Justice Services (YJS). YJS works in collaboration with local agencies including the Department of Communities. Should parents request specific support, they will be referred as required.
- (8) Findings of the evaluation referred to above will be considered for all KJJS programs, including the Young and Deadly program.

POLICE — SEX CRIMES DIVISION — INVESTIGATIONS

1307. Hon Peter Collier to the minister representing the Minister for Police:

- (1) How many investigations are currently underway in the Sex Crimes Division for the following categories:
 - (a) priority 1;
 - (b) priority 2;
 - (c) priority 3; and
 - (d) priority 4?
- (2) How many investigations are currently in abeyance in the Sex Crimes Division for the following categories:
 - (a) priority 1;
 - (b) priority 2;
 - (c) priority 3; and
 - (d) priority 4?

Hon Stephen Dawson replied:

The Western Australia Police Force advise:

As at 17 March 2023

- (1)
 - (a) 12
 - (b) 132
 - (c) 359
 - (d) 354
- (2) (a)–(d) 0

EMERGENCY SERVICES — NORTHAMPTON VOLUNTEER, FIRE AND RESCUE SERVICE STATION

1308. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to the Minister's answer to question on notice 1230 relating to the opening of the Northampton Volunteer Fire and Rescue Service station, and I ask:

- (a) noting that the Minister's answer confirmed that the Department of Fire and Emergency Services (DFES) was responsible for preparing the invitation list, I ask again for the invitation list to be tabled;
- (b) on what date were invitations issued for the event by DFES;

- (c) noting the run sheet had Lara Dalton MLA as to be confirmed, please identify which Members of Parliament were invited by DFES to the event;
- (d) why was the Member for Geraldton invited by DFES to the event given her electorate does not encompass Northampton when local Members of Parliament representing Northampton were not invited by DFES; and
- (e) was any direction given by your office as to who should or should not be invited to the event?

Hon Stephen Dawson replied:

- (a) The Department of Fire and Emergency Services (DFES) advises the invitation list is as follows:
 - Shire of Northampton President (Councillor Liz Sudlow)
 - Shire of Northampton Acting CEO (Mr. Maurice Battilana)
 - Shire of Northampton Deputy CEO (Mr. Grant Middleton)
 - Shire of Northampton CEO Retired (Mr. Garry Keeffe)
 - Northampton Volunteer Fire and Rescue Service volunteers
 - Kalbarri Volunteer Fire and Rescue Service members
 - Shire of Northampton Volunteer Bushfire Brigade volunteers
 - Shire of Northampton staff
 - Western Australia Police Force Northampton representative
 - St John Ambulance Northampton representative
 - DFES Regional Office staff (Superintendent and Area Officer)
- (b) Invitations were emailed to invitees on Monday 30 January 2023.
- (c) No Members of Parliament were invited.
- (d) Lara Dalton MLA was not invited and was included on the run sheet by DFES in error.
- (e) No.

HOSPITALS — MULLEWA, MEEKATHARRA AND TOM PRICE

1310. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:

- (1) I refer to the McGowan Labor Government's commitments to redevelop the ageing Mullewa Hospital and election commitments to build new hospitals in Meekatharra and Tom Price and I ask, does the State Government still intend to honour its election commitment to regional residents and build these hospitals?
- (2) For each project, please outline:
 - (a) what work, if any, has been completed to date;
 - (b) the time-frame for each project to be completed; and
 - (c) the tender status of each project?
- (3) Have construction and supply constraints impacted the cost or time-frame of these projects, and if so, please provide details.?
- (4) Does Rio Tinto still intend to contribute \$20 million towards the redevelopment of the Tom Price hospital?
- (5) If no to (4), what alternative commitment, if any, has Rio Tinto given towards this project?
- (6) Please table any formal agreement between Rio Tinto and the State Government in relation to the Tom Price hospital?

Hon Sue Ellery replied:

- (1) The Government intends to honour its commitment to upgrade infrastructure at Mullewa, Meekatharra and Tom Price, noting Tom Price is not an election commitment.
- (2) All three infrastructure projects are progressing. Design development has been completed in Mullewa, the Project Definition Plan (PDP) is progressing for Meekatharra, and the PDP has been completed for Tom Price. Timeframes for all projects will be determined as part of the contract award process.
- (3) Yes, materials and labour costs have impacted the delivery of capital works programs.
- (4) Yes, WACHS is continuing to liaise with Rio Tinto on this project.
- (5) Not applicable.
- (6) This document would be considered Commercial-in-Confidence.

ROADS — MAINTENANCE AND CONSTRUCTION

1311. Hon Dr Steve Thomas to the Leader of the House representing the Minister for Transport:

I refer to roads throughout regional and rural Western Australia, and I ask:

- (a) for each Main Roads region, how many total kilometres of road are there; and
- (b) how many total kilometres of maintenance and construction have been scheduled or completed in each region for the 2021–22 and 2022–23 financial years?

Hon Sue Ellery replied:

- (a) I table page 17 of Main Roads' 2021–22 Annual Report, which details total kilometres of state roads per region. [See tabled paper no 2188.]
- (b) Main Roads' maintenance and construction work is not typically measured in kilometres, as this would fail to capture routine maintenance and capital works like intersection upgrades, construction of new rest areas, safety treatments, and passing lanes.

I table page 44 of Main Roads' 2021–22 Annual Report, which details maintenance spend for each Main Roads region. [See tabled paper no 2188.]

PUBLIC HOUSING — TENANCIES

1314. Hon Dr Brad Pettitt to the minister representing the Minister for Housing:

I refer to question on notice 1070, parts (c)–(d), and I ask:

- (a) how many public housing fixed-term tenancies were terminated where the tenant vacated and the Department of Housing regained possession of the premises for each of the following years:
 - (i) 2017–18;
 - (ii) 2018–19;
 - (iii) 2019–20;
 - (iv) 2020–21; and
 - (v) 2021–22:
 - (A) for each of those years, how many of those fixed-term tenancies that were terminated had an Aboriginal or Torres Strait Islander (ATSI) household member, according to the Housing Authority records;
 - (B) for each of those years, how many of the fixed-term tenancies that were terminated had children as householders and how many individual children does that represent; and
 - (C) for each of those years, how many of the fixed-term tenancies that were terminated which had children as householders had an ATSI householder member, according to the Housing Authority records?

Hon Jackie Jarvis replied:

- (a)–(a)(v)(C) The Department of Communities reports voluntary vacation and bailiff eviction tenancy data by four categories: Illegal Use of Premises, Disruptive Behaviour, Arrears and 'Other'.

Tenancies subject to voluntary vacation, or bailiff eviction, for any reason outside of illegal use, disruptive behaviour, or arrears, are captured in the 'Other' category. 'Other' includes, but is not limited to, non-renewal of fixed term tenancies, abandoned property, and where tenants remain significantly over income for an extended period.

The agency is unable to provide a further breakdown of the 'Other' category because data is not captured in this manner.

Data on voluntary vacations and bailiff evictions in the 'Other' category was provided to the Honourable Member in Question on Notice 1050.

PUBLIC HOUSING — TENANCIES

1315. Hon Dr Brad Pettitt to the minister representing the Minister for Housing:

I refer to question on notice 1051 where the Minister provided a table with information on the number of public housing tenancies where market rent was charged, and I ask:

- (a) will the Minister please clarify, does the table state the number of tenancies where market rent was charged during the year prior to the date in the first column, or does the table state the number of tenancies where market rent was charged as at the date in the first column;

- (b) if the table above shows only those tenancies where market rent was charged as at 30 June for each year, how many tenancies had market rent applied at any point in the following years:
- (i) 2017–18;
 - (ii) 2018–19;
 - (iii) 2019–20;
 - (iv) 2020–21; and
 - (v) 2021–22;
- (c) for each of the years listed in (b), will the Minister please provide the number of tenancies where market rent was charged because the tenants have not disclosed or updated their income details; and
- (d) how many of the tenancies in (b) and respectively had an Aboriginal or Torres Strait Islander tenant or household member?

Hon Jackie Jarvis replied:

- (a)–(d) As detailed in the answer to Question on Notice 1051, data regarding market rent tenancy status can only be provided as a point in time and is not cumulative, as such the data requested is not available.

However, should the Honourable Member have a more specific question about point in time data, the Minister will endeavour to provide an answer.

PUBLIC HOUSING — WAITING LIST

1316. Hon Steve Martin to the minister representing the Minister for Housing:

- (1) I refer to the public housing waitlist and I ask, for the following months, how many applications on the public housing waitlist included a child or children under the age of 18:
- (a) November 2021;
 - (b) December 2021;
 - (c) January 2022;
 - (d) February 2022;
 - (e) March 2022;
 - (f) April 2022;
 - (g) May 2022;
 - (h) June 2022;
 - (i) July 2022;
 - (j) August 2022;
 - (k) September 2022;
 - (l) October 2022;
 - (m) November 2022;
 - (n) December 2022;
 - (o) January 2023; and
 - (p) February 2023?
- (2) For the months in (1), how many individuals under the age of 18 were on the public housing waitlist?

Hon Jackie Jarvis replied:

- (1) The Department of Communities provides multiple pathways, including public rental housing, to those unable to obtain adequate and appropriate housing through the private sector. It should be noted that most applicants have a roof over their head while they wait to be housed.

A tight private rental market will reflect an increase in the number of applications for social housing. Many people who may be otherwise housed, may seek the safety net of public housing when there is significant pressure in the private rental market. Rental vacancy rates have tightened across the country during the COVID-19 pandemic, significantly impacting the housing market. The State Government continues to accelerate social housing delivery through a diverse range of reforms including the modular build, timber frame, and spot purchasing programs.

Where children are involved, Communities provides additional supports for applicants on the public housing waitlist. Where it is deemed appropriate, Communities has processes which ensure that Child Protection and Family Support officers are engaged where it is deemed appropriate to ensure the welfare of any children who may be on a public waitlist application. Children who appear on an application may not be residing with the applicant and may be otherwise appropriately housed with other family members or guardians.

As at 28 February 2023, there were 5,922 applications with at least one child householder on the public housing wait list, representing 11,745 people.

As at 31 January 2023, there were 5,899 applications with at least one child householder on the public housing wait list, representing 11,698 people.

As at 31 December 2022, there were 5,990 applications with at least one child householder on the public housing wait list, representing 11,784 people.

As at 30 November 2022, there were 5,981 applications with at least one child householder on the public housing wait list, representing 11,835 people.

As at 31 October 2022, there were 5,888 applications with at least one child householder on the public housing wait list, representing 11,722 people.

As at 30 September 2022, there were 5,823 applications with at least one child householder on the public housing wait list, representing 11,574 people.

As at 31 August 2022, there were 5,787 applications with at least one child householder on the public housing wait list, representing 11,494 people.

As at 31 July 2022, there were 5,770 applications with at least one child householder on the public housing wait list, representing 11,487 people.

As at 30 June 2022, there were 5,752 applications with at least one child householder on the public housing wait list, representing 11,461 people.

As at 31 May 2022, there were 5,715 applications with at least one child householder on the public housing wait list, representing 11,372 people.

As at 30 April 2022, there were 5,669 applications with at least one child householder on the public housing wait list, representing 11,260 people.

As at 31 March 2022, there were 5,626 applications with at least one child householder on the public housing wait list, representing 11,173 people.

As at 28 February 2022, there were 5,553 applications with at least one child householder on the public housing wait list, representing 11,077 people.

As at 31 January 2022, there were 5,428 applications with at least one child householder on the public housing wait list, representing 10,832 people.

As at 31 December 2021, there were 5,388 applications with at least one child householder on the public housing wait list, representing 10,781 people.

As at 30 November 2021, there were 5,331 applications with at least one child householder on the public housing wait list, representing 10,706 people.

- (2) It is unclear what the Honourable member is asking. If the Honourable Member has a more specific question, the Minister will endeavour to provide an answer. Data is captured at a point in time and the Department of Communities is unable to provide a cumulative figure.

POLICE OFFICERS — EMPLOYMENT APPLICATIONS

1317. **Hon Steve Martin to the minister representing the Minister for Police:**

- (1) How many people submitted an application for employment as an entry-level police officer from July 1 2022 to date?
- (2) For the same time period, how many people have successfully completed the selection process and have been placed in the selection pool, but have not yet commenced training at the WA Police Academy?
- (3) For those in (2), will the Minister please provide a breakdown of the number of applicants who have been awaiting training commencement at the WA Police Academy according to the following:
 - (a) 1 month;
 - (b) 1–2 months;
 - (c) 2–3 months;
 - (d) 3–4 months;

- (e) 4–5 months;
 - (f) 5–6 months; and
 - (g) 6 months?
- (4) What is the longest period someone has been awaiting commencement of training at the WA Police Academy from 1 July 2022 to date?
- (5) How many people have completed training at the WA Police Academy from 1 July 2022 to date?
- (6) Of those in (5), how many are currently employed as a Probationary Constable within the WA Police Force?

Hon Stephen Dawson replied:

The Western Australia Police Force advise:

As at 26 March 2023

- (1) 1,514.
 - (2) 27.
 - (3) (a) 19;
 - (b) 3;
 - (c) 0;
 - (d) 0;
 - (e) 0;
 - (f) 3;
 - (g) 2.
- (4) 8 months. Applicant requested deferral of commencement.
- (5) 233.
- (6) 230.

FORESTRY — PINE PLANTATIONS

1318. Hon Steve Martin to the Minister for Forestry:

- (1) From 8 September 2021 to date, how many hectares of land have been purchased or leased to be used for pine plantations?
- (2) From 8 September 2021 to date, how many pine seedlings have been purchased:
 - (a) how many of those in (2), have been planted;
 - (b) how many of those in (2), have been disposed of; and
 - (c) what is the cost per seedling purchased?

Hon Jackie Jarvis replied:

- (1) 5,056 hectares have been purchased or leased. This includes 2,225 hectares that is under contract to purchase.
- (2) (a)–(c) The Forest Products Commission does not purchase seedlings but produces its own at the West Manjimup Nursery.

SOCIAL HOUSING — STOCK

1319. Hon Steve Martin to the minister representing the Minister for Housing:

- (1) I refer to question 133 asked on 22 February regarding public housing stock and I ask, of the total number of social houses owned by the Government, how many are in each of the Western Australian regions?
- (2) For (1), what is the total breakdown of occupied and non-occupied stock for each region?
- (3) For the non-occupied stock in (2), what is the breakdown of returning and non-returning public housing stock for each region?

Hon Jackie Jarvis replied:

- (1)–(3) 1,200 social homes have been added to the State's public housing stock, with more than 1,000 under contract or construction since the McGowan Government's record investment towards increasing social housing stock. Some of these properties are not yet reflected in this data as it often takes time for data to be transferred wholly into the Department of Communities systems, across regional offices.

As at 28 February 2023, there were a total of 43,510 social housing properties across the State of which 36,102 were public housing and 7,408 were community housing properties.

Social Housing State-wide Stock – as at 28 February 2023	
Region	Total
North Metro	14,274
South Metro	8,789
East Metro	7,726
Great Southern	1,463
Southwest	3,093
Goldfields	1,143
Midwest/Gascoyne	1,922
Pilbara	1,498
West Kimberley	1,397
Wheatbelt	1,476
East Kimberley	729
Total	43,510

Vacancy information for Community Housing properties is unavailable as these properties are managed by external organisations.

PUBLIC HOUSING — WAITLIST

1320. Hon Steve Martin to the minister representing the Minister for Housing:

Will the Minister please provide a breakdown of the number of applications on both the general and the priority housing waitlist for each of the Western Australian Regions?

Hon Jackie Jarvis replied:

As at 28 February 2023, there were 5,975 applications on the public housing wait list, for the North Metro Zone, including 1,440 priority applications.

As at 28 February 2023, there were 3,823 applications on the public housing waitlist, for the South Metro Zone, including 948 priority applications.

As at 28 February 2023, there were 3,467 applications on the public housing waitlist, for the East Metro Zone, including 813 priority applications.

As at 28 February 2023, there were 560 applications on the public housing waitlist, for the Great Southern Zone, including 163 priority applications.

As at 28 February 2023, there were 1,280 applications on the public housing waitlist, for the Southwest Zone, including 235 priority applications.

As at 28 February 2023, there were 559 applications on the public housing waitlist, for the Goldfields Zone, including 115 priority applications.

As at 28 February 2023, there were 1,001 applications on the public housing waitlist, for the Midwest/Gascoyne Zone, including 191 priority applications.

As at 28 February 2023, there were 661 applications on the public housing waitlist, for the Pilbara Zone, including 228 priority applications.

As at 28 February 2023, there were 878 applications on the public housing waitlist, for the West Kimberley Zone, including 161 priority applications.

As at 28 February 2023, there were 414 applications on the public housing waitlist, for the Wheatbelt Zone, including 124 priority applications.

As at 28 February 2023, there were 345 applications on the public housing waitlist, for the East Kimberley Zone, including 123 priority applications.

PUBLIC HOUSING — WAITLIST

1321. Hon Steve Martin to the minister representing the Minister for Housing:

(1) How many total applications were on the public housing waitlist from 1 July 2021 to 30 June 2022?

- (2) How many of those in (1) were housed in the same time period?
- (3) How many public housing waitlist applications have there been in total since 1 July 2022?
- (4) How many of those in (3) have been housed in the same time period?

Hon Jackie Jarvis replied:

The Department of Communities (Communities) public housing reporting system captures data at a ‘point in time’ and is thus unable to provide a cumulative total. Communities standard reporting cycle is as at the last day of every month.

- (1) As at 30 June 2021, there were 17,194 applications on the Public Housing wait list state-wide.
As at 30 June 2022, there were 19,070 applications on the Public Housing wait list state-wide.
- (2) As at 30 June 2021, there were 1,758 occupations in the past 12 months from the Public Housing wait list state-wide.
As at 30 June 2022, there were 1,963 occupations in the past 12 months from the Public Housing wait list state-wide.
- (3) Public housing data is captured at a point in time, thus cumulative data is unavailable. As at 28 February 2023, there were 18,963 applications on the public housing wait list.
- (4) As at 28 February 2023, there were 2,431 occupations in the past 12 months from the Public Housing wait list state-wide.

PUBLIC HOUSING — WAITLIST

1322. Hon Steve Martin to the minister representing the Minister for Housing:

How many people have spent the following lengths of time on the current public housing waitlist since 1 July 2022:

- (a) ≤ 1 year;
- (b) ≤ 1.5 years;
- (c) ≤ 2 years;
- (d) ≤ 2.5 years;
- (e) ≤ 3 years;
- (f) ≤ 4 years;
- (g) ≤ 5 years; and
- (h) ≥ 5 years?

Hon Jackie Jarvis replied:

- (a)–(h) It is unclear what the Honourable Member is asking for. However, unless housed, applicants who applied to the waitlist since 1 July 2022 have been on the waitlist for nine months.

It is not possible without a manual review of files to provide details of the number of applicants who have spent these specific periods on the list

If the Honourable Member has a more specific question, the Minister will endeavour to provide an answer.

AGRICULTURE AND FOOD — SHEEP AND GOATS — ELECTRONIC IDENTIFICATION

1323. Hon Steve Martin to the Minister for Agriculture and Food:

I refer to the Federal Government requirement that all sheep and goats will be required to be electronically tagged as of 1 January 2025, and I ask:

- (a) what is the time frame for the rollout of identification tags in Western Australia; and
- (b) will the State Government be providing any funding to farmers to enable the smooth implementation of the policy?

Hon Jackie Jarvis replied:

- (a) The Australian Agriculture Ministers (AMM) have agreed to support a national transition to eID for sheep and goats, with all jurisdictions working toward a 1 January 2025 implementation date.
- (b) In December 2022, the State Government announced \$3.4 million in funding to support the initial stages of the eID rollout in Western Australia (WA).

The State Government is currently considering further contributions as part of the 2023–24 State Budget.

MAIN ROADS — LANDHOLDERS

1324. Hon Steve Martin to the Leader of the House representing the Minister for Transport:

- (1) In 2021 and 2022, how many landholders were approached to sell cleared land to Main Roads?
- (2) Of those in (1), how many landholders took up the offer?
- (3) In total, how much land has been purchased by Main Roads to be used for offsets?

Hon Sue Ellery replied:

- (1) Approximately 780.
- (2) One purchase has been completed to date.
- (3) In 2021 and 2022, the total area of land purchased by Main Roads to be used for offsets was 40.6 ha.

SOCIAL HOUSING — SOCIAL HOUSING ECONOMIC RECOVERY PACKAGE

1325. Hon Steve Martin to the minister representing the Minister for Housing:

- (1) For the 2021–2022 financial year and 2022–2023 financial year to date, will the Minister please list separately how many new builds under Social Housing Economic Recovery Package were:
 - (a) commenced; and
 - (b) completed?
- (2) For those in (1), will the Minister please provide a breakdown of commenced and completed dwellings by bedroom number?
- (3) Will the Minister please provide an average cost for each of the configurations listed in (2)?

Hon Jackie Jarvis replied:

- (1)–(3) Since 1 July 2021 the McGowan Government delivered over 1,200 homes with more than 1,000 currently under contract or construction.

The Social Housing Economic Recovery Package (SHERP) was a targeted, one-off, economic and social stimulus measure to aid the state's recovery from the COVID-19 pandemic. The SHERP program is primarily focused on the refurbishment and maintenance of social housing, which was where most of the investment was targeted.

The Department of Communities has a range of programs aimed at the construction and acquisition of housing to boost overall stock in the social housing system. The SHERP was not substantially a new build program, however, has contributed to additional social housing stock.

The table below provides a breakdown of average costs to construct dwellings by bedroom configurations.

The eight-bedroom facility will provide a safe space for young people who are experiencing or at risk of homelessness and provide wrap around supports in line with the Housing First approach. This facility will provide semi-independent accommodation with each room having an ensuite, and some with self-contained kitchens.

The 12-bedroom facility will provide transitional accommodation services and intensive supports to women over 55 who are experiencing or are at risk of homelessness. Each room is self-contained and has an ensuite.

Average cost to construct social housing dwellings by bedroom configurations (1 July 2021 to 28 February 2023)

Bedroom Configuration	Completed (1 July 2021 to 28 February 2023)	Under Contract or Construction (as at 28 February 2023)	Average cost per dwelling
	No. of Dwellings	No. of Dwellings	Average Cost (\$)
1 Bed	91	279	\$251,715
2 Bed	170	386	\$267,740
3 Bed	159	160	\$286,934
4 Bed	34	80	\$374,868
5 Bed	10	12	\$419,921
6 Bed	3	1	\$432,520
8 Bed	-	1	\$5,000,000
12 Bed	-	1	\$2,537,265
Grand Total	467	920	\$284,622

FORESTRY — PINE LOGS

1326. Hon Steve Martin to the Minister for Forestry:

- (1) What are the current pine log prices for share farm contracts?
- (2) When was the last time these prices were updated?

Hon Jackie Jarvis replied:

- (1) The Timber Sharefarming Agreement stumpage schedules are publicly available on the Forest Products Commission website. [See tabled paper no 2189.]
- (2) 2020

PUBLIC HOUSING — STOCK

1327. Hon Steve Martin to the minister representing the Minister for Housing:

- (1) For the following towns, how many public housing properties were there:
 - (a) Perth;
 - (b) Albany;
 - (c) Broome;
 - (d) Bunbury;
 - (e) Busselton;
 - (f) Esperance;
 - (g) Geraldton;
 - (h) Kalgoorlie;
 - (i) Karratha; and
 - (j) Port Hedland?
- (2) For those towns listed in (1), how many public housing properties were there at the following dates:
 - (a) 30 June 2016;
 - (b) 30 June 2017;
 - (c) 30 June 2018;
 - (d) 30 June 2019;
 - (e) 30 June 2020;
 - (f) 30 June 2021;
 - (g) 30 June 2022; and
 - (h) 28 February 2023?

Hon Jackie Jarvis replied:

Data on public housing properties is collected at a regional level and is not readily available at the town/city level. Given the level of agency resourcing required to provide this detailed information, it is not considered to be a reasonable use of government resources.

However, if the Honourable Member wishes to ask a more specific question, the Minister will endeavour to provide this information.

PUBLIC HOUSING — WAITLIST — DISABILITY SUPPORT PENSION

1328. Hon Steve Martin to the minister representing the Minister for Housing:

- (1) For each month of the following years, how many applications on the public housing waitlist included one or more individuals receiving the disability support payment:
 - (a) 2021;
 - (b) 2022; and
 - (c) 2023 (to date)?
- (2) For those in (1), how many individuals does this represent?

Hon Jackie Jarvis replied:

- (1)–(2) Applications containing a disability support payment indicates that at least one person on the application receives this payment. This does not necessarily indicate that all people on the application are in receipt of the payment.

The Department of Communities provides multiple pathways, including public rental housing, to those unable to obtain adequate and appropriate housing through the private sector. It should be noted that most applicants have a roof over their head while they wait to be housed.

A tight private rental market will reflect an increase in the number of applications for social housing. Many people who may be otherwise housed, may seek the safety net of public housing when there is significant pressure in the private rental market. Rental vacancy rates have tightened across the country during the COVID-19 pandemic, significantly impacting the housing market. The State Government continues to accelerate social housing delivery through a diverse range of reforms including the modular build, timber frame, and spot purchasing programs.

As at 28 February 2023, there were 3,975 applications on the wait-turn waitlist, representing 5,706 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 January 2023, there were 3,984 applications on the wait-turn waitlist, representing 5,744 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 December 2022, there were 3,948 applications on the wait-turn waitlist, representing 5,688 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 30 November 2022, there were 3,952 applications on the wait-turn waitlist, representing 5,663 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 October 2022, there were 3,925 applications on the wait-turn waitlist, representing 5,639 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 30 September 2022, there were 3,914 applications on the wait-turn waitlist, representing 5,614 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 August 2022, there were 3,894 applications on the wait-turn waitlist, representing 5,592 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 July 2022, there were 3,892 applications on the wait-turn waitlist, representing 5,594 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 30 June 2022, there were 3,855 applications on the wait-turn waitlist, representing 5,522 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 May 2022, there were 3,816 applications on the wait-turn waitlist, representing 5,445 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 30 April 2022, there were 3,734 applications on the wait-turn waitlist, representing 5,311 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 March 2022, there were 3,701 applications on the wait-turn waitlist, representing 5,260 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 28 February 2022, there were 3,677 applications on the wait-turn waitlist, representing 5,230 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 January 2022, there were 3,618 applications on the wait-turn waitlist, representing 5,125 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 December 2021, there were 3,585 applications on the wait-turn waitlist, representing 5,060 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 30 November 2021, there were 3,538 applications on the wait-turn waitlist, representing 4,989 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 October 2021, there were 3,455 applications on the wait-turn waitlist, representing 4,874 people who identified at least one household member as in receipt of a disability support pension or payment.

As of September 30th, 2021, there were 3,415 applications on the wait-turn waitlist, representing 4,827 people who identified at least one household member as in receipt of a disability support pension or payment.

As of August 31st, 2021, there were 3,352 applications on the wait-turn waitlist, representing 4,746 people who identified at least one household member as in receipt of a disability support pension or payment.

As of July 31st, 2021, there were 3,313 applications on the wait-turn waitlist, representing 4,643 people who identified at least one household member as in receipt of a disability support pension or payment.

As of June 30th, 2021, there were 3,293 applications on the wait-turn waitlist, representing 4,614 people who identified at least one household member as in receipt of a disability support pension or payment.

As of May 31st, 2021, there were 3,240 applications on the wait-turn waitlist, representing 4,536 people who identified at least one household member as in receipt of a disability support pension or payment.

As of April 30th, 2021, there were 3,199 applications on the wait-turn waitlist, representing 4,474 people who identified at least one household member as in receipt of a disability support pension or payment.

As of March 31st, 2021, there were 3,151 applications on the wait-turn waitlist, representing 4,397 people who identified at least one household member as in receipt of a disability support pension or payment.

As of February 28th, 2021, there were 3,110 applications on the wait-turn waitlist, representing 4,339 people who identified at least one household member as in receipt of a disability support pension or payment.

As of January 31st, 2021, there were 3,045 applications on the wait-turn waitlist, representing 4,235 people who identified at least one household member as in receipt of a disability support pension or payment.

PUBLIC HOUSING — WAITLIST — DISABILITY SUPPORT PENSION

1329. Hon Steve Martin to the minister representing the Minister for Housing:

- (1) For each month of the following years, how many applications on the priority public housing waitlist included one or more individuals receiving the disability support payment:
 - (a) 2021;
 - (b) 2022; and
 - (c) 2023 (to date)?
- (2) For those in (1), how many individuals does this represent?

Hon Jackie Jarvis replied:

- (1)–(2) Applications containing a disability support payment indicates that at least one person on the application receives this payment. This does not necessarily indicate that all people on the application are in receipt of the payment.

The Department of Communities provides multiple pathways, including public rental housing, to those unable to obtain adequate and appropriate housing through the private sector. It should be noted that most applicants have a roof over their head while they wait to be housed.

A tight private rental market will reflect an increase in the number of applications for social housing. Many people who may be otherwise housed, may seek the safety net of public housing when there is significant pressure in the private rental market. Rental vacancy rates have tightened across the country during the COVID-19 pandemic, significantly impacting the housing market. The State Government continues to accelerate social housing delivery through a diverse range of reforms including the modular build, timber frame, and spot purchasing programs.

As at 28 February 2023, there were 1,247 applications on the priority housing waitlist, representing 1,858 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 January 2023, there were 1,233 applications on the priority housing waitlist, representing 1,871 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 December 2022, there were 1,196 applications on the priority housing waitlist, representing 1,809 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 30 November 2022, there were 1,188 applications on the priority housing waitlist, representing 1,774 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 October 2022, there were 1,148 applications on the priority housing waitlist, representing 1,739 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 30 September 2022, there were 1,118 applications on the priority housing waitlist, representing 1,690 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 August 2022, there were 1,118 applications on the priority housing waitlist, representing 1,698 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 July 2022, there were 1,112 applications on the priority housing waitlist, representing 1,683 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 30 June 2022, there were 1,077 applications on the priority housing waitlist, representing 1,609 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 May 2022, there were 1,056 applications on the priority housing waitlist, representing 1,561 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 30 April 2022, there were 1,027 applications on the priority housing waitlist, representing 1,509 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 March 2022, there were 993 applications on the priority housing waitlist, representing 1,467 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 28 February 2022, there were 957 applications on the priority housing waitlist, representing 1,414 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 January 2022, there were 927 applications on the priority housing waitlist, representing 1,378 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 December 2021, there were 913 applications on the priority housing waitlist, representing 1,352 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 30 November 2021, there were 920 applications on the priority housing waitlist, representing 1,359 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 October 2021, there were 901 applications on the priority housing waitlist, representing 1,323 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 30 September 2021, there were 895 applications on the priority housing waitlist, representing 1,330 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 August 2021, there were 875 applications on the priority housing waitlist, representing 1,293 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 July 2021, there were 857 applications on the priority housing waitlist, representing 1,244 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 30 June 2021, there were 826 applications on the priority housing waitlist, representing 1,209 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 May 2021, there were 790 applications on the priority housing waitlist, representing 1,165 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 30 April 2021, there were 759 applications on the priority housing waitlist, representing 1,108 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 March 2021, there were 730 applications on the priority housing waitlist, representing 1,062 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 28 February 2021, there were 706 applications on the priority housing waitlist, representing 1,037 people who identified at least one household member as in receipt of a disability support pension or payment.

As at 31 January 2021, there were 676 applications on the priority housing waitlist, representing 982 people who identified at least one household member as in receipt of a disability support pension or payment.

METRONET — PROJECTS — STAFF

1331. Hon Tjorn Sibma to the Leader of the House representing the Minister for Transport:

I refer to staffing of the METRONET project, and I ask:

- (a) how many FTE are employed in marketing and communications, and what are their pay levels;
- (b) how many FTE are employed in Stakeholder and Community Engagement, and what are their pay levels;
- (c) what is the name of each contractor and value of their contract;
- (d) how many contracts have been awarded for Stakeholder and Community Engagement; and
- (e) what is the name of each contractor and the value of their contract?

Hon Sue Ellery replied:

- (a)–(b) Between METRONET and the Public Transport Authority, 24.9 FTEs are employed, with pay ranging from Levels 4 to 9.
- (c)–(e) METRONET and PTA do not engage contractors to stakeholder and community engagement.

FIONA STANLEY HOSPITAL — SERVICES

1332. Hon Steve Martin to the Leader of the House representing the Minister for Health:

I refer to cardiothoracic surgery undertaken at Fiona Stanley Hospital, and I ask:

- (a) does the cardiothoracic unit have a full complement of surgeons and, if not, how many surgeons is it short;
- (b) how many patients were on the waitlist and what was the average wait time to see a cardiothoracic surgeon at 11 March 2017 and 11 March 2023;
- (c) what was the average wait time for surgery once a cardiothoracic surgeon had been seen at 11 March 2017 and 11 March 2023; and
- (d) how many patients have been removed from the waitlist due to death occurring before surgery could be performed over the past three years?

Hon Sue Ellery replied:

- (a) The Fiona Stanley Hospital (FSH) cardiothoracic unit is currently within 0.1 FTE of a full complement and will benefit from an additional 1.0 FTE cardiothoracic surgeon planned to commence in July 2023.
- (b) Accurate and robust outpatient data is not currently available. The Department of Health, in collaboration with Health Service Providers, is currently undertaking an Outpatient Reform Project that involves extensive work to improve the quality, consistency and accuracy of outpatient data.
- (c) Patient safety is the priority and urgent cases are reviewed and escalated through the appropriate channel. The median wait time at the available data census date for all patients on the elective surgery waiting list for cardiothoracic surgery at Fiona Stanley Hospital as at Sunday 12 March 2017 was 24 days and as at Sunday 12 March 2023 was 95 days. Caution should be exercised comparing figures between pre-covid and post-covid time periods.
- (d) Where a patient is removed with a reason code 'deceased' the cause of death is unknown to FSH. It is therefore not possible using existing data sources to attribute deaths which occur while a patient is waiting on elective surgery to the underlying condition requiring treatment.

FIRE AND EMERGENCY SERVICES — SUPERINTENDENTS

1333. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to the position of superintendent for each Department of Fire and Emergency Services (DFES) region, and I ask:

- (a) is there a tenure policy that applies to the position;
- (b) if yes to (a), please table the policy;
- (c) what is the maximum term that a person can hold the position of superintendent of a DFES region;
- (d) for each DFES region please identify the current length of time that each person has held the position of the regional superintendent;
- (e) when an officer reaches the maximum tenure as a regional superintendent, how is that officer redeployed with DFES; and
- (f) how many staff currently hold the rank of superintendent?

Hon Stephen Dawson replied:

- (a) No
- (b)–(c) Not Applicable
- (d)

DFES Region	Position Title	Position Start Date	Tenure (years)
North Coastal Region	Superintendent North Coastal	7/01/2019	4.21
North East Region	Superintendent North East	22/08/2022	0.58
South Coastal Region	Superintendent South Coastal	19/08/2019	3.59
South East Region	Superintendent South East	8/11/2022	0.37
Kimberley Region	A/Superintendent Kimberley	5/01/2023	0.23
Pilbara Region	Superintendent Pilbara	2/05/2016	6.89
Goldfields Midlands Region	Superintendent Goldfields Midlands	22/08/2022	0.58
Midwest Gascoyne Region	Superintendent Midwest Gascoyne	03/04/2023	0.10

Southwest Region	Superintendent Southwest	23/11/2020	2.33
Lower Southwest Region	Superintendent Lower Southwest	22/12/2018	4.25
Upper Great Southern Region	Superintendent Upper Great Southern	03/04/2023	0.10

- (e) Not Applicable
(f) 24 staff hold the rank of Superintendent.

FIRE AND EMERGENCY SERVICES — FIRE STATION VISIT — MEMBER FOR KALGOORLIE

1334. Hon Martin Aldridge to the Minister for Emergency Services:

- (1) I refer to the visit by Member for Kalgoorlie Ali Kent MLA to the Kalgoorlie Boulder Fire Station on 20 March 2023 and I ask, did the Minister grant approval for this visit?
(2) On what date was approval sought by Ms Kent?
(3) On what date was approval granted by the Minister?
(4) Did any other MPs attend this visit, and if so, who?
(5) Was Ms Kent’s visit noted in the station’s occurrence book?
(6) If yes to (5), what was the sign in and sign out time?
(7) Did any Department of Fire and Emergency Services staff attend this visit and if so, please outline:
(a) The number of staff; and
(b) Their job title(s)?
(8) Is it still State Government policy, as outlined in correspondence from your office on 5 September 2022 that “photos and social media posts must be approved by the Fire and Emergency Services (FES) Commissioner prior to publishing”?
(9) Did the photo and social media post from Ms Kent have the approval of the FES Commissioner prior to publishing?
(10) If yes to (9), please table the approval?

Hon Stephen Dawson replied:

- (1) I have become aware of three Members of Parliament, Hon, Neil Thompson MLC, Senator Matthew O’Sullivan and Ali Kent MLA, visiting FES facilities without appropriate approvals and in breach of DFES policies. These matters will be raised directly with the Members in question.
(2)–(3) Not applicable
(4) No.
(5) Yes.
(6) Signed in at 0856hrs and signed out at 0920hrs.
(7) Yes.
(a) 7.
(b) 1 x Station Officer, 2 x Senior Firefighters and 4 x Firefighters.
(8) In accordance with DFES’ Social Media policy, it is mandatory for all staff members to obtain permission from the FES Commissioner prior to publishing any material on social media platforms.
(9) No.
(10) Not applicable

METRONET — PROJECTS

1335. Hon Tjorn Sibma to the Leader of the House representing the Minister for Transport:

I refer to the METRONET programme of works, and the impact of these works on nearby businesses, and I ask:

- (a) can the Minister please table a list of all compensation payments made to date as a result of disruption, or potential disruption caused by the METRONET programme of works; and
(b) how many businesses are currently seeking further compensation?

Hon Sue Ellery replied:

- (a) \$898,840.61 was paid to businesses as part of the Denny Avenue Level Crossing Removal project.
(b) Two businesses are currently seeking compensation.

CORONAVIRUS — GOVERNMENT RESPONSE — REVIEW

1336. Hon Martin Aldridge to the Leader of the House representing the Premier:

- (1) I refer to the independent review into WA's COVID-19 management and response and the website which facilitates public submissions into the review and I ask, as of the close of submission on 16 March 2023:
 - (a) How many submissions were received; and
 - (b) How many unique visitations were made to the site?
- (2) Please table the list of questions posed to the public?
- (3) Please table the terms of reference?
- (4) Is the Department of Premier and Cabinet vetting submissions before they are sent to the independent inquirers?
- (5) How much money was spent advertising the existence of the submissions website during the public submission period?
- (6) When are interviews and workshops expected to take place?
- (7) Will any workshops take place in regional WA, and if so, please provide detail?
- (8) What is the expected completion date for the review?
- (9) What is the expected cost of the review?

Hon Sue Ellery replied:

- (1)–(9) The independent review of the State's COVID-19 management and response is ongoing. This information will be published with the final report.

EMERGENCY SERVICES — FITZGERALD RIVER NATIONAL PARK — FIRE

1337. Hon Steve Martin to the Minister for Emergency Services:

I refer to the recent fire in the Fitzgerald River National Park on February 10 which burnt more than 4,400 hectares, and I ask:

- (a) how much has the Department of Fire and Emergency Services allocated for fire mitigation in the Great Southern Region in the following years:
 - (i) 2020–21;
 - (ii) 2021–22; and
 - (iii) 2022–23;
- (b) how much has the Department of Fire and Emergency Services allocated for fire mitigation in the Fitzgerald National Park in the same years as (i); and
- (c) what was the cost of controlling the recent fire on February 10?

Hon Stephen Dawson replied:

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

- (a)
 - (i) 2020–2021
Mitigation Activity Fund (grants to local government) – \$865,305
Unallocated Crown Land/Unmanaged Reserves – \$92,403
 - (ii) 2021–2022
Mitigation Activity Fund (grants to local government) – \$1,638,395
Unallocated Crown Land/Unmanaged Reserves – \$161,415
 - (iii) 2022–2023
Mitigation Activity Fund (grants to local government) – \$1,750,128
Unallocated Crown Land/Unmanaged Reserves – \$133,050
- (2) The Department of Fire and Emergency Services is not responsible for fire mitigation in Fitzgerald River National Park. The Department of Biodiversity, Conservation and Attractions is responsible for prescribed burning in national parks.
- (3) I am advised by the Minister for Environment that the total expenditure relating to the recent Fitzgerald River National Park bushfire is yet to be finalised.

EDUCATION — KINDERGARTEN AND PRE-PRIMARY PROGRAMS — ATTENDANCE

1338. Hon Donna Faragher to the Leader of the House representing the Minister for Education:

- (1) I refer to student attendance rates in Western Australian Government Schools. In 2022, what was the total number of students across all government schools, by headcount and percentage, enrolled in a Kindergarten program that had an attendance rate in the following categories:
- (a) between 80–89%;
 - (b) between 60–80%; and
 - (c) at or below 59%?
- (2) In 2022, what was the total number of students across all government schools, by headcount and percentage, enrolled in a Pre-Primary program that had an attendance rate in the following categories:
- (a) between 80–89%;
 - (b) between 60–80%; and
 - (c) at or below 59%?

Hon Sue Ellery replied:

- (1) Semester 1, 2022 attendance by category – Kindergarten¹

	Attendance rates ²	Number	Percentage
(a)	80 – 90%	7,711	31.7%
(b)	60 – <80%	3,551	14.6%
(c)	<60%	1,210	5.0%

- (2) Semester 1, 2022 attendance by category – Pre-primary¹

	Attendance rates ²	Number	Percentage
(a)	80 – <90%	8,577	32.6%
(b)	60 – <80%	3,718	14.2%
(c)	<60%	1,360	5.2%

The 2022 Semester 1 attendance data were severely impacted by a peak in the number of COVID-19 infections. Many students were unable to attend on a regular basis due to responses to COVID, including the requirements for isolation.

NOTE: The Department's standard attendance reporting categories have been used

PUBLIC SCHOOLS — STAFF — ASSAULTS AGAINST

1339. Hon Donna Faragher to the Leader of the House representing the Minister for Education:

- (1) I refer to the Western Australian government primary and secondary schools and the Department of Education. How many incidents of assault or physical threatening behaviour against public school staff, including teachers, were reported to the Department in 2022?
- (2) Of the figure referred to in (1), please advise:
- (a) how many incidents were reported to occur against a school principal and/or deputy principal;
 - (b) how many incidents involved a weapon or physical object;
 - (c) how many incidents required medical assistance; and
 - (d) how many incidents were reported to the police?

Hon Sue Ellery replied:

- (1) In 2022, 2,275 incidents of assault or threatening behaviour against public school staff, including teachers, were reported through the Department's Online Incident Notification System.
- (2)

	Incidents of assault or threatening behaviour	Number
(a)	Against a school principal and/or deputy	933
(b)	Involving a weapon or physical object	919
(c)	Required medical assistance	577
(d)	Reported to police	242

PUBLIC SCHOOLS — EXCLUSIONS

1340. Hon Donna Faragher to the Leader of the House representing the Minister for Education:

- (1) I refer to the Department of Education and I ask, in 2022, how many recommendations were received by the Department from government school principals for a student to be excluded?
- (2) Of those referred to in (1), how many exclusions were approved by the Department?
- (3) Of the exclusions referred to in (2), please advise the total number of students who were permanently excluded from a particular school?
- (4) In 2022, what was the average period of time students were excluded for?

Hon Sue Ellery replied:

- (1) 119
- (2) 104
- (3) 68
- (4) 69 days

COMMUNITIES — EDUCATION AND CARE REGULATORY UNIT

1341. Hon Donna Faragher to the minister representing the Minister for Community Services:

I refer to the Department of Communities Education and Care Regulatory Unit (ECRU) and I ask, can the Minister advise the total number of breaches issued by ECRU to childcare and day care centres operating in Western Australia for legislative and/or regulatory non-compliance issues in 2022?

Hon Jackie Jarvis replied:

- (1) 2,510.

NB The Department of Communities advises there has been a change in internal reporting from calendar year to financial year and an internal policy change to record all minor breaches.

WA COUNTRY HEALTH SERVICE — CHILD DEVELOPMENT SERVICES — WAIT TIMES

1342. Hon Donna Faragher to the Leader of the House representing the Minister for Health:

I refer to child development services provided by the WA Country Health Service. Will the Minister advise the current median wait times for children in the primary years of schooling to access (a) speech pathology, (b) occupational therapy and (c) physiotherapy in each of the following health regions:

- (a) Kimberley;
- (b) Pilbara;
- (c) Midwest;
- (d) Goldfields;
- (e) Wheatbelt;
- (f) South West; and
- (g) Great Southern?

Hon Sue Ellery replied:

- (a)–(g) The median waiting time for children in country WA of primary school age from receipt of referral to attendance at the first appointment is provided in Table 1 below:

Table 1: WACHS Median Wait Time of children (5–11 years) for therapy services (days)

Region	Speech Pathology	Occupational Therapy	Physiotherapy
Kimberley	79.5	158	193
Pilbara	143	121	203
Midwest	118.5	128	47.5
Goldfields	133	164.5	7
Wheatbelt	76.5	78	20
South West	57	49.5	61
Great Southern	125	75	87.5

WA COUNTRY HEALTH SERVICE — COMMUNITY CHILD HEALTH PROGRAM

1343. Hon Donna Faragher to the Leader of the House representing the Minister for Health:

I refer to the Department of Health's Community Child Health Program. In the 2021–22 financial year, what was the overall 'Did Not Attend' rate of parents who did not keep appointments for a scheduled child health check?

Hon Sue Ellery replied:

Child health checks while encouraged are not mandatory. Families can choose to opt in to access child health services.

	2021–22FY
'Did Not Attend' Rate (%)	7.1%

WA COUNTRY HEALTH SERVICE — CHILD DEVELOPMENT SERVICES — CLINICIANS

1344. Hon Donna Faragher to the Leader of the House representing the Minister for Health:

Will the Minister provide a breakdown, by headcount and FTE, of the number of clinicians currently employed by the WA Country Health Service to provide assessment, early intervention and treatment services to children in the following categories:

- (a) speech pathologists;
- (b) occupational therapists;
- (c) physiotherapists;
- (d) social workers;
- (e) clinical psychologists;
- (f) paediatricians;
- (g) therapy assistants;
- (h) audiologists;
- (i) nurses;
- (j) dieticians;
- (k) podiatrists; and
- (l) any other clinicians not listed in (a) to (k)?

Hon Sue Ellery replied:

- (a)–(l) The estimated breakdown of clinicians (by FTE and headcount) currently employed by the WA Country Health Service (WACHS) to provide assessment, early intervention and treatment services to children is provided below:

Professional Group	Headcount	FTE
Speech Pathologist	63	53.04
Occupational Therapist	45	27.53
Physiotherapist	39	16.3
Social Work	19	8.74
Clinical Psychologist	0	0.4
Paediatrician	31	19.3
Therapy Assistants	37	20.5
Audiologists	5	2.77
Nurses (developmental)	2	1
Dietitian	22	6.77
Podiatry	2	0.4

EDUCATION — LANGUAGE DEVELOPMENT CENTRES — STAFF

1345. Hon Donna Faragher to the Leader of the House representing the Minister for Education:

Will the Minister provide a breakdown, by headcount and FTE, for each category of staff currently employed in the following schools:

- (a) Fremantle Language Development Centre;
- (b) North East Metropolitan Language Development Centre;

- (c) Peel Language Development School;
- (d) South East Metropolitan Language Development Centre; and
- (e) West Coast Language Development Centre?

Hon Sue Ellery replied:

(a)–(e)

School	Paid headcount at pay period ending 30 March 2023	2022–23 average year-to-date FTE as of 30 March 2023
Fremantle Language Development Centre	68	50.0
Education Assistant	21	15.6
Public Service	7	5.1
School Officers	6	3.6
Teaching Award	34	25.7
North East Metropolitan Language Development Centre	99	79.0
Education Assistant	30	25.6
Public Service	22	13.4
School Officers	6	4.4
Teaching Award	41	35.6
Peel Language Development School	74	66.4
Education Assistant	24	20.1
Public Service	8	5.6
School Officers	7	4.5
Teaching Award	35	36.2
South East Metropolitan Language Development Centre	57	50.8
Education Assistant	14	15.4
Public Service	7	5.4
School Officers	3	2.8
Teaching Award	33	27.2
West Coast Language Development Centre	93	70.1
Education Assistant	28	15.3
Public Service	16	12.6
School Officers	6	4.2
Teaching Award	43	38.0
Total	391	316.3

Headcount is calculated on permanent and fixed-term employees and can fluctuate by pay period. Headcount figures are for the pay period ending 30 March 2023.

FTE is calculated on the average number of full-time equivalent employees (including permanent, fixed-term and casual employees) that were paid since the first pay period in the financial year (7 July 2022) up to the current pay period (30 March 2023).

WESTERN POWER — POWER POLE — GLENCAIRN WAY, PARKWOOD

1346. Hon Dr Steve Thomas to the parliamentary secretary representing the Minister for Energy:

I refer to the private power pole at 9 Glencairn Way, Parkwood which has been inspected by Western Power in November 2022 and identified as rusty and needing replacement, and I ask:

- (a) was the private pole reinspected by Western Power after complaints from the owners that the wrong pole was identified as needing replacement;

- (b) if yes to (a) what was the result of the reinspection;
- (c) was the correct pole identified;
- (d) does the private pole at 9 Glencairn Way Parkwood need replacing; and
- (e) if yes to (c), why?

Hon Matthew Swinbourn replied:

- (a) The private power pole was reinspected on 10 January 2023.
- (b) The reinspection confirmed the advice provided in the original inspection on 1 November 2022 was correct.
- (c) Yes, on both occasions.
- (d) It is the property owner's responsibility to inspect and maintain private power poles. Western Power recommended the owner replace the private power pole and contact a licenced electrician to seek further advice or consider a conversion to an underground connection.
- (e) Corrosion in the steel pole was identified at the ground line.

WATER — EXTRACTION LICENCE APPLICATIONS — SHIRE OF AUGUSTA–MARGARET RIVER

1347. Hon Dr Steve Thomas to the parliamentary secretary representing the Minister for Water:

For the calendar years 2022 and 2023 to date, I ask for the area within the Shire of Augusta–Margaret River local government:

- (a) how many water extraction licences have been applied for;
- (b) will the Minister please provide a list of those applications;
- (c) which of those applications were approved; and
- (d) which of those applications were rejected and why were they rejected?

Hon Pierre Yang replied:

Answer

- (a) Sixty (60) applications were received. 27 groundwater licence applications and 33 surface water applications.
- (b) See Table 1 (applications for Groundwater Licences (GWL)) and Table 2 (applications for Surface Water Licences (SWL)).

Table 1

Assessment number	Assessment Status	Date application received
047409 – GWL – Assessment	Granted	7/02/2022
031782 – GWL – Assessment	Granted	22/02/2022
044382 – GWL – Assessment	Granted	16/03/2022
048077 – GWL – Assessment	Granted	5/04/2022
048651 – GWL – Assessment	Granted	14/04/2022
049763 – GWL – Assessment	Granted	14/06/2022
050313 – GWL – Assessment	Granted	3/08/2022
051148 – GWL – Assessment	Granted	30/08/2022
051300 – GWL – Assessment	Withdrawn	2/09/2022
050975 – GWL – Assessment	Granted	29/09/2022
051602 – GWL – Assessment	Granted	1/11/2022
051356 – GWL – Assessment	Granted	2/11/2022
051689 – GWL – Assessment	Withdrawn	21/11/2022
052143 – GWL – Assessment	Granted	28/11/2022
046735 – GWL – Assessment	Granted	19/12/2022
052332 – GWL – Assessment	Additional Information Required	20/12/2022

053357 – GWL – Assessment	Granted	20/12/2022
051575 – GWL – Assessment	Granted	22/12/2022
052589 – GWL – Assessment	Additional Information Required	15/02/2023
054687 – GWL – Assessment	Granted	8/03/2023
054831 – GWL – Assessment	Granted	12/03/2023
054920 – GWL – Assessment	Conditional Approval (grant contingent on confirmation of land access)	14/03/2023
054918 – GWL – Assessment	Conditional Approval (grant contingent on confirmation of land access)	14/03/2023
055112 – GWL – Assessment	Additional Information Required	22/03/2023
055118 – GWL – Assessment	Granted	24/03/2023
055199 – GWL – Assessment	Granted	27/03/2023
054491 – GWL – Assessment	Granted	30/03/2023

Table 2

Assessment number	Assessment Status	Application received date
045691 – SWL – Assessment	Granted	10/02/2022
045692 – SWL – Assessment	Granted	10/02/2022
048038 – SWL – Assessment	Granted	11/03/2022
041304 – SWL – Assessment	Withdrawn	24/03/2022
048592 – SWL – Assessment	Granted	7/04/2022
046700 – SWL – Assessment	Granted	13/04/2022
044158 – SWL – Assessment	Additional Information Required	11/05/2022
049025 – SWL – Assessment	Granted	12/05/2022
048134 – SWL – Assessment	Granted	17/05/2022
045201 – SWL – Assessment	Proposed grant inconsistent with application – pending response from applicant	19/05/2022
049187 – SWL – Assessment	Granted	30/05/2022
049450 – SWL – Assessment	Granted	30/05/2022
049549 – SWL – Assessment	Granted	1/06/2022
043853 – SWL – Assessment	Granted	1/06/2022
049944 – SWL – Assessment	Granted	23/06/2022
050251 – SWL – Assessment	Granted	29/07/2022
045649 – SWL – Assessment	Granted	5/08/2022
047607 – SWL – Assessment	Granted	8/08/2022
050678 – SWL – Assessment	Granted	26/08/2022
050916 – SWL – Assessment	Granted	11/10/2022
050976 – SWL – Assessment	Granted	3/11/2022
052543 – SWL – Assessment	Granted	7/11/2022
051359 – SWL – Assessment	Granted	9/11/2022
052678 – SWL – From QWIL Investments Pty Ltd	Granted	18/11/2022
053315 – SWL – Assessment	Granted	15/12/2022

047187 – SWL – Assessment	Granted	3/02/2023
031169 – SWL – Assessment	Granted	3/02/2023
045024 – SWL – Assessment	Granted	17/02/2023
052993 – SWL – Assessment	Granted	23/02/2023
053704 – SWL – Assessment	Under Assessment	7/03/2023
054689 – SWL – Assessment	Granted	12/03/2023
052251 – SWL – Assessment	Granted	21/03/2023
055030 – SWL – Assessment	Granted	24/03/2023

- (c) As of 5 April 2023, 49 applications have been approved (see Tables 1 and 2).
 (d) As of 5 April 2023, zero applications have been rejected.

CLEARING APPLICATIONS — SHIRE OF AUGUSTA–MARGARET RIVER

1348. Hon Dr Steve Thomas to the parliamentary secretary representing the Minister for Environment:

For the calendar years 2022 and 2023 to date, I ask for the area within the Shire of Augusta–Margaret River local government area:

- (a) how many applications were received by the Environmental Protection Authority for clearing;
 (b) will the Minister please provide a list of those applications;
 (c) which of those applications were approved; and
 (d) which of those applications were rejected and why were they rejected?

Hon Darren West replied:

The Department of Water and Environmental Regulation (DWER), not the Environmental Protection Authority, is responsible for administering the native vegetation clearing provisions under the *Environmental Protection Act 1986* (EP Act) and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

The information below is presented separately for each calendar year.

2022

- (a) DWER received seven applications in 2022 for a clearing permit under Part V of the EP Act within Shire of Augusta–Margaret River. In addition, two referral applications were received by DWER for a determination on whether a clearing permit was required under section 51DA of the EP Act:
- (b) Application references and applicant names are:
- (1) CPS 9700/1 – Balwyn Margaret River Pty Ltd
 - (2) CPS 9237/2 – Shire of August–Margaret River
 - (3) CPS 9879/1 – Nutan Pty Ltd
 - (4) CPS 8929/2 – Shire of August–Margaret River
 - (5) CPS 9675/1 – Todd Exell
 - (6) CPS 9777/1 – Brian Terry Keel Hutchings
 - (7) CPS 9857/1 – Shire of August–Margaret River
 - (8) REF 9626/1 – Luke Rusconi
 - (9) REF 9628/1 – Todd Exell
- (c) Approved applications are: CPS 9700/1, CPS 9237/2, CPS 9879/1, CPS 8929/2 and CPS 9675/1. CPS 9777/1 and CPS 9857/1 are currently under assessment.
- (d) None of the applications were refused. It was determined that REF 9628/1 did not satisfy the referral criteria, which resulted in clearing permit application CPS 9675/1 being made. REF 9626/1 was withdrawn by the applicant.

2023

- (a) To date, DWER has received four applications in 2023 for a clearing permit under Part V of the EP Act within Shire of Augusta–Margaret River. In addition, one referral application has been received by DWER for a determination on whether a clearing permit was required under section 51DA of the EP Act:

- (b) Application references and applicant names are:
- (1) CPS 10083/1 – Paul Saunders
 - (2) CPS 10112/1 – Wylco Developments Pty Ltd
 - (3) CPS 10118/1 – Shire of August–Margaret River
 - (4) CPS 10136/1 – Blue Whale Farm Plantation Pty Ltd
 - (5) REF 10093/1 – Burnside Estate
- (c) None of the above applications have yet been approved. CPS 10118/1 and CPS 10136/1 are currently under assessment. REF 10093/1 was assessed as meeting the referral criteria, on which basis a permit was not required.
- (d) None of the applications have been refused. CPS 10083/1 was withdrawn by the applicant. CPS 10112/1 was declined and not accepted for assessment as it was not a valid application in accordance with section 51E of the EP Act.

PUBLIC SCHOOLS — TEACHERS

1349. Hon Donna Faragher to the Leader of the House representing the Minister for Education:

- (1) Can the Minister provide a breakdown, by headcount and FTE, the total number of school teachers employed by the Department of Education in public primary and secondary schools in the following years:
- (a) 2019;
 - (b) 2020;
 - (c) 2021; and
 - (d) 2022?
- (2) Of those referred to in (1)(a)–(d), can the Minister advise, by headcount and FTE, the total number of school teachers employed on a permanent basis?

Hon Sue Ellery replied:

(1)

Headcount				
School type	2019 (as of 31/10/2019)	2020 (as of 29/10/2020)	2021 (as of 28/10/2021)	2022 (as of 27/10/2022)
Primary	13,999	14,133	14,683	14,832
Secondary	8,289	8,510	8,854	8,975
FTE				
School type	2019	2020	2021	2022
Primary	12,212.3	12,266.6	12,699.6	12,893.2
Secondary	7,877.3	8,064.3	8,328.1	8,460.0

(2)

Permanent Headcount				
School type	2019 (as of 31/10/2019)	2020 (as of 29/10/2020)	2021 (as of 28/10/2021)	2022 (as of 27/10/2022)
Primary	11,392	11,611	11,776	11,684
Secondary	7,009	7,243	7,444	7,581
Permanent FTE				
School type	2019	2020	2021	2022
Primary	9,547.4	9,732.9	9,887.9	9,775.1
Secondary	6,415.1	6,631.7	6,811.4	6,878.2

The paid headcount and paid FTE figures in the above tables represent Teachers Award staff employed at a school with the classification type of “Primary School” and “Secondary School” only. It does not include staff employed at other school classification types such as district high schools, K-12 schools and, education support schools and centres.

Headcount and FTE numbers are based on staff employed under the Teaching Award and include principals, school psychologists and staff in schools of the air and remote community schools.

Headcount can fluctuate by pay period and is therefore based on the number of permanent and fixed-term employees (excluding casual employees) at the pay periods 31 October 2019, 29 October 2020, 28 October 2021, and 27 October 2022 respectively.

FTE is calculated on the average number of full-time equivalent employees (including permanent, fixed-term and casual employees) paid in the calendar year.

SUPPORTING COMMUNITIES FORUM

1350. Hon Donna Faragher to the minister representing the Minister for Community Services:

I refer to the Supporting Communities Forum Terms of Reference 2020–2021, which states ‘Specific policy topics, to be identified by the Minister for Community Services at the commencement of each two-year term of the Forum...’ and I ask, will the Minister list all policy topics identified since the commencement of the Supporting Communities Forum in 2017, which includes the time each topic was considered by the Forum?

Hon Jackie Jarvis replied:

Priorities of the Forum from December 2017 to December 2019 were:

- Government procurement processes of community services;
- State Homelessness Strategy;
- Data sharing and linkage;
- The outcomes framework for community services in Western Australia;
- The biennial ‘Our Communities’ Report;
- Communicating the Forums work; and
- Opportunities for collaboration both with Government and with the sector.

The Forum was temporarily suspended due to COVID-19 from March 2020 to August 2020. From August 2020 onwards, the Forum advised on social and economic recovery efforts. Priorities of the Forum from August 2021 to December 2022 were:

- Implementation of the 10-year Strategy on Homelessness;
- Monitoring the further develop and implementation of the State’s Community Services Outcomes Measurement Framework;
- Building capacity and capability to implement the National Principles for Child Safe Organisations; and
- Roll-out of COVID-19 Vaccinations to Vulnerable People and the Community Services Sector Workforce.

The current priorities of the Forum are:

- National Principles for Child Safe Organisations; and
- State Commissioning Strategy.

SCHOOLS — YOUTH WORKERS AND SOCIAL WORKERS

1351. Hon Donna Faragher to the Leader of the House representing the Minister for Education:

I refer to services provided in government schools in Western Australia, and I ask, will the Minister provide a breakdown, by headcount and FTE, of the total number of youth workers and social workers employed to work in government schools in the following years:

- (a) 2019;
- (b) 2020; and
- (c) 2021?

Hon Sue Ellery replied:

- | | | |
|-----|------------|--------|
| (a) | Headcount: | 155 |
| | FTE: | 134.98 |
| (b) | Headcount: | 175 |
| | FTE: | 152.85 |
| (c) | Headcount: | 202 |
| | FTE: | 178.3 |

HEALTH — RECORDED DEATHS

1352. Hon James Hayward to the Leader of the House representing the Minister for Health:

I refer to the number of deaths recorded in Western Australia, and I ask:

- (a) what was the total number of deaths recorded in each calendar month from January 2020 to January 2023;
- (b) does the Government have processes to analyse possible reasons for above average numbers of deaths;
- (c) if yes to (b), what are those processes and how are they triggered;
- (d) if no to (b), why not; and
- (e) is the Government currently conducting analysis of the number of deaths being recorded in the State?

Hon Sue Ellery replied:

- (a) The total number of deaths in Western Australia by month of occurrence, January 2020 to January 2023 is provided in the table below:

Month	2020	2021	2022	2023
January	1280	1350	1289	1317
February	1104	1144	1209	-
March	1252	1272	1448	-
April	1226	1285	1405	-
May	1325	1377	1537	-
June	1300	1414	1499	-
July	1373	1437	1634	-
August	1326	1465	1578	-
September	1233	1448	1552	-
October	1332	1395	1466	-
November	1223	1294	1458	-
December	1345	1385	1459	-

- (b) Yes.
- (c) The analysis of above average numbers of deaths is part of the routine surveillance of mortality in WA carried out by the Department of Health.
- (d) Not applicable.
- (e) Yes.

LANDS — MANAGEMENT ORDERS

1353. Hon Neil Thomson to the minister representing the Minister for Lands:

I refer to the much delayed *Annual Report of the Department of Planning, Lands and Heritage* and the Auditor General's opinion related to land at fair value at \$2.747 billion, and I quote, "Management were unable to substantiate the existence of all administered land. This was due to inadequate controls over administered land, as some land was subject to a Management Order and therefore should not be recognised". Will the Minister please provide a list of lands included on the State's assets, where a valuation exists on lands with a Management Order, identifying:

- (a) the Management Order holder;
- (b) the unique land identification number for the lot;
- (c) the valuation which has been included; and
- (d) the approximate date, by financial year, when that valuation has been included in the State's assets?

Hon Jackie Jarvis replied:

The Department of Planning Lands and Heritage administers more than 87,000 land assets (crown reserves) with more than 18,000 of those subject to a management order pursuant to the Land Administration Act 1997.

Given the level of agency resourcing required to provide this detailed information for each land development and land parcel, it is not considered to be a reasonable use of government resources.

However, if the Honourable Member wishes to inquire about a specific parcel/s of land, the Minister will endeavour to provide this information.

GERALDTON HEALTH CAMPUS — REDEVELOPMENT

1354. Hon Martin Aldridge to the Minister for Finance:

- (1) I refer to the long-delayed Geraldton Health Campus redevelopment and I ask, when will the request for proposal stage open, and what is the expected timeframe for this stage of the process?
- (2) Of the three companies which responded to the expression of interest invitation, how many EOIs were received by businesses located in Geraldton or the Mid-West.?
- (3) What was the cost range of the submissions received?
- (4) When is construction expected to start?
- (5) What is the targeted completion date for the main construction works?

Hon Sue Ellery replied:

- (1) The request for proposal is anticipated to be issued to the shortlisted respondents in mid-May 2023. Completion of this phase of the process is expected in quarter four of 2023.
- (2) The three companies that responded to the Expression of Interest (EOI) are not businesses located in Geraldton or the Mid-West region. Local businesses may not have responded for reasons applicable to their own circumstances, including capacity and capability for a complex project of this nature. However, as the project progresses, it is expected that there will be further opportunities for local businesses to respond to tender requests from the managing contractor for components of the project.
- (3) The submissions received do not include cost. Cost is not one of the EOI criteria.
- (4) The start of construction will be known on award of contract.
- (5) The targeted completion date for the main construction works will be known on award of contract.

FIRE AND EMERGENCY SERVICES — FOI APPLICATIONS

1355. Hon Martin Aldridge to the Minister for Emergency Services:

- (1) I refer to the Department of Fire and Emergency Services (DFES), and I ask, how many FOI applications was DFES managing for each of the following months:
 - (a) November 2022;
 - (b) December 2022;
 - (c) January 2023;
 - (d) February 2023; and
 - (e) March 2023?
- (2) How many staff by FTE are responsible for processing FOI applications?
- (3) Will the Minister please table the Service Level Agreement between the State Emergency Management Committee and DFES.?

Hon Stephen Dawson replied:

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

- (1)
 - (a) 31
 - (b) 37
 - (c) 47
 - (d) 51
 - (e) 45
- (2) Two (2) FTE.
- (3) [See tabled paper no 2191.]

FIRE AND EMERGENCY SERVICES — TRAINING — TRAYNING

1356. Hon Martin Aldridge to the Minister for Emergency Services:

- (1) I refer to the media statement of 25 March 2023 titled “‘Trayning’ opportunities unlocked for volunteer firefighters”, and I ask, please provide a breakdown of the \$880,000 in costs by:
 - (a) construction;
 - (b) land acquisition; and
 - (c) other expenses (please detail)?

- (2) On what date and by whom was it determined the official opening of the building would occur on 25 March 2023?
- (3) What was the cost associated with the official opening event and who met the cost?
- (4) Who was responsible for the events organisation and for preparing the invitation list to the event?
- (5) Will the Minister please table the invitation list and run sheet for the event?
- (6) Why did the Government not extend an invitation to non-Labor Members of Parliament who represent the Trayning community as is the usual courtesy for official events such as this?
- (7) What capability or controls have been built into the new station with regard to managing cancer causing diesel emissions in the engine room?

Hon Stephen Dawson replied:

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

- (1)
 - (a) \$686 145 excluding GST.
 - (b) The land was provided by the Shire of Trayning.
 - (c) \$193 855 excl. GST for utility connections, hydrants, and other standard provisions such as radio tower, whitegoods, and furniture fit out.
- (2) A number of dates were proposed by the Shire of Trayning, including 25 March 2023. The Shire also requested that the opening event be scheduled after the 2022/23 high-threat and harvest seasons.
- (3) \$1 145 (Shire of Trayning – opening costs \$562, DFES – plaque \$583).
- (4) Shire of Trayning, Trayning VFES Leadership Group and DFES Goldfields Midlands Regional staff.
- (5) [See tabled paper no 2192.]
- (6) The invitations were sent by the Shire of Trayning.
- (7) DFES Standard Operating Procedure directs firefighters to open roller doors prior to starting appliances to allow ventilation.

EMERGENCY SERVICES — MARINE RESCUE BASE — KALBARRI

1357. Hon Martin Aldridge to the Minister for Emergency Services:

- (1) I refer to the media statement released on 25 March 2023 titled “Marine Rescue Kalbarri officially reopens headquarters”, and I ask, what was the cost to repair and refit the marine rescue base?
- (2) Will the Minister please provide a breakdown of costs by:
 - (a) construction costs; and
 - (b) other costs (please detail)?
- (3) On what date and by whom was it determined that the official opening of the building would occur on 25 March 2023?
- (4) What was the cost associated with the official opening event and who met the cost?
- (5) Who was responsible for the events organisation and for preparing the invitation list to the event?
- (6) Will the Minister please table the invitation list and run sheet for the event?
- (7) Why did the Government not extend an invitation to non-Labor Members of Parliament who represent the Kalbarri as is the usual courtesy for official events such as this?

Hon Stephen Dawson replied:

- (1) \$748 377.
- (2)
 - (a) \$548 211 – Construction costs including GST.
 - (b) \$200 166 – Other costs.
Breakdown of other costs:
\$156 510 – Property claim (contents of the building including appliances, furniture, and fittings).
\$ 22 756 – Replacement of the jet ski and jet ski trailer:
\$ 20 900 – Replacement of the ‘Gator’ all-terrain vehicle (used for towing the jet ski to the water).
- (3) The official opening date was determined on March 7, 2023, by MR Kalbarri.

- (4) Costs associated with the opening were met by MR Kalbarri.
- (5) MR Kalbarri.
- (6) [See tabled paper no 2193.]
- (7) MR Kalbarri facilitated the event and invitation list.

CHILD PROTECTION — INTENSIVE FAMILY SUPPORT SERVICE

1358. Hon Dr Brad Pettitt to the minister representing the Minister for Early Childhood Education; Child Protection; Prevention of Family and Domestic Violence; Community Services:

I refer to the Department of Communities Building Safe and Strong Families, “Earlier Intervention and Family Support Strategy”, and I ask:

- (a) how many children who received an Intensive Family Support Service delivered by a community service organisation entered the care of the CEO within 12 months of completion of that service;
- (b) how many families who received an Intensive Family Support Service delivered by a community service organisation were referred back to the service within 12 months of completion of that service;
- (c) what percentage of families who received an Intensive Family Support Service from a community service organisation were Aboriginal; and
- (d) what percentage of those families received an Intensive Family Support Service delivered by an Aboriginal staff member?

Hon Jackie Jarvis replied:

The Department of Communities advise:

- (a) 118 (17.1 percent)
- (b) 9 (3.23 percent)
- (c) 101 (36.2 percent)
- (d) The cultural identity of individual staff working with each family is not reported by providers or captured by the Department of Communities. The program service provider is an Aboriginal Community Controlled Organisation or partners with an Aboriginal Community Controlled Organisation

Note:

Counting Rule: If one child in a family group identifies as Aboriginal, the family is considered to be Aboriginal.

CHILD PROTECTION — INTENSIVE FAMILY SUPPORT SERVICE

1359. Hon Dr Brad Pettitt to the minister representing the Minister for Early Childhood Education; Child Protection; Prevention of Family and Domestic Violence; Community Services:

I refer to the Department of Communities Building Safe and Strong Families, “Earlier Intervention and Family Support Strategy”, and I ask:

- (a) how many children who received an Intensive Family Support Service delivered by Communities’ internal child protection services entered the care of the CEO within 12 months of completion of that service;
- (b) how many families who received an Intensive Family Support Service delivered by Communities’ internal child protection services were referred back to the service within 12 months of completion of that service;
- (c) what percentage of families who received an Intensive Family Support Service from Communities’ internal child protection services were Aboriginal; and
- (d) what percentage of those families received an Intensive Family Support Service delivered by an Aboriginal staff member?

Hon Jackie Jarvis replied:

The Department of Communities advise:

- (a) 232 children (11.2 per cent)
- (b) 84 (8.48 per cent)
- (c) 442 (44.6 per cent)
- (d) The data requested is not captured by the Department of Communities internal reporting systems.

Note:

Counting Rule: If one of the children in a family group identifies as Aboriginal, the family is considered to be Aboriginal.

CHILD PROTECTION — ABORIGINAL FAMILY-LED DECISION MAKING PILOT

1360. Hon Dr Brad Pettitt to the minister representing the Minister for Early Childhood Education; Child Protection; Prevention of Family and Domestic Violence; Community Services:

I refer to the McGowan Government's investment of \$715,000 to trial an Aboriginal Family Led Decision Making (AFLDM) pilot in the Midwest Gascoyne region, and I ask:

- (a) how many families have been referred by the Department to AFLDM in Geraldton;
- (b) what percentage of families referred by the Department to AFLDM have successfully completed the AFLDM process;
- (c) how many families who engaged in AFLDM have had a child removed within 12 months of completion of the process; and
- (d) what percentage of families referred by the Department to AFLDM have been referred back to the service within 12 months?

Hon Jackie Jarvis replied:

The Department of Communities advise:

- (a) Following advice from the Aboriginal Community Controlled Organisation, referrals were strategically staggered for the first year of the project and initially were from Geraldton-based families. 29 families have been referred.
- (b) In the first year, 36 per cent; 32 per cent continued in the program.
- (c) In the first year, zero.
- (d) In the first year, zero.

CHILD PROTECTION — CHILDREN IN CARE

1361. Hon Dr Brad Pettitt to the minister representing the Minister for Early Childhood Education; Child Protection; Prevention of Family and Domestic Violence; Community Services:

I refer to Section 3.3.3 of the Department of Communities Casework Practice Manual, "Legal rights of children and caseworker responsibilities", and I ask:

- (a) how many assessments for potential Criminal Injuries Compensation claims for children in the care of the Chief Executive Officer have been undertaken;
- (b) how many children in the care of the Chief Executive Officer have made a Criminal Injuries Compensation claim resulting from an offence that occurred during their time in care;
- (c) how many children in the care of the Chief Executive Officer have been awarded Criminal Injuries Compensation as a result of injuries suffered during their time in care;
- (d) how many children who have left the care of the Chief Executive officer have made a Criminal Injuries Compensation claim resulting from an offence that occurred during their time in care; and
- (e) how many children who have left the care of the Chief Executive Officer have been awarded Criminal Injuries Compensation as a result of injuries suffered during their time in care?

Hon Jackie Jarvis replied:

The Department of Communities advise:

- (a) 416 requests for Criminal Injury Compensation (CIC) assessments were submitted in 2022.
- (b) 0 in 2022. In circumstances where a claim arises during a young person's time in care, Communities refers the young person to an independent law firm for legal advice. The independent firm provides advice to the young person including criminal injuries compensation claims.
- (c)-(e) Communities is not able to provide the requested data; Communities does not have access to the outcome of matters once the matters are referred to an independent law firm unless the child is still in care at the time of any award.

CHILD PROTECTION — FOETAL ALCOHOL SPECTRUM DISORDER

1362. Hon Dr Brad Pettitt to the minister representing the Minister for Early Childhood Education; Child Protection; Prevention of Family and Domestic Violence; Community Services:

I refer to the Department of Health (WA) report on Screening for Fetal Alcohol Spectrum Disorder (FASD) in Western Australia: Policy and Practice Recommendations, and I ask:

- (a) what specialist assessment, diagnosis and intervention processes does the Department have with regard to children displaying symptoms of FASD;

- (b) How many children entering out-of-home care in the last financial year were screened for prenatal alcohol exposure at the time of entry to child protection services;
- (c) how many children entering out-of-home care in the last financial year were referred to the Child and Adolescent Health Service for neurodevelopmental screening;
- (d) what training and resources does the Department provide to foster carers and kinship carers to manage the care of children with FASD;
- (e) what training and resources does the Department provide to staff to support early identification of FASD in at-risk families;
- (f) what policies and procedures does the Department have to ensure care planning for children with FASD includes a mandatory FASD action plan, to enable carers to support their children to manage their disability; and
- (g) what policies and procedures does the Department have to ensure that an Aboriginal health Service is consulted in the development of care planning for Aboriginal children with FASD?

Hon Jackie Jarvis replied:

The Department of Communities advise:

- (a) The Department of Communities (Communities) engages specialist assessment, diagnosis and intervention services for children in out-of-home care through both the public and private sectors. Health care planning is reviewed as part of the care planning process. Children in out-of-home care have an initial medical assessment followed by a more comprehensive health and development assessment, which is then carried out on an annual basis. Where children in out-of-home care have additional assessment needs, these are arranged as required.

Communities frequently obtain comprehensive neurodevelopmental assessments with attention to differential diagnoses and co-occurring conditions before progressing to more targeted assessments. If more specific neurodevelopmental assessments are indicated to be required, of which FASD may be one, Communities arranges these assessments.
- (b) This information is not reported through the Assist client system and would require the diversion of manually reviewing individual case files. Gathering this data would require significant resources.
- (c) 125 children
- (d) Communities offer a workshop on FASD each year delivered by the Telethon Kids Institute. Carers are also referred to Telethon Kids Institute and NOFASD websites for information outside the workshop. Carers also have access to individualised feedback sessions and information following the completion of a FASD diagnostic report with the assessor. Carers may also access additional support options, such as respite.
- (e) Given the complex nature of neurodevelopmental diagnoses, case managers consult with Communities' psychologists and public health specialists regarding concerns about the health and development of children in out-of-home care.
- (f) If a child is diagnosed with a neurodevelopmental disorder of which FASD may be one, the child's support needs are incorporated into their care planning, which includes relevant and appropriate actions required by carers, case managers and referrals to appropriate support services.
- (g) Case managers are required to consult with an Aboriginal Practice Leader when arranging health assessment referrals for Aboriginal children in out-of-home care, noting that the most appropriate referrals may be to an Aboriginal Medical Service or an Aboriginal Health Service.

CHILD PROTECTION — CHILDREN WITH HARMFUL SEXUAL BEHAVIOURS

1363. Hon Dr Brad Pettitt to the minister representing the Minister for Early Childhood Education; Child Protection; Prevention of Family and Domestic Violence; Community Services:

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, and I ask:

- (a) what policies and practices does the Department have to assess the risk of children entering out-of-home care who have been a victim of sexual assault, for harmful sexual behaviours;
- (b) how many children displaying inappropriate or harmful sexual behaviours are currently being housed with other children in government-run residential group homes; and
- (c) how many children displaying inappropriate or harmful sexual behaviours are currently being housed with other children in out-of-home-care placements (such as a kinship care or foster care arrangements)?

Hon Jackie Jarvis replied:

The Department of Communities advise:

- (a) A framework developed in partnership by the Department of Communities with the Australian Centre for Child Protection and the University of South Australia is in place to guide practice and policy responses to harmful sexual behaviours in children and young people within statutory child protection and the community services sectors in Western Australia.
Provisional care planning, and ongoing relevant safety planning is conducted with a Department of Communities psychologist and the broader care team.
Learning and development training is offered to residential and secure care workers, and foster carers.
- (b) There are zero reportable offenders.
- (c) This information is not reported through the Assist client system and would require the diversion of significant resources to manually review individual case files

PRESCRIBED BURN — MOUNT ROE AND MOUNT FRANKLAND NATIONAL PARKS**1364. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Environment:**

I refer to prescribed burn FRK-092 conducted by the Department of Biodiversity, Conservation and Attractions (DBCA) in the Mount Roe and Mount Frankland National Parks and aerially ignited on 28 and 29 November 2022. The prescribed burn area consisted of 14,801ha of core wilderness bounded by Thomson Road (west), Western Road (east), Johnston and Roe Roads (north) and Mitchell Road (south) (“prescribed burn area”). The burn escaped to the south of Mitchell Road and west of Thomson Road on 30 November 2022, resulting in a further 10,000ha of core wilderness burnt (“escape area”). The Emergency WA website listed a Bushfire Advice for the escape area until 16 January 2023 which covered a large area in the Trent locality, and I ask:

- (a) how is the area of the escape area categorised (i.e., wildfire, part of the prescribed burn, etc.) for DBCA reporting and costing purposes; and
- (b) will the Minister table the following in relation to the prescribed burn area and the escape area respectively for the period from the prescribed burns commencement until February 2023:
 - (i) a detailed list of any resources from other agencies or local governments that were utilised by DBCA; and
 - (ii) in so far as is practicable, a detailed list of the types and quantities of resources utilised by DBCA overall and the associated costings, including but not limited to:
 - (A) aerial ignition and surveillance aircraft;
 - (B) incendiaries;
 - (C) earth-moving equipment;
 - (D) water tankers;
 - (E) support vehicles;
 - (F) fire trucks;
 - (G) traffic management; and
 - (H) personnel?

Hon Darren West replied:

- (a) For reporting and costing purposes the Department of Biodiversity, Conservation and Attractions (DBCA) categorises the area of the escape as a bushfire.
- (b) (i) No resources from other agencies or local government were used during the prescribed burn or subsequent burn escape.
- (ii) DBCA fire trucks, earth moving machinery and light vehicles were the predominant resources used, with the quantity of resources varying daily and over time depending on activity level required during the prescribed burn and subsequent burn escape.
 - (A) Aerial ignition and surveillance aircraft:
Prescribed burn: Total cost of \$34,080 for fixed and rotary wing aircraft.
Bushfire cost: Total cost of \$40,437 for fixed and rotary wing aircraft.
 - (B) Incendiaries:
Prescribed burn: Total cost of \$889 for aerial incendiaries.
Bushfire: Total cost of \$572 for aerial incendiaries.

- (C) Earth moving equipment:
Prescribed burn: None used.
Bushfire: Total cost of \$44,158 for DBCA bulldozers and front-end loaders and the use of one contract swamp dozer.
- (D) Water tankers:
Prescribed burn: None used.
Bushfire: None used.
- (E) Support vehicles:
Prescribed burn: Total cost of \$1903 for light support vehicles.
Bushfire: Total cost of \$34,565 for light support vehicles.
- (F) Fire trucks:
Prescribed burn: Total cost of \$47,484 for a combination of DBCA gang truck and heavy-duty fire appliances.
Bushfire: Total cost of \$67,526 for a combination of DBCA gang truck and heavy-duty fire appliances.
- (G) Traffic management:
Prescribed burn: None used.
Bushfire: None used.
- (H) Personnel:
Prescribed burn: Total cost of \$104,309 for a combination of DBCA staff salary, wages, overtime, and allowances.
Bushfire: Total cost of \$493,742 for a combination of DBCA staff salary, wages, overtime, and allowances.

FIRE AND EMERGENCY SERVICES — URBAN PUMPS

1365. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to question without notice 332 in relation to the availability of Urban Pumps and your commitment of June 2022 that ten new Urban Pumps will be delivered by Christmas and DFES describing this as ‘trucking brilliant’ on social media, and I ask:

- (a) how many of the ten Urban Pumps have been delivered to date;
- (b) how many of the ten Urban Pumps are serviceable and available for deployment today;
- (c) please describe in detail the fault that was identified with the appliance type;
- (d) please describe in detail the solution that was applied to the fault identified;
- (e) was any additional cost borne by DFES or the State Government in applying the solution to the fault identified;
- (f) if yes to (e), what was the cost;
- (g) was any penalty applied to the manufacturer in relation to the delivery of faulty fire appliances to DFES;
- (h) if yes to (g), what was the penalty;
- (i) how many operational incidents were attended by the newly delivered Urban Pumps where the fault was identified or occurred;
- (j) please table any vehicle fault report that was issued in relation to the fault;
- (k) please table any email, document, safety report or related notification arising from the identified fault;
- (l) what is the cost of procuring each of the Urban Pumps with and without stowed equipment;
- (m) does the Minister agree with DFES that the Urban Pump replacement program is ‘trucking brilliant’;
- (n) how many Volunteer Fire and Rescue Service stations are expected to receive Urban Pumps; and
- (o) of those identified in (n), please identify the type of appliance that is expected to be replaced by an Urban Pump?

Hon Stephen Dawson replied:

- (a) Five (5)
- (b) Four (4)
- (c) The root cause was identified as a fault within the appliance's electrical system. This was due to a combination of the input module of the Class 1 control system momentarily shutting down when there was an over-voltage input above 30 volts and the use of non-Original Equipment Manufacturer (OEM) batteries.
- (d) A replacement input module has been obtained with an increased over-voltage protection level and OEM batteries have been retrofitted.
- (e) Yes.
- (f) Contractual costs are considered commercial in confidence.
- (g) No.
- (h) Not applicable.
- (i) One (1)
- (j) [See tabled paper no 2194.]
- (k) [See tabled paper no 2194.] Other documents requested are commercial in confidence.
- (l) Contractual costs are commercial in confidence.
- (m) The Urban Pump replacement program has been designed to ensure career firefighters and volunteers, whose stations are allocated an Urban Pump are provided with appliances that are equipped with modern technology and safety features. There have also been significant local content outcomes and we continue to support capacity in the WA supply chain.
- (n) There are currently sixty-two (62) Volunteer Fire and Rescue Service brigades on the Fleet Replacement Program planned to receive Urban Pumps.
- (o) Currently, 3) will receive an Urban Pump Type 1, 18 will receive an Urban Pump Type 2, and 47 will receive an Urban Pump Type 3.

CYCLONE SEROJA — STATE RECOVERY CONTROLLER VISITS

1366. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to question without notice 346 in relation to TC Seroja recovery, and I ask:

- (a) on how many occasions has the 'DFES State Recovery team' met with the Master Builders Association;
- (b) please identify the date of each meeting;
- (c) please identify the attendees of each meeting;
- (d) please identify the outcome (if any) from each meeting;
- (e) please table any meeting notes, briefing notes or similar documents generated for or from each meeting;
- (f) how many persons constitute the 'DFES State Recovery team'; and
- (g) of those identified in (f), how many persons are located in:
 - (i) Perth metropolitan area; and
 - (ii) regional Western Australia?

Hon Stephen Dawson replied:

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

- (a)–(e) The Master Builders Association has been instrumental in providing the Cyclone Seroja State Recovery Team with specialist advice and guidance regarding building reconstruction and restoration in impacted communities. The ongoing relationship has been maintained through numerous phone calls and virtual meetings. This ongoing relationship means MBA representatives have been active participants during regional multi-agency grants tours, providing on-the-ground technical advice and support to community members navigating their rebuild and reconstruction journey.
- (f) As of 17 April 2023, the number of staff undertaking recovery activities for Cyclone Seroja as part of the DFES State Recovery team is 18.
- (g)
 - (i) 14 staff are located in the Perth Metropolitan region and travel regularly to the impacted regions as required.
 - (ii) 4 staff are currently located in the Mid-West region, in addition to DFES's other operational staff that are present in the region.

CYCLONE SEROJA — DISASTER RECOVERY FUNDING ARRANGEMENTS

1368. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to the 'record' \$104.5 million DRFA package announced in response to TC Seroja, and I ask:

- (a) as of the following dates, how much of the \$104.5 million package has been expended excluding all other funding streams and grants not related to the DRFA:
 - (i) 30 March 2023;
 - (ii) 31 December 2022;
 - (iii) 30 September 2022;
 - (iv) 30 June 2022; and
 - (v) 31 March 2022;
- (b) as of 30 March 2023, please break down the DRFA funds expended by:
 - (i) DFES staff salaries;
 - (ii) external service providers;
 - (iii) grants; and
 - (iv) other expenditure (please detail); and
- (c) of the grants identified in (b)(iii) please identify the proportion that has been disbursed to:
 - (i) individuals or families;
 - (ii) businesses;
 - (iii) local government; and
 - (iv) others (please detail)?

Hon Stephen Dawson replied:

- (a) Total expenditure for the Disaster Recovery Funding Arrangements (DFRA) Recovery Package for STC Seroja is:
 - (i) \$8 858 483 as of 31 March 2023;
 - (ii) \$6 306 462 as of 31 December 2022;
 - (iii) \$4 638 669 as of 30 September 2022;
 - (iv) \$3 084 984 as of 30 June 2022; and
 - (v) \$1 770 075 as of 31 March 2022.

The amounts above do not include \$27.3 million in additional funding to TC Seroja affected areas outlined below:

\$9.2 million in additional funding allocated to impacted communities to aid recovery from TC Seroja, including:

- \$500 000 to all eligible impacted local governments
- \$400 000 additional funding for the Shire of Northampton
- \$200 000 additional funding for the Shire of Chapman Valley
- \$200 000 additional funding for the Shire of Mingenew
- \$200 000 additional funding for the Shire of Morawa
- \$200 000 additional funding for the Shire of Perenjori

\$2.2 million State Government assistance package

\$2 million in State Government contribution to the Lord Mayor's Distress Relief Fund Appeal

\$3.5 million through the Construction Training Fund Disaster Recovery Grant

\$3.1 million in State Government electricity relief grants

\$2.3 million through the small business and individual \$4,000 grants program;

\$2.3 million through the Department of Communities' emergency assistance program;

\$2.2 million in Water Corporation service waivers;

\$280,000 through Western Power relief grants to customers impacted by damage to Western Power's network.

\$220,000 in tourism marketing support to attract travellers back to the Coral Coast; and

Associated costs of over 15,000 hours committed to the recovery process by DFES personnel, community recovery officers, and other agencies since September 2021.

Total funds expended include funds disbursed to community members directly through the recovery grants, reimbursements to local governments, and funds expended on operational and administrative costs and does not include the significant investment of the state into recovery via other funding streams and grants not related to the DRFA package negotiated with the former Liberal/National coalition.

- (b) (i) The recovery funding package does not include salary and wages for DFES to deliver the recovery programs within this funding package.
- (ii) As of 31 March 2023, the Community Welfare and Outreach program administered by the Department of Communities expended \$1 645 560 to fund specialist and mental health service providers to deliver against recovery priorities structured around the following areas: personal support such as social, emotional and psychological support services; community resilience, training and development.
- (iii) As of 31 March 2023, total DRFA funds expended in the form of grants under the recovery funding package was \$4 830 662.00.
- (iv) The recovery funding package includes a portion of funds for ongoing operational and administrative costs relating to the delivery of the Cyclone Seroja recovery grants programs. The operational DRFA expenses relating to the administration and delivery of the recovery grants to 31 March 2023 were \$420 187.00.
- The operational DRFA expenses for the Community Welfare and Outreach program, administered by the Department of Communities, to 31 March 2023 were \$1 978 074.69. This includes funding of Communities staff to coordinate and deliver ongoing recovery activities.
- (c) (i) Approximately 86 per cent of the grants funding has been disbursed to individuals or families, including primary producers.
- (ii) Approximately 14 per cent of the grants funding has been disbursed to businesses.
- (iii) Local governments can access funding through the Clean-up and Restoration of Community, Recreational, Cultural and Heritage Assets Program.
- (iv) Nil.

COAL-FIRED POWER STATIONS

1369. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Energy:

- (1) Has the Minister, or any representative of the State Government entered discussions with potential offtakers, lessees or buyers of Western Australia's state-owned coal-fired power stations, or parts thereof?
- (2) If yes to (1), with whom are these discussions taking place, and at what stage are the negotiations?
- (3) Is it still State Government policy to retire Western Australia's State-owned coal power stations by 2030, as outlined in the Minister's press statement of 14 June 2022 titled "State-owned coal power stations to be retired by 2030":
- (a) If no to (3), why not?

Hon Matthew Swinbourn replied:

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

PFAS CONTAMINATION — ALCOA

1370. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Environment:

- (1) Will the Minister please provide all details available regarding the extent and nature of the suspected environmental contamination by PFAS at the following sites:
- (a) Alcoa's McCoy mine site;
- (b) Alcoa's Myara mine site;
- (c) Wagerup refinery former fire training and tank areas; and
- (d) Lot 99 Cockburn Road, Naval Base, north east of the Kwinana Refinery?
- (2) On which dates was the suspected contamination at each of the sites in (1) reported?
- (3) Was the suspected contamination reported by Alcoa?

- (4) If no to (3), how was the suspected contamination reported?
- (5) Will the Minister please provide all details available regarding the PFAS contaminated water incidents requiring DWER works approval application assessments at the:
 - (a) Arundel mine site; and
 - (b) Orion mine site?
- (6) On which dates was the PFAS contaminated water at each of the sites in (5) reported?
- (7) Was the PFAS contaminated water reported by Alcoa?
- (8) If no to (7), how was the incident reported?
- (9) Has DWER conducted any monitoring of Alcoa and South32 operated sites to assess possible PFAS contamination?
- (10) If yes to (9), please provides dates, locations and results of monitoring?
- (11) What penalties exist under the *Contaminated Sites Act 2003*?

Hon Darren West replied:

- (1) (a)–(b) A Detailed Site Investigation commissioned by Alcoa of Australia found that some per- and poly-fluoroalkyl substances (PFAS) impacts at the Huntly mine site’s McCoy and Myara mining areas are associated with historical testing of fire suppression systems. This testing involved discharging the contents on sealed areas within vehicle workshops. Wash water from the workshops was passed through the mine’s water treatment circuit or discharged into sumps. Some other impacts resulted from activation of onboard vehicle fire-suppression systems, either due to vehicle fires or equipment malfunction. The results of sampling to date indicate that PFAS impacts are largely confined to on-site sumps and operational process water dams.
 - (c) Alcoa commissioned a limited site investigation in 2017 at the Wagerup refinery former fire training and tanks areas, to facilitate a construction project in the north-west of the refinery. Several PFAS compounds were detected in shallow soil samples from the fire-fighting training area. PFAS were not detected in groundwater in the two wells drilled within the approximate extent of the fire training area.
 - (d) Alcoa commissioned a soil and groundwater investigation of the Lot 99 Cockburn Road Naval Base tank farm, where chemicals and fuels used in the refinery are stored, and the adjacent social club and sports oval, in 2018. Several PFAS compounds were detected in shallow soil samples from a former fire rescue training area, in the northern part of the tank farm, and in soil samples taken near the social club oval, where historical fire-fighting activities are reported to have taken place. PFAS were also detected in groundwater at the tank farm, and in upgradient monitoring wells located south of the social club oval.
- (2) The McCoy and Myara mining areas were reported under section 11 of the *Contaminated Sites Act 2003* (CS Act) on 15 December 2020.
- The Wagerup refinery was originally reported under section 11 of the CS Act on 4 May 2007; information on PFAS found at the former fire training and tank areas was first provided to the Department of Water and Environmental Regulation (DWER) on 7 April 2020.
- Information on contamination issues at Lot 99 Cockburn Road in Naval Base was originally reported to DWER before the CS Act commenced on 1 December 2006. The results of testing for PFAS compounds were provided to DWER on 1 October 2019.
- (3)–(4) Under section 96(1) of the CS Act, the identity of a person who reports a known or suspected contaminated site under section 11 or 12 is confidential.
 - (5) A Works Approval application was submitted to DWER on 23 March 2022 seeking approval to construct a pipeline to transport PFAS contaminated water from a sump located at Orion mining area to the Arundel mining area, water storage ponds and a PFAS water treatment unit positioned at Arundel. The application was withdrawn on 19 April 2023.
 - (a)–(b) A Detailed Site Investigation commissioned by Alcoa found that some PFAS impacts at the Willowdale mine site’s Arundel and Orion mining areas are associated with historical testing of fire suppression systems. As at Huntly, the testing involved discharging the contents on sealed areas within vehicle workshops. Wash water from the workshops was passed through the mine’s water treatment circuit or discharged into sumps. Some other impacts resulted from activation of onboard vehicle fire-suppression systems, either due to vehicle fires or equipment malfunction. The results of sampling to date indicate that PFAS impacts are largely confined to on-site sumps and operational process water dams.

- (6) The Arundel and Orion mining areas were reported under section 11 of the CS Act on 15 December 2020.
- (7)–(8) See answer to (3).
- (9) No.
- (10) Not applicable.
- (11) The penalties set out in the CS Act are as follows:

Section	Description	Penalty	Daily Penalty
10(11)	Contravening a condition to which an Exemption order made by the Minister is subject	\$250 000	\$50 000
11(3)	Failure (by a person with a reporting duty) to report a known or suspected contaminated site	\$250 000	\$50 000
11(9)	Reporting a site maliciously and without reasonable grounds to suspect it is contaminated	\$250 000	-
12(6)	Failure to report sites in accordance with a programme for reporting approved under section 12(1)	\$250 000	\$50 000
30(6)	Providing false or misleading information in relation to a request for the Chief Executive Officer's (CEO) approval of a transfer of responsibility for remediation	\$250 000	\$50 000
43(1)	Failure to comply with requirements of an investigation, clean up or hazard abatement notice given under Part 4	\$500 000	\$100 000
54(2)	Land owner or occupier's refusal or failure to give, without reasonable cause, permission to enter land to carry out remediation or comply with a Part 4 notice	\$500 000	\$100 000
54(5)	Failure to provide information to the Contaminated Sites Committee, or provision of false or misleading information, in relation to the Committee's consideration of whether a land owner or occupier who refuses or fails to give permission to enter land should become responsible for its remediation	\$250 000	\$50 000
68	Land owner's failure to give written disclosure of contamination status to potential owners, mortgagees or lessees at least 14 days before transaction completes, and provide copy to the CEO	\$125 000	\$25 000
70(3)	Contaminated sites auditor carrying out duties other than in accordance with the written authority given by the CEO	\$125 000	\$25 000
71	Offences relating to accreditation, including provision of false or misleading information	\$125 000	-
74	Provision of false or misleading information to an auditor in connection with a mandatory auditor's report (MAR), or provision by an auditor of false or misleading information in a MAR	\$250 000	-
93(3)	Failure to provide information on wells in an area where underground eater may be contaminated, when requested by the CEO	\$50 000	\$10 000
94	Providing false or misleading information for the purposes of the CS Act	\$125 000	\$25 000
95	Victimisation or taking detrimental action against a person providing information under the CS Act	\$125 000	\$25 000
96	Breach of duty of confidentiality in relation to information obtained under the CS Act	\$125 000	\$25 000

MINES AND PETROLEUM — POLLUTANT AND EMISSION MONITORING

1371. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Health:

- (1) What monitoring of the airborne, soil and water pollutants and emissions is being undertaken by the State Government at the following mine sites and refineries:
- (a) Greenbushes lithium mine site;

- (b) Wagerup alumina refinery;
 - (c) Kwinana alumina refinery;
 - (d) Pinjarra alumina refinery;
 - (e) Huntly mine site;
 - (f) Willowdale mine site;
 - (g) Worsley alumina refinery;
 - (h) Boddington bauxite mine site; and
 - (i) Boddington gold mine site?
- (2) For each of the sites listed in (1), please provide the following details:
- (a) which agency/agencies is/are conducting the monitoring;
 - (b) when did the monitoring commence;
 - (c) what pollutants and emissions are being recorded;
 - (d) which agency/agencies is/are compiling results from monitoring;
 - (e) are these results publicly available;
 - (f) do any of the pollutants being recorded have the potential to impact human health;
 - (g) which government agency/agencies is/are assessing and responding to potential health impacts and what are they doing to ensure public safety; and
 - (h) what breaches of compliance with permit conditions regarding pollutants and emissions have been recorded (please provide all details that are available)?

Hon Sue Ellery replied:

Please refer to Legislative Assembly Question on Notice 1372.

MINES AND PETROLEUM — POLLUTANT AND EMISSION MONITORING

1372. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Environment:

- (1) What monitoring of the airborne, soil and water pollutants and emissions is being undertaken by the State Government at the following mine sites and refineries:
- (a) Greenbushes lithium mine site;
 - (b) Wagerup alumina refinery;
 - (c) Kwinana alumina refinery;
 - (d) Pinjarra alumina refinery;
 - (e) Huntly mine site;
 - (f) Willowdale mine site;
 - (g) Worsley alumina refinery;
 - (h) Boddington bauxite mine site; and
 - (i) Boddington gold mine site?
- (2) For each of the sites listed in (1), please provide the following details:
- (a) which agency/agencies is/are conducting the monitoring;
 - (b) when did the monitoring commence;
 - (c) what pollutants and emissions are being recorded;
 - (d) which agency/agencies is/are compiling results from monitoring;
 - (e) are these results publicly available;
 - (f) do any of the pollutants being recorded have the potential to impact human health;
 - (g) which government agency/agencies is/are assessing and responding to potential health impacts and what are they doing to ensure public safety; and
 - (h) what breaches of compliance with permit conditions regarding pollutants and emissions have been recorded (please provide all details that are available)?

Hon Darren West replied:

- (1) (a)–(i) All emissions monitoring on these premises is the responsibility of the company under conditions of their respective approvals. The Department of Water and Environmental Regulation audits compliance with the emissions monitoring conditions and assesses the environmental risks associated with emissions from the premises.
- (2) (a)–(f) NA
- (g) Where potential public health issues are identified at a prescribed premises the Department of Water and Environmental Regulation seeks input and works with the Department of Health to address the issues. Where relevant, the Department of Water and Environmental Regulation also engages with WorkSafe where public health or safety issues are identified within a workplace.
- (h) I table a summary of breaches recorded by the Department of Water and Environmental Regulation in its Incidents Complaints Management System (ICMS) for breaches recorded from 2010 to 1 April 2023. [See tabled paper no 2190.]

MINES AND PETROLEUM — POLLUTANT AND EMISSION MONITORING

1373. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Mines and Petroleum:

- (1) What monitoring of the airborne, soil and water pollutants and emissions is being undertaken by the State Government at the following mine sites and refineries:
- (a) Greenbushes lithium mine site;
- (b) Wagerup alumina refinery;
- (c) Kwinana alumina refinery;
- (d) Pinjarra alumina refinery;
- (e) Huntly mine site;
- (f) Willowdale mine site;
- (g) Worsley alumina refinery;
- (h) Boddington bauxite mine site; and
- (i) Boddington gold mine site?
- (2) For each of the sites listed in (1), please provide the following details:
- (a) which agency/agencies is/are conducting the monitoring;
- (b) when did the monitoring commence;
- (c) what pollutants and emissions are being recorded;
- (d) which agency/agencies is/are compiling results from monitoring;
- (e) are these results publicly available;
- (f) do any of the pollutants being recorded have the potential to impact human health;
- (g) which government agency/agencies is/are assessing and responding to potential health impacts and what are they doing to ensure public safety; and
- (h) what breaches of compliance with permit conditions regarding pollutants and emissions have been recorded (please provide all details that are available)?

Hon Matthew Swinbourn replied:

Please refer to Legislative Council QON 1372

MINES AND PETROLEUM — REY RESOURCES LTD

1374. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Mines and Petroleum:

I refer to the latest Rey Resources Ltd ‘Consolidated interim financial report for the six months ended 31 December 2022’, and in particular the Independent Auditor’s report which states: “Material Uncertainty Related to Going Concern ... The Group’s current liabilities exceeded current assets by \$14,645,000 as at 31 December 2022. As stated in Note 2(b), these conditions, along with other matters as stated in Note 2(b), indicate that a material uncertainty exists that may cast significant doubt on the Group’s ability to continue as a going concern. Our conclusion is not modified in respect of this matter.” I ask:

- (a) what are Rey Resources’ current estimated financial liabilities in relation to the closure and rehabilitation of its wells sites, access tracks and other petroleum infrastructure on each of EP487, L15, R1 and EP104 in the Canning Basin;

- (b) has Rey Resources been directed by the Department to undertake any closure or rehabilitation works on any of the tenements named above;
- (c) if yes to (b), what works and within what timeframe;
- (d) what is the current status of each of the following Rey Resources wells: Point Torment-1, StokesBay-1 and West Kora-1;
- (e) given the financial difficulties Rey's Independent Auditor has highlighted, what steps has the Department taken to secure from the company the funds required to carry out the works required on Rey's tenements;
- (f) is the Minister prepared to allow Rey Resources to relinquish its Western Australian tenements without paying for their rehabilitation as occurred with New Standard Energy; and
- (g) if no to (f), how does the Minister intend to ensure this will not happen again?

Hon Matthew Swinbourn replied:

- (a) Specific cost estimates for rehabilitation of well sites and access tracks have not been confirmed.
- (b) No.
- (c) Not applicable.
- (d) Point Torment 1 is suspended; Stokes Bay 1; and West Kora 1 are shut-in.
- (e) There are no provisions in Western Australia's petroleum legislation to secure funds from companies, such as Rey Resources, to carry out required decommissioning and rehabilitation works for an active title.
- (f) No.
- (g) If required, the Minister for Mines and Petroleum may issue a Direction to Rey Resources for decommissioning and rehabilitation.

MINES AND PETROLEUM — UNGANI OILFIELD — WATER CUT RATIO

1375. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Mines and Petroleum:

- (1) Within Petroleum Licences L20 and L21 (the Ungani oilfield), what is the water cut ratio (the water versus oil ratio), for all production wells for each of the years 2018, 2019, 2020, 2021 and 2022, respectively?
- (2) Which wells at Ungani are currently producing oil?
- (3) Which wells at Ungani are currently used as injection wells for disposal of Produced Formation Water (PFW)?
- (4) How much PFW is currently produced at the Ungani Production Facility per day?
- (5) How much PFW is re-injected into injection wells at the Ungani oil field annually?
- (6) Is the PFW tested before re-injection into injection wells, and if yes:
 - (a) who carries out the testing;
 - (b) what is the composition of the PFW; and
 - (c) where are the testing results reported?
- (7) Is the PFW filtered to remove unacceptable waste prior to being re-injected?
- (8) If no to (7), why not?
- (9) If the PFW is filtered, where is the waste removed from the PFW disposed of?
- (10) How much gas is vented by the cold gas vent system at the Ungani Production Facility, on a daily and annual basis?
- (11) What is the composition of the gas vented by the cold gas vent system at the Ungani Production Facility?
- (12) What types of acids are being used in the Ungani production wells and what are they used for?
- (13) What volumes of acid are being used at the Ungani production wells?
- (14) When was the last onsite inspection by DMIRS of the Ungani Production Facility?
- (15) When was the last onsite inspection by DMIRS of the Ungani production wells?
- (16) When was the last onsite inspection by DMIRS of the Ungani injection wells?
- (17) What volumes of chemicals are being injected by the downhole chemical injection unit and the surface chemical injection skid, per day?
- (18) What types of chemicals are being injected by the downhole chemical injection unit and the surface chemical injection skid?
- (19) Will the Minister release Buru Energy's Annual Environmental Report for all activities in Petroleum Licence L20 and L21?

- (20) If no to (19), why not?
- (21) Will the Minister release Buru Energy's latest inspection report for all activities in Petroleum Licence L20 and L21?
- (22) If no to (21), why not?
- (23) Why does the publicly available summary version of the Ungani Production Facility Commissioning and Operations Environment Plan, dated 17/9/2021, differ significantly from the full plan, dated 12/09/2022, in that the summary omits the key information about the change of a production well to a waste water injection well?

Hon Matthew Swinbourn replied:

- (1) Water cut ratio at Ungani oilfield, within L 20 and L 21:
- | Year | Ratio |
|------|-------|
| 2018 | 4.29 |
| 2019 | 6.88 |
| 2020 | 13.7 |
| 2021 | 32.45 |
| 2022 | 59.67 |
- (2) Ungani has stopped oil production since February 2023 due to cyclonic weather and flooding.
- (3) Ungani 3 and Ungani West 1
- (4) In 2022 Buru produced 730,500 standard cubic metres (sm³) of PFW, which is approximately equal to 2,001 sm³ per day.
- (5) During 2022, Buru re-injected 771,179 sm³ of PFW into injection wells.
- (6) No.
- (7) Yes.
- (8) Not applicable.
- (9) Waste is removed to a Licensed Waste Facility.
- (10) Vented gas is reported on a monthly basis. Daily average is 3,057 sm³ and annually it is approximately 1,116,000 sm³
- (11) Methane CH₄
- (12) None are used in the Ungani production wells.
- (13) Zero.
- (14) 23 October 2019
- (15) 23 October 2019
- (16) 23 October 2019
- (17) Volumes of chemicals are being injected by the downhole chemical injection unit and the surface chemical injection skid, per day as below.

	Downhole chemical injection unit	Surface chemical injection skid
Producer wells	Nil	70 L/day
Injection wells	12 to 24 L/day (1000 to 2000 L per well every 12 weeks)	Nil

- (18) Chemicals are being injected by the downhole chemical injection unit and the surface chemical injection skid as below.

	Downhole chemical injection unit	Surface chemical injection skid
Producer wells	Nil	Scale inhibitors, emulsion breakers, corrosion inhibitors, oxygen scavengers and biocides
Injection wells	Hydrochloric acid	Nil

- (19) No.

- (20) There are no provisions within petroleum regulations permitting the release of annual environmental reports for petroleum activities.
- (21) No.
- (22) There are no provisions within petroleum regulations permitting the release of inspection reports.
- (23) Revision 18a of the Ungani Production Facility Commissioning and Operations Environment Plan (EP) was submitted as a result of a minor change in activity. Given this was already described as an activity in the previously approved EP (revision 18), the submission of the EP Summary (revision 0) as a publicly available summary document to EP, revision 18a was accepted. This EP and the EP Summary was determined by DMIRS to satisfy the requirements of the Petroleum and Geothermal Energy Resources (Environment) Regulations 2012 on 11 October 2022.

PORTS — BROOME

1376. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Transport; Planning; Ports:

I refer to the Port of Broome land and sea, and I ask:

- (a) what are the listed Threatened Ecological Communities (TEC) on Port of Broome land and sea;
- (b) what are the Priority Ecological Communities (PEC) on Port land and sea;
- (c) what threatened species listed under Commonwealth and State legislation are likely or known to occur on Port land and sea;
- (d) how many hectares of port land and sea are above the high tide mark;
- (e) how many hectares of port land and sea are in the intertidal zone;
- (f) how many hectares of port land and sea are in the marine area;
- (g) how many hectares of port land and sea are listed as National Heritage under the *Environment Protection and Biodiversity Conservation Act 1999*;
- (h) are there Management Plans in place for the TEC's, PECs and threatened species on port land and sea;
- (i) is there a Management Plan for the National Heritage area;
- (j) has the port done any seagrass surveys in the area under its jurisdiction;
- (k) what is the health status of seagrass in the port's jurisdiction;
- (l) How many hectares of seagrass are in the port's jurisdiction;
- (m) Have any marine invasive species been identified in the past five years on port land and sea;
- (n) if yes to (m), which species;
- (o) has the port conducted any intertidal reef surveys on port land and sea;
- (p) if no to (o), why not;
- (q) does the port know where intertidal reef exists in its jurisdiction;
- (r) does the port know how many species of coral, fish, gastropoda, seaweeds and crabs are extant on port land and sea;
- (s) how often does the port survey for invasive marine species;
- (t) are these surveys and their results made public;
- (u) if no to (t), why not;
- (v) will the Minister table all marine surveys done over the past two years;
- (w) if no to (v), why not;
- (x) has the port done any surveys to determine whether the dredging done in 2019 was successful;
- (y) if yes to (x), will the Minister table these reports; and
- (z) if no to (x), why not?

Hon Sue Ellery replied:

- (a) Monsoon vine thickets; and Roebuck Bay mudflats.
- (b) Relict dune system dominated by extensive stands of Minyjuru (*Mangarr – Sersalisia sericea*).

- (c) The following are listed under the *Environment Protection and Biodiversity Conservation Act 1999* on the threatened species list and are likely or known to occur on the Port of Broome land and sea:
- Serilingia Exastia;
 - Monsoon vine thickets on the coastal sand dunes of Dampier Peninsula;
 - Flatback turtle (*Natator depressus*); and
 - Green turtle (*Chelonia mydas*).
- (d) Approx 66.8ha.
- (e) Due to the 10m tidal range the intertidal zone is variable.
- (f) Approx 14,229ha of port waters.
- (g) The Port of Broome is listed within ‘The West Kimberley’ National Heritage place.
- (h) KPA has tenant environmental management conditions which includes protecting flora.
- (i) No.
- (j)–(l) The Broome Community Seagrass Monitoring Project has run scheduled seagrass monitoring events for 16 years. Three of the monitoring sites are within port waters and the results from these surveys are publicly available.
- KPA also undertakes subtidal benthic community habitat (BCH) surveys adjacent to the wharf which includes seagrass.
- The seagrass is currently classified as having a ‘Good’ health status by Seagrass-Watch.
- (m)–(n) *Didendum Perlucidum*
- (o)–(p) KPA’s marine monitoring program surveys Mangroves as an intertidal community.
- (q) The rocky shoreline and reef under and adjacent to the wharf is considered intertidal reef/intertidal rocky shoreline.
- (r) No.
- (s)–(u) Surveys are undertaken every 6 months.
- (v)–(w) The following environmental marine surveys have been completed since April 2021:
- State-Wide Array Surveillance Program (SWASP) summer survey October 2021
 - SWASP winter survey March 2022
 - SWASP summer survey October 2022
 - Marine water quality dry season survey August 2021
 - Marine water quality wet season and BCH survey March 2022
 - Marine water quality dry season survey August 2022
 - Marine water quality and BCH wet season survey April 2023
- (x)–(z) Dredging undertaken has been successful.

PORTS — ABORIGINAL HERITAGE SITES — BROOME

1377. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Transport; Planning; Ports:

I refer to the Port of Broome, land and sea, and I ask:

- (a) how many registered Aboriginal Heritage sites are there on port land and sea;
- (b) is the Minister aware of any Aboriginal heritage sites on port land and sea that are not registered;
- (c) will the Minister table the following information about each heritage site on port land and sea:
 - (i) registered Aboriginal Site number;
 - (ii) name of the site;
 - (iii) type;
 - (iv) who the knowledge holder is; and
 - (v) when the site was registered;
- (d) if no to (c), why not;

- (e) are there any proposed developments that would impact on Aboriginal Heritage sites at the port;
- (f) if yes to (e), what are the development proposals and which sites would be impacted;
- (g) has the port consulted with any heritage site knowledge holders that may be impacted by development proposals;
- (h) if yes to (g), when did the consultation take place;
- (i) if yes to (g), have knowledge holders consented to any destruction of sites; and
- (j) if yes to (i), which sites have received consent to be disturbed or damaged?

Hon Sue Ellery replied:

- (a) Five fully or partially within the Port of Broome land and sea area.
- (b) No.
- (c)–(d) 12873; Entrance Point/Yinara; Artefacts / Scatter, Midden / Scatter, Mythological, Camp; not publicly listed; not listed.
14444; Beacon Hill; Artefacts / Scatter, Midden / Scatter; not publicly listed; not listed.
12872; Gantheaume Point 2; Artefacts / Scatter, Midden / Scatter, Camp; not publicly listed; not listed.
12410; Lintapitjin/Lot2065 Port Dr; Artefacts / Scatter, Ceremonial, Midden / Scatter, Mythological; not publicly listed; not listed.
12924; NGAKALYALYA; Mythological; not publicly listed; not listed.
- (e)–(f) The Kimberley Ports Authority (KPA) have no plans for such developments.
- (g)–(j) KPA consults with the Yawuru Native Title Prescribed Body Corporate as the Native Title Holders of Broome and surrounds on an ongoing basis.
No Aboriginal Heritage Act Section 18 Applications have been made for the Port of Broome area.

KIMBERLEY FLOODS — STATE RECOVERY COORDINATOR

1378. Hon Dr Brad Pettitt to the Minister for Emergency Services:

I refer to the catastrophic floods in the Kimberley, and I ask:

- (a) who does the state recovery coordinator report to;
- (b) what budget does the state recovery coordinator have;
- (c) how many staff does the state recovery coordinator have; and
- (d) which Aboriginal organisations is the state recovery coordinator consulting with?

Hon Stephen Dawson replied:

- (a) The State Recovery Coordinator reports to the Fire and Emergency Services Commissioner.
- (b) The State Recovery Coordinator is funded through the Department of Fire and Emergency Services (DFES) State Recovery portfolio. The WA Government recently allocated funding of \$13.4 million to fund a taskforce within DFES to manage and support recovery from the Kimberley floods.
- (c) The Kimberley taskforce includes 15 staff who report to the Assistant Commissioner for Resilience and Recovery, who support the work of the State Recovery Coordinator.
- (d) Engagement with local Aboriginal organisations is being undertaken through agreed recovery structures and representative forums that have been adapted and designed to suit the unique Fitzroy Valley and wider Kimberley communities. Aboriginal organisations that have been directly engaged regarding the recovery include:

Kimberley Land Council Aboriginal Corporation

Marra Worra Worra Aboriginal Corporation

Nindilingarri Cultural Health Services

Marninwarntikura Women's Resource Centre

Wangki Yupurnanupurru Radio

Gurama Yani U Incorporated (Mens Shed)

Bunuba Dawangarri Aboriginal Corporation

Yanunijarra Aboriginal Corporation

Gooniyandi Aboriginal Corporation

Yungngora Aboriginal Corporation
 TiyaTiya Aboriginal Corporation
 Burawa Incorporated
 Loanbun Aboriginal Community
 Bungardi Incorporated
 DarlNgunaya Aboriginal Corporation
 Junjuwa Aboriginal Corporation
 Muludja Aboriginal Corporation
 Joy Spring (8-Mile) Aboriginal Community
 Karnparrmi (3-mile) Aboriginal Community
 Bayulu Community Incorporated
 Yakanarra Aboriginal Corporation
 Koorabye Aboriginal Corporation
 Mimbi Aboriginal Corporation
 Ngalingkadji Aboriginal Corporation
 Gilly Sharp Community Incorporated
 Ngumpa Aboriginal Corporation
 Moongardi Indigenous Corporation
 Ganinyi Aboriginal Corporation
 Girriyoowa Aboriginal Community
 Kupungarri Aboriginal Corporation
 Leedal Pty Ltd

SYNERGY — A1 TARIFF CUSTOMERS

1379. Hon James Hayward to the parliamentary secretary representing the Minister for Energy:

I refer to Synergy A1 Tariff customers, and I ask:

- (a) how many customers have been charged a late payment fee in the 2023 calendar year to date;
- (b) how many customers are currently repaying debt via a repayment plan;
- (c) how many customers were referred to a financial counsellor in the 2023 calendar year to date; and
- (d) how many customers were disconnected due to non-payment in the 2023 calendar year to date?

Hon Matthew Swinbourn replied:

- (a) 68,228.
- (b) 36,148.
- (c) Financial counsellor referrals are not captured in Synergy's database.
- (d) 2,703.

MINISTER FOR EMERGENCY SERVICES —
 PORTFOLIOS — MINISTERIAL COMMUNICATIONS AGREEMENT

1380. Hon Martin Aldridge to the Minister for Emergency Services; Innovation and the Digital Economy; Medical Research; Volunteering:

Will the Minister please table, with respect to each department or organisation under the Minister's control, the ministerial communications agreement that is in force pursuant to section 74 of the *Public Sector Management Act 1994*?

Hon Stephen Dawson replied:

- (1) (a) [See tabled paper no 2195.]
- (b) [See tabled paper no 2195.]
- (c) [See tabled paper no 2195.]
- (d) [See tabled paper no 2195.]
- (e) [See tabled paper no 2195.]

BUSHFIRES — DISASTER RECOVERY FUNDING

1381. Hon Martin Aldridge to the Minister for Emergency Services:

I refer to the Minister's answer to question without notice 371 in relation section 13 requests pursuant to the *Bush Fires Act 1954*, and I ask, in relation to each incident contained within the *Adverse fire weather event 3–6 February 2022 – After Action Review Report*:

- (a) on what date and at what time was a section 13 request made by each local authority;
- (b) by whom was it made at the each respective local authority;
- (c) which Department of Fire and Emergency Services (DFES) officer received each of the respective requests;
- (d) on what data and at what time was each section 13 request received by DFES;
- (e) on what date and at what time was each section 13 request approved by DFES;
- (f) on what date and at what time did DFES take control of each incident pursuant to section 13; and
- (g) please table each section 13 request including any documents relating to the consideration and approval of each request?

Hon Stephen Dawson replied:

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

The following is a breakdown of the above questions separated into each of the four incidents of the Adverse Fire Weather Event in February 2022. It should be noted that for all incidents, DFES was engaged with the relevant Shires throughout the preparation and escalation phase of the bushfires and in many instances embedded in the incident. This provided timely and ongoing discussions as to the local governments capability and capacity which informed the respective mutually supported requests for DFES to take control through a Section 13 appointment.

Bayview Rise Bushfire – 559811

- (a) Approximately 14:15 hours on 4 February 2022.
- (b) Chief Bush Fire Control Officer Shire of Denmark.
- (c) District Officer Albany.
- (d) Approximately 14:15 hours on 4 February 2022.
- (e) Approximately 14:15 hours on 4 February 2022.
- (f) Approximately 14:21 hours on 4 February 2022.
- (g) Document tabled.

Bridgetown Bushfire – 559961

- (a) Approximately 14:38 hours on 5 February 2022.
- (b) Chief Bush Fire Control Officer Shire of Bridgetown Greenbushes.
- (c) Superintendent Lower South West.
- (d) Approximately 14:38 hours on 5 February 2022.
- (e) Approximately 14:45 hours on 5 February 2022.
- (f) Approximately 14:45 hours on 5 February 2022.
- (g) Document tabled.

Shackleton Complex Bushfire – 560058

- (a) Approximately 12:30 hours on 6 February 2022.
- (b) Chief Bush Fire Control Officer Shires of Bruce Rock and Corrigin.
- (c) Regional Duty Coordinator Goldfields Midlands and Superintendent Goldfield Midlands.
- (d) Approximately 12:30 hours on 6 February 2022.
- (e) Approximately 13:00 hours on 6 February 2022.
- (f) Approximately 13:00 hours on 6 February 2022.
- (g) Documents tabled.

Narrogin East Bushfire – 560035

- (a) Approximately 13:00 hours on 6 February 2022.
- (b) Chief Bush Fire Control Officer Shire of Narrogin.

- (c) Superintendent (Acting) Upper Great Southern.
- (d) Approximately 13:00 hours on 6 February 2022.
- (e) Approximately 13:30 hours on 6 February 2022.
- (f) Approximately 13:30 hours on 6 February 2022.
- (g) Not applicable

DFES Comments:

Shackleton Complex Bushfire – 560058

- (g) The initial Section 13 was updated at 14:00 to include Shires of Quairading and Kondinin after requests were made to handover to DFES. A typo was also corrected on the initial Section 13 under “Authorised Period” (*documented as 7 February 2022 not 6 February 2022*)

Both initial Section 13 and updated Section 13 documents, with additional local governments included, are attached.

Narrogin East Bushfire – 560035

- (g) During the operational tempo of four Level 3 incidents, the initial request by the local government to handover control was acknowledged and actioned by DFES, however, due to an internal administrative error the Section 13 documentation authorising an officer to take control of the incident was not completed.

This administrative error does not necessarily invalidate decisions or directions given by officers at the time. In the event of a legal challenge, the nature of the particular decision or power being challenged and its purpose (which in the case of powers under the Bush Fires Act is to enable an appropriate response to a bush fire emergency) will be relevant to the outcome.

All staff on the ground and in the State Operations Centre continued with the operational activity with the understanding that DFES had taken control of the incident.

EDUCATION — BLUE FLAME KITCHEN — JANDAKOT

1382. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Education:

I refer to ATCO’s Blue Flame Kitchen facility in Jandakot, which is targeted at Year 5 and 6 students, and I ask:

- (a) have any public or independent schools in Western Australia participated in this program; and
- (b) if yes to (a):
 - (i) which schools have participated;
 - (ii) on which dates did they participate;
 - (iii) how many distinct classes have participated; and
 - (iv) how many children does (iii) represent?

Hon Sue Ellery replied:

- (a) Yes
- (b) (i)–(iv)

School	Dates	Classes	Number of children
Bertram Primary School	21 July and 18 October 2016	Selected Students in Years 4 to 6 Classes	32
Burrendah Primary School	3, 4, 5 and 10 August 2021	4	121
Challis Community Primary School	7 December 2022	1	30
East Hamilton Hill Primary School	9 September 2021	1	30
Phoenix Primary School	2 and 10 November 2021	3	80
Ranford Primary School	26 October, 18 and 23 November 2021 19 and 26 October, 2 November 2022	7	200

Safety Bay Primary School	5, 7 and 8 September 2017 21 and 28 August, 3 and 4 September, 19 and 30 October 2018 17 and 29 May, 14 June, 15, 21 and 28 August, 27, 28 and 29 October, and 5 November 2020 29 And 30 June 2021	Years 5 and 6 Classes	Approx 120
South Coogee Primary School	18 and 25 June 2014 8 September 2015 31 March, 1 April, 5 and 19 August 2016 27 and 29 June 2017 26 and 27 June 2019	11	304
South Lake Primary School	2021 2019	2	120
Spearwood Primary School	26 July 2021	1	27
Success Primary School	4, 5, 10, 11 and 18 August 2020 30 and 31 March 2021	7	224
Yangebup Primary School	3 and 17 November 2021	2	65

The Department of Education does not have access to participation information for non-government schools.

CYCLONE SEROJA — DISASTER RECOVERY FUNDING ARRANGEMENTS

1383. Hon Martin Aldridge to the Minister for Emergency Services:

- (1) I refer to the \$104.5 million Disaster Recovery Funding Arrangements (DRFA) package for communities impacted by Cyclone Seroja and I ask, what is the total amount of the \$104.5 million DRFA funding spent to date?
- (2) What is the total amount of the \$104.5 million DRFA funding that has been directly dispersed to families, businesses, and communities from grant applications?

Hon Stephen Dawson replied:

The Disaster Recovery Funding Arrangements (DFRA) Recovery Package for STC Seroja includes:

- Primary Producer Recovery Grants
- Small Business Recovery Grants
- Recovery and Resilience Grants for Insured Residents
- Clean-up and Restoration of Community, Recreational, Cultural, and Heritage Assets Program
- Community Welfare and Outreach Program

- (1)–(2) As of 31 March 2023, total expenditure under the DRFA Recovery Package was \$8 858 483. Total funds expended include funds disbursed to community members directly through the recovery grants, reimbursements to local governments, and funds expended on operational and administrative costs.

The total amount which has been directly dispersed to grant applications as of 31 March was \$4 830 662. The remaining funds expended include the operational expenses for the Department of Communities, Community Welfare, and Outreach program, the operational expenses to administer and deliver the Cyclone Seroja recovery grants and Reimbursements to local governments through the Community and Recreational Asset Clean-Up and Restoration Program.

The amounts above do not include \$27.3 million in additional funding to TC Seroja affected areas outlined below:

\$9.2 million in additional funding allocated to impacted communities to aid recovery from TC Seroja, including:

- \$500 000 to all eligible impacted local governments
- \$400 000 additional funding for the Shire of Northampton

\$200 000 additional funding for the Shire of Chapman Valley
 \$200 000 additional funding for the Shire of Mingenew
 \$200 000 additional funding for the Shire of Morawa
 \$200 000 additional funding for the Shire of Perenjori
 \$2.2 million State Government assistance package
 \$2 million in State Government contribution to the Lord Mayor's Distress Relief Fund Appeal
 \$3.5 million through the Construction Training Fund Disaster Recovery Grant
 \$3.1 million in State Government electricity relief grants
 \$2.3 million through the small business and individual \$4,000 grants program;
 \$2.3 million through the Department of Communities' emergency assistance program;
 \$2.2 million in Water Corporation service waivers;
 \$280,000 through Western Power relief grants to customers impacted by damage to Western Power's network.
 \$220,000 in tourism marketing support to attract travellers back to the Coral Coast; and
 Associated costs of over 15,000 hours committed to the recovery process by DFES personnel, community recovery officers, and other agencies since September 2021.

HEALTH — ALBANY DENTAL CLINIC

1384. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:

- (1) I refer to the McGowan Labor Government's election commitment to double the number of chairs in the Albany dental clinic and I ask, please provide a status update and expected completion date for this project.?
- (2) How many people are currently on the waiting list for Albany?
- (3) What is the average waiting time for treatment?
- (4) What is the average length of time in which a patient can get an appointment for work considered urgent?

Hon Sue Ellery replied:

- (1) The project is currently in the procurement phase with the Department of Finance managing the delivery of the project. A lead consultant architect has been appointed and the Project Definition Plan is being developed. Construction timeframes will be determined following the conclusion of the procurement phase.
- (2) As of 31 March 2023, there are 1,267 patients on the general dental waiting list.
- (3) As of 31 March 2023, the average wait time for a general course of non-urgent general dental care is 22.9 months.
- (4) Patients requiring urgent care are triaged to assess patient treatment priority. Highest priority patients are offered an appointment within 1 day at the Albany Dental Clinic or issued an Authority to attend a private dental provider who agrees to use the same fee schedule as the public clinic. Patients requesting urgent care and triaged at lower priorities may wait 2 to 3 weeks for an appointment.

NATIONAL DISABILITY INSURANCE SCHEME — WORKER SCREENING CHECK APPLICATIONS

1385. Hon Martin Aldridge to the minister representing the Minister for Community Services:

- (1) I refer to applications for National Disability Insurance Scheme (NDIS) Worker Screening Check and I ask, for the 2021–22 financial year and the 2022–23 financial year to 31 December 2022 and I ask, for each financial year of part thereof, please specify the number of applications processed:
 - (a) in total;
 - (b) for paid employees;
 - (c) for volunteers/unpaid workers; and
 - (d) for eligible concession card holders?
- (2) For each financial year of part thereof, what was the total amount received by Government in fees for this service:
 - (a) in total;
 - (b) in respect to applications for paid employees;
 - (c) in respect to applications for volunteers/unpaid work; and
 - (d) in respect to applications from eligible concession card holders?

- (3) Noting that applicants are required to attend a Department of Transport Driver and Vehicle Service Centre to complete the application process, is the Government considering any measures to reduce barriers for applicants who may not have a DoT centre in their community and, if so, please provide detail?
- (4) With regards to the Working With Children Check (WWCC) screening, for the 2021–22 financial year and the 2022–23 financial year to 31 December 2022, for each financial year or part thereof, please specify the number of applications processed:
- (a) in total;
- (b) in respect to paid employees or self-employed people; and
- (c) in respect to volunteers, unpaid workers or students on unpaid placements?
- (5) For each financial year or part thereof please specify the amount of money receives as fees for the WWCC screening service:
- (a) in total;
- (b) in respect to paid employees and self-employed people; and
- (c) in respect to volunteers, unpaid workers and students on unpaid placements?
- (6) For the 2021–22 financial year, what was the cost to Government of delivering NDIS worker screening checks?
- (7) For the 2021–22 financial year, what was the cost to Government of delivering WWCC screening checks?

Hon Jackie Jarvis replied:

- (1)–(3) and (6) The answers to 1, 2, 3 and 6 are provided on behalf of the Minister for Disability Services who has responsibility for the NDIS:

- (1) (a)–(b)

NDIS Worker Screening Applications Processed		
	2021/22 FY	1 July to 31 December 2022
Paid employees	23,086	10,368
Volunteers/unpaid workers	7,745	3,599
Eligible concession card holders	3,523	1,387
Total	34,354	15,354

- (2) (a)–(b)

NDIS Worker Screening Government Fees		
	2021/22 FY (\$)	1 July to 31 December 2022 (\$)
Paid employees	3,303,680	1,537,870
Volunteers/unpaid workers	85,690	40,117
Eligible concession card holders	284,640	112,960
Total	3,674,010	1,690,947

- (3) If a person cannot visit a Department of Transport Driver and Vehicle Service Centre, they may request an alternate lodgement process after completing the online application form. The Department of Communities (Communities) then works with that individual to enable lodgement.

Communities is working closely with the Department of Premier and Cabinet's Office of Digital Government to develop a fully online application process, the online portal that will include identity verification to Australian Criminal Intelligence Commission standards.

- (6) \$241,595.

The cost to government of delivering the NDIS screening checks has been calculated as the actual total expense, minus the actual total revenue received from all regulated fees.

Answers from the Minister for Child Protection for matters which fall within the Child Protection Portfolio:

- (4) (a)–(c)

Working with Children Check Applications Processed		
	2021/22 FY	1 July to 31 December 2022
Paid employees or self-employed people	102,626	49,333
Volunteers, unpaid workers, students on unpaid placements	44,842	20,652
Total	147,468	69,985

(5) (a)–(c)

Working with Children Check Application Fees Received		
	2021/22 FY (\$)	1 July to 31 December 2022 (\$)
Paid employees or self-employed people	8,854,773	4,280,052
Volunteers, unpaid workers, students on unpaid placements	488,543	225,951
Total	9,343,316	4,506,003

(7) \$2,984,238.

PUBLIC HOUSING — END-OF-LEASE FEES

1386. Hon Dr Brad Pettitt to the minister representing the Minister for Housing:

I refer to public housing in Western Australia, and I ask:

- (a) For each of the calendar years from 2018–2022, what was the average cost charged to public housing tenants for end of lease rubbish removal services for the following dwelling types and, if available, broken down by region:
- (i) 1 bedroom;
 - (ii) 2 bedroom;
 - (iii) 3 bedroom;
 - (iv) 4 bedroom;
 - (v) 5 bedroom; and
 - (vi) 6 bedroom or more?

Hon Jackie Jarvis replied:

This data is not readily available and would require the manual review of individual files and invoices. Given the level of agency resourcing required to provide this detailed information, it is not considered to be a reasonable use of government resources.

However, if the Honourable Member asks a more specific question, the Minister will endeavour to provide this information.

PUBLIC HOUSING — END-OF-LEASE FEES

1387. Hon Dr Brad Pettitt to the minister representing the Minister for Housing:

I refer to public housing in Western Australia, and I ask:

- (a) for each of the calendar years from 2018–2022, what was the average cost charged to public housing tenants for end of lease cleaning services for the following dwelling types and, if available, broken down by region:
- (i) 1 bedroom;
 - (ii) 2 bedroom;
 - (iii) 3 bedroom;
 - (iv) 4 bedroom;
 - (v) 5 bedroom; and
 - (vi) 6 bedroom or more?

Hon Jackie Jarvis replied:

This data is not readily available and would require the manual review of individual files and invoices. Given the level of agency resourcing required to provide this detailed information, it is not considered to be a reasonable use of government resources.

However, if the Honourable Member asks a more specific question, the Minister will endeavour to provide this information.

PUBLIC HOUSING — END-OF-LEASE FEES

1388. Hon Dr Brad Pettitt to the minister representing the Minister for Housing:

I refer to public housing in Western Australia, and I ask:

- (a) For each of the calendar years from 2018–2022, what was the average cost charged to public housing tenants for end of lease painting services for the following dwelling types and, if available, broken down by region:
- (i) 1 bedroom;

- (ii) 2 bedroom;
- (iii) 3 bedroom;
- (iv) 4 bedroom;
- (v) 5 bedroom; and
- (vi) 6 bedroom or more?

Hon Jackie Jarvis replied:

This data is not readily available and would require the manual review of individual files and invoices. Given the level of agency resourcing required to provide this detailed information, it is not considered to be a reasonable use of government resources.

However, if the Honourable Member asks a more specific question, the Minister will endeavour to provide this information.

PUBLIC HOUSING — END-OF-LEASE FEES

1389. Hon Dr Brad Pettitt to the minister representing the Minister for Housing:

I refer to public housing in Western Australia, and I ask:

- (a) For each of the calendar years from 2018–2022, what was the average cost charged to public housing tenants for end of lease gardening services for the following dwelling types and, if available, broken down by region:
 - (i) 1 bedroom;
 - (ii) 2 bedroom;
 - (iii) 3 bedroom;
 - (iv) 4 bedroom;
 - (v) 5 bedroom; and
 - (vi) 6 bedroom or more?

Hon Jackie Jarvis replied:

This data is not readily available and would require the manual review of individual files and invoices. Given the level of agency resourcing required to provide this detailed information, it is not considered to be a reasonable use of government resources.

However, if the Honourable Member asks a more specific question, the Minister will endeavour to provide this information.

PUBLIC HOUSING — END-OF-LEASE FEES

1390. Hon Dr Brad Pettitt to the minister representing the Minister for Housing:

I refer to public housing in in WA, and I ask:

- (a) are public housing tenants able to source alternative quotes for services to making good a property at the end of a lease, such as cleaning, rubbish removal, gardening, painting, minor repairs, etc;
- (b) if no to (a), why not;
- (c) if no to (a), how does the Housing Authority prevent price gouging to ensure that the cost charged to tenants for these services are fair and comparable to what a tenant would pay in a private rental;
- (d) how are costs for services to making good a property, such as cleaning, rubbish removal, gardening, painting, minor repairs, etc, calculated; and
- (e) does any part of the cost in (d) include a fee for the Housing Authority or is all of the cost charged to a tenant for a contractor's services?

Hon Jackie Jarvis replied:

The Department of Communities (Communities) and public housing tenants are required to adhere to the *Residential Tenancies Act 1987*. Tenants are therefore obliged to return the premises in a similar condition as at the commencement of the tenancy.

Before a tenant vacates a property, Communities generally offers a pre-vacation inspection to help tenants identify maintenance requirements and to provide the tenants with an estimate of costs to remedy.

Tenant liability for cleaning and rubbish removal may be waived where the tenant's age, disability, impairment or medical condition prevents them from maintaining the property to an acceptable standard.

Where a tenant wishes to remedy a maintenance requirement, they may, with the permission of Communities, engage their own contractors to complete the works. If they do not want to engage their own contractors, then Communities use their head maintenance contract suppliers which use a fixed price schedule of rates for each task.

The total cost of completing maintenance does not include a fee for the Housing Authority.

Communities, as the landlord, under the *Residential Tenancies Act 1987*, does not charge for the cost associated with reasonable wear and tear of a property. Tenants are only charged for the cost of vacation works in certain circumstances, including serious neglect of the property, wilful damage and misuse of the property. However, this is assessed on a case by case basis and tenants may be exempt from the costs due to accidents, incidents of family and domestic violence or where damage is caused by individuals who are unknown or not a party to the tenancy agreement and a police record number is obtained.

Where tenants are charged for vacated works, they have the option to appeal the decision.
