



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
FIRST SESSION
2024

LEGISLATIVE ASSEMBLY

Tuesday, 13 August 2024

Legislative Assembly

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THE SPEAKER (Mrs M.H. Roberts) took the chair at 1.00 pm, acknowledged country and read prayers.

EAST PERTH PRIMARY SCHOOL

Petition

MR J.N. CAREY (Perth — Minister for Planning) [1.01 pm]: I have a petition that has 1 042 signatures, of which 37 comply with the standing orders. It is worded as follows —

To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, say that a new primary school in the East Perth area is a priority to ensure local families have access to high quality early learning opportunities, and to accommodate for the continued expansion in population within inner-city Perth.

We believe City of Perth local residents should have been fully consulted by the council on the Primary School proposal instead of leaving the site as a carpark.

Now we ask the Legislative Assembly to acknowledge the strong local community support for a new East Perth Primary School on the Queens Park site.

The physical petition is signed by 37 signatories. I have a further 993 nonconforming signatures in support of the East Perth primary school.

[See petition 62.]

PAPERS TABLED

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

BILLS

Notice of Motion to Introduce

1. Evidence Amendment Bill 2024.

Notice of motion given by **Mr J.R. Quigley (Attorney General)**.

2. Community Protection (Offender Reporting) Amendment Bill 2024.

Notice of motion given by **Mr D.A. Templeman (Leader of the House)** on behalf of Mr P. Papalia (Minister for Police).

3. Gambling Legislation Amendment Bill 2024.

Notice of motion given by **Mr D.A. Templeman (Leader of the House)** on behalf of Mr P. Papalia (Minister for Racing and Gaming).

4. Queens Garden Car Park (Inner City School) Bill 2024.

Notice of motion given by **Dr A.D. Buti (Minister for Education)**.

5. Retirement Villages Amendment Bill 2024.

Notice of motion given by **Mr J.N. Carey (Minister for Lands)**.

STATE DEVELOPMENT — GOVERNMENT PERFORMANCE

Notice of Motion

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

That this house condemns Premier Roger Cook and his Labor government for their mismanagement of our state's development and failure to defend major downstream processing businesses, neglecting growth opportunities and undermining the long-term economic prospects of Western Australia.

ELECTORAL ACT — REGIONAL REPRESENTATION WOMEN'S AND BABIES' HOSPITAL

Removal of Order — Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [1.05 pm]: I inform members that the private members' business orders of the day that appeared on the last notice paper as "Regional Representation in the Legislative Assembly" and "Women's and Babies Hospital" have not been debated for more than 12 calendar months and have been removed from the notice paper.

PARIS OLYMPICS AND PARALYMPICS — WESTERN AUSTRALIAN ATHLETES*Statement by Minister for Sport and Recreation*

MR D.A. TEMPLEMAN (Mandurah — Minister for Sport and Recreation) [1.06 pm]: I am delighted to advise the house that more than 50 Western Australian athletes competed at the Paris 2024 Olympic Games. Western Australian athletes won 24 medals, including eight gold, seven silver and nine bronze. Compared with Tokyo 2020, an additional 10 WA athletes are bringing home medals from Paris. This is a fantastic result for our state. WA brought home the second-most gold medals of any state, surpassed only by Queensland, with 11 gold medals.

Duneraig's Matt Wearn entered his event as the defending Olympic champion and again won gold in the men's sailing dinghy, making him the first man in Olympic history to win back-to-back Olympic titles in the event. Matt's outstanding achievement saw him named flag-bearer for the closing ceremony alongside Queensland's Kaylee McKeown.

Busselton's Nina Kennedy created history, becoming the first Australian female to win a field medal at an Olympic Games. Nina's medal was the eighteenth gold, cementing Australia's largest-ever haul at an Olympic Games and the first Australian gold in track and field since Sally Pearson's sprint hurdles gold in London in 2012.

Warwick's track cyclist Matthew Richardson had an Olympic campaign he will never forget, bringing home individual silvers in both the sprint and the keirin, and a bronze in the men's team sprint. The men's team pursuit in cycling also brought home the gold, setting a new world record on its way. The team of four included three WA locals: Sam Welsford from North Beach and Oliver Bleddyn and Conor Leahy from Secret Harbour.

Perth-based duo Matt Ebdon and John Peers ended a 28-year gold medal drought for Australian tennis, clinching gold in the men's doubles. This is John's second Olympic medal, following his bronze in mixed doubles with Ash Barty in Tokyo in 2020. It marks Matt's first Olympic medal on debut.

At her third Olympics, Brianna Throssell added another gold to her medal tally, on top of the three she helped Australia win at Tokyo. Brianna's excellence has inspired the next generation of WA swimmers, and the future looks bright with Iona Anderson, who won silver and bronze, Joshua Yong, who won bronze, and Kyle Lee all making their debuts in Paris.

Australia has had its most successful Olympic boxing campaign since Rome 1960, with Clarkson's Charlie Senior and Gosnells local Caitlin Parker claiming bronze in the semifinals. Caitlin is the first Australian woman to win an Olympic boxing medal.

There were also some outstanding team results, including bronze for the Opals and silver for our women's water polo team, the Stingers. Each team had two WA athletes, with Victoria Park's Zoe Arancini captaining the Stingers to its silver.

The Cook Labor government proudly provided a \$5 000 direct payment to every Western Australian athlete selected for the Paris Olympics and Paralympics to assist athletes with overhead costs associated with their selection. We congratulate sincerely all our Olympians. Now, we turn our focus to supporting our Paralympians, with the Paralympic Games starting on 28 August. Western Australians send their very best wishes to all Paralympians for that competition. We wish them the very best.

INTERNATIONAL EDUCATION — CANBERRA VISIT*Statement by Minister for International Education*

MR D.A. TEMPLEMAN (Mandurah — Minister for International Education) [1.09 pm]: I rise to share some important information about my visit to Canberra in July to discuss the Australian government's migration reforms relating to international education and to give voice to Western Australia's position.

International students bring significant benefits to our state, socially, culturally and economically. In 2023, international students contributed a record-high \$2.9 billion to the Western Australian economy. International education is a priority sector in the Western Australian government's economic development framework, Diversify WA, so it is important that the Cook Labor government advocates for federal policy settings that support continued growth in the sector.

During my time in Canberra, I met with the federal Minister for Education, Hon Jason Clare, MP; the then federal Minister for Home Affairs, Hon Clare O'Neil, MP; and the former federal Minister for Immigration, Hon Andrew Giles, MP. We discussed integrity issues in the sector and the challenges being raised by international education providers in Western Australia. In particular, I highlighted the issues directly impacting WA businesses. They include student visa processing times, the student visa application fee and the planned caps on international student enrolments. I emphasised the importance of Western Australia's "regional city" status and the role that international students play in supporting our growing workforce needs. I also explained the differences between the issues in Western Australia and those in other jurisdictions and states. Here in Western Australia, we have high-quality education and training providers and a united international education sector that work together to offer a quality student experience for those who choose to come here.

Western Australia's population comprises about 11 per cent of Australia's population, compared with New South Wales's 31 per cent; however, Western Australia's international student enrolments represented only 7.4 per cent of Australia's international student enrolments at the end of 2023, compared with New South Wales's 38.5 per cent. The international student population is highly concentrated in the major cities on the eastern seaboard.

These meetings were the latest in a series of engagements I have had with federal ministers. I would like to thank the international education providers in Western Australia that continue to provide me with the data and the market intelligence to mount a clear case. I can assure the house that I will continue to strongly advocate for making reforms that take into account Western Australia's particular circumstances in the international sector.

PINNACLE AWARDS

Statement by Minister for Culture and the Arts

MR D.A. TEMPLEMAN (Mandurah — Minister for Culture and the Arts) [1.12 pm]: CircuitWest is a marvellous organisation that provides services for the performing arts sector in Western Australia. An integral part of its program is delivering the WA Showcase, an annual four-day arts and culture conference for presenters and producers to build networks, to make connections and to see and hear about work being made in WA.

On Tuesday, 6 August, as part of the WA Showcase, I had the pleasure of presenting CircuitWest's 2024 Pinnacle Awards. The 2024 Pinnacle Awards winner for WA Presenter of the Year was Beverley Station Arts, a fantastic organisation. It has worked tirelessly to bring the best performances to its stage and connect audiences in wheatbelt towns with uplifting and memorable cultural experiences. The team, led by Jenny Broun, is amongst the hardest working and most professionally minded arts volunteers in the state. I met them that night; they were marvellous. It gave me great pleasure to award Jenny and her team the WA Presenter of the Year award, and I encourage all members to take a small road trip to Beverley—go there; it is a beautiful part of the world!—to see its magnificent platform theatre and experience a show there. I give a big shout-out to those at Beverley Station Arts.

The 2024 Pinnacle Award for WA Producer of the Year was Theatre 180. Theatre 180 knows how to tell a good story on stage, and it is usually a local story. Led by artistic director Stuart Halusz and executive director Rebecca Davis, the Theatre 180 team puts people and relationships at the heart of everything it does and makes a lasting impression on every presenter it works with and every town it visits. Our state is richer for having it champion local stories and homegrown talent. Again, if you get the chance to see one of its shows, Madam Speaker, you would love it. You would think it is magnificent because it does wonderful work.

The SPEAKER: You didn't take me on our last date that you promised to Rome, if you recall.

Mr D.A. TEMPLEMAN: No. I will do that. I know that I stood you up, but I will not next time.

The last award, the People's Pinnacle, recognises an individual or organisation that has made an outstanding contribution to the WA performing arts sector. This has gone to a brilliant bloke, Ryan Taaffe. Ryan has championed collaboration and fostered a sense of unity and shared purpose right across the sector. He has introduced WA to some of the best minds in the fields of community engagement and audience development, and he was instrumental in the development of a network that provides resources, encouragement and inspiration to the arts sector.

I really was so proud to present his award, and I was very proud to present the Pinnacle Awards. The winners and nominees all have a collective passion and commitment to the performing arts, and they will leave a legacy of improved access to vibrant cultural experiences in WA. The Cook government will be and is committed to supporting the arts and cultural industries across the state because we understand that arts and culture is, of course, at the heart of vibrant, cohesive, prosperous and healthy communities.

The SPEAKER: Congratulations to Ryan Taaffe and all those winners.

EDUCATION — MADALAH SCHOLARSHIPS

Statement by Minister for Education

DR A.D. BUTI (Armadale — Minister for Education) [1.15 pm]: I am pleased to inform the house of a new Department of Education scholarship program that will support six Aboriginal and Torres Strait Islander students from regional and remote Western Australia.

In a \$1.1 million partnership with MADALAH, the Cook government will fund six scholarship students to attend either Bob Hawke College or Shenton College and board at City Beach Residential College. The scholarships will be for the students' whole secondary education journey, with students commencing in year 7. As part of the scholarship, students will receive mentoring and wellbeing support from MADALAH, as well as \$5 000 a year for their secondary education schooling costs.

Since 2009, MADALAH has provided scholarships to students to attend non-government schools. I am proud that our government has opened the MADALAH scholarship program to public education and to the opportunities that Bob Hawke College and Shenton College can provide. The program reflects the Cook government's commitment to creating educational opportunities that enable Aboriginal students to thrive.

MADALAH's work contributes to not only the educational outcomes of Aboriginal students but also the broader outcomes our government is working towards under the Closing the Gap program and the state's Aboriginal empowerment strategy. MADALAH serves both these goals by ensuring that young people set high expectations for themselves and are equipped with the support necessary to achieve them. Like the Cook government, MADALAH believes that education is the key to generational change and opportunity, and it is committed to empowering students to make a difference, not only in their own lives but also in the lives of their families and communities. It is just what their name stands for: making a difference and looking ahead.

I also want to take this opportunity to acknowledge the Department of Planning, Lands and Heritage's partnership with MADALAH, which has provided sponsorship of a secondary student for the last two years.

EDUCATION — DANDELIONS WA

Statement by Minister for Education

DR A.D. BUTI (Armadale — Minister for Education) [1.17 pm]: I am pleased to inform the house of the Cook government's donation of \$500 000 to WA-based charity Dandelions to support its work of distributing school supplies to schoolchildren in need.

Dandelions WA provides brand new school backpacks filled with essential items, like stationery, lunch boxes, water bottles, hats and toiletries. The Dandelions WA Back to School campaign supports schools and students by promoting equity and inclusion, helping young people to feel a sense of belonging and reducing social barriers.

The one-off donation will provide important assistance to Western Australian students and recognises the Cook government's support of families struggling with cost-of-living pressures. The donation is the latest initiative to utilise the remaining funds from the WA student assistance payment. The WA student assistance payment provided over \$75 million to families and supported almost 400 000 students and their families with school costs, but we know that some families out there need more help. To provide additional assistance to families on low incomes, the state government has also enhanced its secondary assistance scheme for eligible families with children in secondary schooling. They will receive an increased \$300 school clothing allowance to assist with the purchase of school uniforms in both 2024 and 2025.

Assistance available to eligible families through the government's successful KidSport voucher program has also been significantly increased to \$500 for 2025. Another WA-based charity, Give Write, also received a \$500 000 one-off donation to support its work distributing new and recycled stationery to schoolchildren in need right across the state.

I am proud that the Cook Labor government is doing all it can to implement measures that provide meaningful assistance to families. Dandelions WA is doing great work, and this one-off donation will ensure that its work can continue and be enhanced. I also acknowledge the advocacy of members of the Labor Party caucus who have championed the work of Dandelions. I particularly note the advocacy of the members for Joondalup and Darling Range.

ALBANY TAFE — KINJARLING TRADES WORKSHOPS

Statement by Minister for Training and Workforce Development

MS S.F. MCGURK (Fremantle — Minister for Training and Workforce Development) [1.19 pm]: I rise to inform the house that on 26 June, I officially opened the new \$22 million workshops at Albany TAFE, named the Kinjarling trades workshops in recognition of the local Noongar name for Albany. The member for Albany and I toured the state-of-the-art facilities that are already delivering a major boost for trades training in the great southern region, helping train up more local people for local jobs. The construction of the project created more than 225 local jobs, including 40 apprentices and trainees, with 95 per cent of construction undertaken by regional businesses including Albany's own H+H Architects and Wauters Building Company.

The new workshops are now being used to deliver training in traditional trades such as light and heavy automotive, metals and engineering, building and construction, and electrical and plumbing. I was pleased to meet Andrew on my visit. He recently moved to Albany and switched careers as a long-time mechanic to an automotive electrical lecturer at South Regional TAFE. In his new role, Andrew will use the two new electric vehicles and hybrid vehicles valued at \$152 000 that have been delivered to Albany TAFE as part of the Cook government's \$25 million modern TAFE equipment program. The \$22 million Kinjarling Trades Workshops are part of our government's quarter of a billion dollar investment to modernise TAFE colleges across the state, ensuring all Western Australians can train in world-class facilities no matter where they live. Developing the regional workforce so that we have skilled tradespeople such as electricians, engineers, motor mechanics, metal fitters and machinists, and plumbers is vital to diversifying WA's economy as we move towards a clean energy future. I am proud that this upgrade to Albany TAFE is already doing just that.

WESTERN AUSTRALIAN TRAINING AWARDS

Statement by Minister for Training and Workforce Development

MS S.F. MCGURK (Fremantle — Minister for Training and Workforce Development) [1.21 pm]: I rise to inform the house that 41 finalists have been announced for the 2024 Western Australian Training Awards. The

WA Training Awards, now in its thirtieth year, celebrates excellence in our state's vocational training sector, with 31 individuals recognised across eight award categories, and 10 organisations across four categories. This year, we received a record number of submissions, with the standard of applications being described as "outstanding" by the judges. Submissions were received from applicants training in a diverse range of industries including agriculture, automotive and electrical, creative, engineering, health and community services, information technology, cybersecurity, and hospitality. Winners will be announced at the awards ceremony in September, with recipients to take home a \$3 000 cash prize.

Last year's WA Apprentice of the Year, Amy Hunt, went on to be named Apprentice of the Year at the 2023 Australian Training Awards. She has also had a busy year as an ambassador, most recently speaking at the National Apprentice Employment Network 2024 Conference in Adelaide.

Vocational students will be shining at this year's awards ceremony as they showcase their skills across industries such as broadcasting, events, hairdressing and hospitality. The awards are made possible through a partnership with the Western Australian State Training Board and the generous support of principal sponsor MEGT, as well as category sponsors including the Training Accreditation Council, Apprenticeship Support Australia, Construction Training Fund, Maxima and ReadyTech. I look forward to learning more about the finalists' training journeys at the awards presentation ceremony in September and wish all individuals and organisations the best of luck on the night.

DIGGERS AND DEALERS MINING FORUM

Statement by Minister for Mines and Petroleum

MR D.R. MICHAEL (Balcatta — Minister for Mines and Petroleum) [1.23 pm]: It is with great pleasure that I stand today to update the house on the thirty-third annual Diggers and Dealers Mining Forum, which took place in Kalgoorlie last week. I am told that this year's forum attracted a record number of delegates, totalling about 2 800 people from around the world. Of course, one of our own, Hon Kim Beazley, AC, had the privilege of providing this year's keynote address to a wide range of mining and exploration companies, investors, analysts, media and government officials in attendance at the Goldfields Art Centre. Needless to say that with a record high gold price in excess of \$3 660 per ounce, gold producers were the talk of the town, particularly those mining and refining in Western Australia. To this end, I am happy to report that there was overwhelming support for the Cook government's decision to retain the Perth Mint in public hands. Like the Cook government, industry values the important role the Perth Mint plays in the gold sector and the community.

Although the shine was certainly on the gold sector, there was also strong support for those currently experiencing some difficulties in the battery and critical minerals sector, with recognition that the long-term outlook is strong. It is events such as Diggers and Dealers that embody the spirit, energy and resilience of the resources sector, and I remain confident that our state's critical minerals industry will continue to thrive in the future, supplying responsibly sourced, quality metal products that are critical to the world's energy transition. It was therefore no surprise to me that among the award winners acknowledged at the WesTrac gala dinner were Western Australian companies in the battery and critical minerals space. Niobium hopeful, WA1 Resources, was recognised with the best emerging company award, while Azure Minerals was named dealer of the year after it completed the sale of the Andover lithium project in the state's north to Hancock Prospecting and SQM for \$1.7 billion. Meanwhile, other award winners include the recipient of the G.J. Stokes Memorial Award in honour of Diggers and Dealers founder Geoffrey Stokes, which went to Mike Erickson. Digger of the year was Emerald Resources. The media award went to ABC business reporter Rachel Pupazzoni. The Ray Finlayson Award for Leadership and Academic Excellence went to WA School of Mines mining engineering honours student Shayera Allen. Congratulations to all the winners and organisers of the Diggers and Dealers Mining Forum in Kalgoorlie this year.

SHORT-TERM RENTAL ACCOMMODATION REGISTER

Statement by Minister for Housing

MR J.N. CAREY (Perth — Minister for Housing) [1.25 pm]: I rise to inform the house that stronger regulation of short-term rental accommodation in Western Australia is now in effect. The opening of a new register will allow regulators and communities to keep track of the short-stay sector for the first time. Owners can now sign up their hosted and unhosted STRA properties to the Consumer Protection-operated register before it becomes mandatory on 1 January 2025. To encourage early registration, the Cook government is waiving the initial \$250 annual fee for owners who register their STRA properties in between July and September 2024. More than 1 000 STRA properties have already been registered to take advantage of the fee-free period. The public will be able to search properties to see whether they are registered as STRA and verify that a registration number is valid. A heat map of registered STRA properties in WA is also expected to be made available later in the year.

This new register will help create a comprehensive picture of the STRA sector in WA by showing us how many properties there are, their locations and how they are being used. For the first time, local governments will know with confidence how many STRA properties are in their area and where they are located, meaning they can make

informed decisions to manage how they operate in local communities. This register, along with our broader STRA reforms and the \$10 000 incentive for home owners to transition their properties into long-term rentals, will boost rental availability across Western Australia. As of Monday, 12 August, an additional 273 properties have been added to the long-term rental market through the STRA incentive scheme, with 163, or 60 per cent, of these homes in the Perth and Mandurah metropolitan area and a further 110, or 40 per cent, in regional Western Australia. The new STRA register will provide more certainty to local communities and users and will deliver important insight into how we can best regulate and plan for the STRA sector across WA.

COMMUNITIES — ACHIEVER AWARDS

Statement by Minister for Child Protection

MS S.E. WINTON (Wanneroo — Minister for Child Protection) [1.28 pm]: On 1 August, it was my great pleasure to attend the 2024 Achiever Awards, alongside the Premier and the Minister for Youth. Now in its thirty-fourth year, this unique event celebrates the efforts of young Western Australians who are, or have been, in out-of-home care and are striving to achieve their career goals through further education and training. This year, a record-breaking 50 young people were celebrated across the categories of university achiever award, the registered training achiever award and the apprenticeship or traineeship achiever award. All young people nominated for the awards were announced as winners and received financial support to assist with their studies, a trophy and a certificate to acknowledge their efforts. In addition, one young person was also awarded the community spirit award for showing leadership and making a positive impact on their community.

This year's event was particularly special, as two young people with a care experience gave outstanding performances. One of them was recently in *Wundig wer Wilura*, a West Australian Opera production sung in the Noongar language. I am certain both young people have incredible musical careers ahead of them. As the Minister for Child Protection, I am inspired by the stories of resilience and determination of these hardworking young people who are dedicated to creating a positive future for themselves.

Our winners of the Achiever Award shared personal stories of triumph and courage, such as one young person who is completing a diploma of emergency health care. This young person shared her personal message at the event: "Your life is like a book, and you have had no control in how the book started, but you can write the rest of your story, because you are worthy of good things, and you deserve to be happy." Every young person spoke about their goals and the people who supported them along their care journey to achieve them.

I acknowledge all the family members, foster carers, friends, case workers, and education officers who have had a fundamental role in motivating and guiding these young people. I acknowledge one Department of Communities staff member in particular. Jen Slater is an education officer in the wheatbelt district and received the Excellence in Education and Training Award for her impactful work with young people and schools. I am very proud to be part of a government that is committed to achieving better outcomes for young people and celebrating their successes. To the 2024 Achiever Award winners, their families and foster carers, I again say congratulations.

COMMUNITY GARDENS GRANT PROGRAM

Statement by Minister for Community Services

MS S.E. WINTON (Wanneroo — Minister for Community Services) [1.30 pm]: On 17 July this year, I announced the opening of the newest community garden grants program. This initiative is designed to support the establishment and development of sustainable, edible community gardens throughout WA. It aims to develop community engagement, build relationships amongst neighbours and strengthen connections with nature and the environment. The program is open to all incorporated not-for-profit community organisations, local government authorities and community groups.

As a result of significant community interest, the Cook government has increased this year's program funding from \$100 000 to \$300 000 to ensure that more applicants are able to benefit. Eligible applicants are encouraged to apply, with grants of up to \$10 000 available for each project. Applications close on 21 August. Across Western Australia, 64 projects were funded under the program last financial year, including the Brighton Community Garden Education and Resource Centre, which I visited in July. Robyn and the crew of gardeners at the Brighton Community Garden sought the grant funding to complete the final stage of their project, "A Safe and Secure Garden is a Happy Garden". This garden has been utilised by the Butler community for more than 12 years, growing a fantastic range of vegetables, fruits, herbs and nut trees—I took some of their stash home! It is a fantastic resource for locals of all ages and abilities to test their gardening skills.

Other recipients of the 2023–24 program include over \$7 000 for the Boddington Community Resource Centre to develop a native bush tucker garden in partnership with the Aboriginal community and local volunteers; \$8 000 for the Milligan Community Learning and Resource Centre in Bunbury; and \$8 000 for the Shire of Carnarvon to establish the Carnarvon community garden project at Hutchison Park as part of the youth precinct. The shared space for the residents of Carnarvon will provide a place to come together to build connections, develop gardening skills, and foster a sense of belonging.

I have visited a bunch of community gardens this year and have received much positive feedback from the community about this initiative. Community gardens are a great way for people to become active and develop positive relationships. It connects people with the healthy produce they grow, fosters sustainable practices and encourages the development of new skills. I am proud that the Cook Government has increased the funding amount for this year's grants—it is a significant increase. This will ensure more communities can build upon the positive outcomes provided by community gardening.

**CRIMINAL CODE AMENDMENT
(PROHIBITION ON DISPLAY OF NAZI SYMBOLS OR GESTURE) BILL 2024**

Second Reading

Resumed from 8 August.

MR G. BAKER (South Perth) [1.34 pm]: I rise to speak on the Criminal Code Amendment (Prohibition on Display of Nazi Symbols or Gesture) Bill 2024. I thank the Deputy Speaker for the opportunity to speak.

This is a very important bill that addresses this government's commitment to ban the display of Nazi symbols and the performance of the Nazi salute in public, which are considered offensive and hateful by most of the community. The use of Nazi symbols has been repugnant for decades. They are the symbols of a terrible regime that caused millions of deaths and were a danger to everyone they encountered. Australians fought and died to remove the scourge of Nazism. Nazi symbols are still reviled by the vast majority of Australians, and we have no desire to let the cancerous ideology take hold and spread through our community. These laws are not a course of action taken lightly, but a reasonable protection of all the rights that we enjoy in our community.

To remind members of why these symbols are not acceptable, let us look at the history of the Nazi Party. The Nazi Party grew in Germany following the First World War and its disastrous effects on the German economy. Rising from a fringe party, the Nazis used intimidation and violence in conjunction with legal manipulations to seize power, with horrific consequences for everyone. The 1923 Beer Hall Putsch in Munich was the Nazi Party's and Hitler's first attempt to seize power illegally.

After this, and all the subsequent prison terms they served, the Nazis began to take part in elections. After many attempts, the Nazis were the largest party in the Reichstag, but did not hold a majority. In 1932, Hitler was appointed chancellor in a minority coalition government. Soon afterwards, the German Parliament was burnt down, and in response, the Reichstag Fire Decree suspended basic rights and allowed detention without trial. Immediately, 4 000 communists were arrested. Later, in 1933, the Reichstag passed the Enabling Act, which gave Hitler the power to pass laws without Parliament for four years. To pass this, the Nazis arrested members of the opposition parties until they had the necessary majority in the chamber. Also in 1933, the Social Democratic Party was made illegal. In May 1933, the German trade unions were made illegal, and all their leaders were arrested. In June 1933, all opposition parties had been disbanded. By July, the Nazi Party was the only legal political entity in Germany. A year later was the Night of the Long Knives, when Hitler disbanded one of the Nazi paramilitary groups, the SA Brownshirts. In the days following that, the leadership and other political opponents were murdered. In August 1934, President Hindenburg passed away, and Hitler had himself installed as president, chancellor, and commander-in-chief, eventually combining these offices into the position of Fuhrer. Soon afterwards, the armed services were required to swear loyalty not to Germany or the head of state but to Hitler personally. Elections were held in this period, but only to Nazi-approved candidates. Elections were run by the Nazi Party, which intimidated, physically attacked and jailed opponents. By 1938, the apparatus of the totalitarian state was in place. Political and public freedoms, religious freedoms, press freedoms, the independence of the courts and the rule of law had been abolished.

What happened following that? In 1938, Austria was annexed, followed by Sudetenland in Czechoslovakia, then the rest of Czechoslovakia; in 1939, Poland was invaded; in 1940, Denmark, Norway, the Netherlands, Belgium, Luxembourg and France were invaded; and in 1941, Yugoslavia, Greece and the USSR were invaded. The consequences of this were that about 40 million people, civilian and military, died in Europe during the Second World War. This included six million Jews murdered in death camps and other places. In total, 4.5 million Soviet citizens; three million Soviet prisoners of war; 1.8 million Poles; up to half a million Romani; 300 000 Serbs; 270 000 disabled people; 80 000 freemasons; 20 000 Slovenes; 10 000 homosexuals; and 1 700 Jehovah's Witnesses were killed.

Citizens of Germany, Poland, the USSR, Austria, France, Italy, Romania, Libya, Morocco, Tunisia, Algeria—it goes on to include many more—were taken to extermination camps. There were 375 000 people who were sterilised against their will as part of the Nazi eugenics program, and 100 000 gay men were arrested for homosexual activity, 50 000 gay men were imprisoned and around 10 000 were murdered or died in concentration camps. People of other religions were targeted, including Catholics and Protestants, as were those of smaller religions, such as Jehovah's Witnesses. The first people condemned to the concentration camps were political prisoners—members of other political parties, members of Parliament, trade unionists, diplomats of foreign countries and other personal opponents of Hitler.

The world resisted this evil. Almost one million Australians served in the war started by the Nazis in theatres from Europe, Africa and Asia and on Australian soil. Australians played key roles in the North Africa campaign and in New Guinea and the South Pacific. Thirty thousand Australians were taken prisoner and 39 000 Australians died. The war had many other casualties. Thousands of cities and towns were left in ruins. Knowledge was lost. Cultures were destroyed. Democracy in Europe was nearly extinguished. Clive James's book *Cultural Amnesia* documents the destruction of German and Austrian cultural life. It documents dozens of individual stories of prominent intellectual figures who either escaped or died in those horrors. The scale of destruction was vast and more than I can cover here, but this is the legacy of Hitler and the Nazi Party. It is terrible and should never be repeated and should never be forgotten.

World leaders for the last 50 years or so have known this. Winston Churchill knew this. It should never be forgotten. The postwar political leaders who lived through the war, like Ronald Reagan, Robert Menzies and Margaret Thatcher, knew this. Margaret Thatcher's family had even housed a Jewish refugee before the war. The generation who grew up in the shadow of the war, including Malcolm Fraser, John Howard and Bob Hawke, all knew this: never forget. Everyone who fought the Nazis, lived through the war or grew up in that postwar society knew this: do not forget. However, that generation is now passing away. Tom Pritchard, the last Rat of Tobruk from the determined defence against the German Afrika Korps in Libya, passed away only last week. But it seems that the wisdom of that generation is already waning. I have made a personal commitment to remember. I have visited the war graves in Europe. I have visited the remains of the Warsaw and Kraków ghettos. I remind myself of the story of Sophie Scholl, who was a young German anti-Nazi activist convicted and murdered by the Nazis during the war.

I am proud of the role that Australia played during the war. We fought to preserve our freedoms, to protect those freedoms around the world and to remove the danger of Nazism, and we succeeded. One of the reasons we succeeded is our open political culture. One of the huge successes of Australia and Western Australia is our vibrant, open political culture. We have freedom of belief and freedom of expression. We are proudly multicultural. We get on with everyone and everyone is welcome. People can get up and say many things in Australia. There are many more divergent opinions in Australia than in most places in the world. It is one of the touchstones of our democracy, our free press and our economic success, and we have never been freer. With the advent of social media, everyone with an opinion about anything has a platform, but within this freedom are limits. We have always had limits. We cannot say things that are untrue and hurt the reputation of someone else. We cannot make threats of violence. We cannot commit treason. These are things that we can all agree are very justified. Although we agree that there is a need for open debate inside and outside this house, we also see the limits.

We do not propose this legislation lightly. We cherish our history of free speech, but we are also mindful of the limits of free speech. What more threat of violence is there than a Nazi salute or Nazi symbol to promote an ideology dedicated to destroying the freedoms and rights that we enjoy? It is not just that Nazi ideology is racist and anti-Semitic. It also represents the widescale elimination of life and liberty that occurred under the Nazis. The Nazi Party was responsible for the deaths of tens of millions and murdered millions. Unfortunately, we have people amongst us who think that this is acceptable. We have people who have not learnt the lessons of history, but we have the right to protect ourselves from that. Other places have protected themselves by banning Nazi symbols. Similar limitations are applied in every state in Australia. The Australian Capital Territory, Queensland, New South Wales, Victoria, South Australia, Tasmania and the commonwealth all have restrictions. Bans on Nazi symbols have occurred in many foreign countries, including Austria, Brazil, China, the Czech Republic, France, Germany, Hungary, Israel, Latvia, Lithuania, Poland and Ukraine.

It is for good reason that we have brought this law into Parliament. I congratulate the Attorney General for bringing this bill forward, and I commend the bill to the house.

MS C.M. TONKIN (Churchlands) [1.45 pm]: I also rise to make a short contribution to the second reading debate on the Criminal Code Amendment (Prohibition on Display of Nazi Symbols or Gesture) Bill 2024. The bill addresses the government's commitment to ban the display of Nazi symbols and the performance of the Nazi salute in public. These are considered offensive and hateful in our community. The bill will amend the Criminal Code to criminalise the public display and application of Nazi symbols, such as the Nazi flag and eagle, in certain circumstances. The bill will also allow for further symbols to be prescribed by regulation when the Attorney General is satisfied that the symbol has become widely known as being substantially representative of the Nazi Party, the Third Reich, Neo-Nazism or Nazi ideology.

Before I consider the symbols addressed in this bill, I would like to be very clear that the swastika-like symbol that is used in connection with Buddhism, Hinduism and Jainism will not fall within the scope of the new offences. This was also clarified by the member for Southern River, who regularly sees this symbol displayed at houses within his electorate. I also often see the symbol displayed near the front doors of homes of members of the Buddhist and Hindu communities in my electorate. The use of the symbol in this context is linked to religious or cultural observance and represents peace and good fortune. This is the antithesis of its use by the Nazis.

In 2007, while I was working for a United Nations development program based in Copenhagen, I visited the capital of Lithuania, Vilnius. I was accompanied on that visit by my son, who has Lithuanian and German heritage through

his father. My son was seeking to trace the records about his grandfather who came to Australia as a refugee in the late 1940s. My son's grandparents were among the people who were displaced at the end of World War II. While we were in Vilnius, we passed a parade ground where it appeared that a Nazi rally was underway. Enormous Nazi flags incorporating the swastika were being displayed. We did not understand the purpose of the rally, and the language barrier prevented us obtaining an explanation. I had hoped it might have been a dramatisation for a film or television show rather than a real rally in support of Nazism. However, whatever the reason for the display of those potent symbols, the effect on me was chilling. It was like being transported back to Nazi Germany, with all the attendant horror.

I am very aware of the evil genocide and war unleashed by the Nazis under the banner of the swastika and, in particular, the effect on the Jewish community. I am grateful to the member for South Perth for outlining the history of that evil regime. That evil reverberates in the consciousness of those directly affected and in the generations that have followed. Why are we prohibiting the display of Nazi symbols and gestures long after the demise of that evil regime? The short answer is that those symbols and gestures are being appropriated by those who would today embrace the values, politics and violence of this hateful regime. Violent thuggery perpetrated by those embracing fascism, white supremacy and white nationalism has blighted many countries, including notably the United States, the United Kingdom, parts of Europe, New Zealand and our own country. I thank the member for Hillarys for her clear analysis of the history and contemporary expression of these violent movements in Australia. It is these groups that have been appropriating the Nazi symbols and gestures. This is why we need to act to prevent their use in our community.

In 2021, the Australian Security Intelligence Organisation adopted a broader category of ideologically motivated violent extremism that includes a category of nationalist and racist violent extremism. In May 2023, ASIO's director general, Mike Burgess, confirmed at a Senate estimates hearing that open displays of Neo-Nazism in public is certainly a more visible thing today in this country. ASIO has witnessed a rise in the number of people who are drawn to Neo-Nazi ideology for reasons not fully understood. The counterterrorism investigation case load dedicated to ideologically motivated extremism, including the Neo-Nazi movement, has grown over the past seven years from five per cent of the case load to about 30 per cent. It has been clarified that this does not necessarily mean there has been an increase in the number of ideologically motivated extremist groups, but it is thought that these groups are more emboldened and therefore more likely to come to the attention of authorities.

The banning of the display of Nazi symbols as provided by the bill will ensure that these groups cannot use these symbols in their recruitment of new members or to spread their dangerous messages. The display of Nazi symbols is offensive to people in our community, particularly the Jewish community, Holocaust survivors and their families and those who have fought against fascism. Nazi symbols are also associated with anti-Semitism, genocide and racial hatred. These symbols and the Nazi salute have been used in vilifying and threatening vulnerable groups in our community, including LGBTQIA+ groups. Incidents have been increasing in Australia, especially since the Israel–Gaza war. Neo-Nazi protesters performed the Nazi salute outside the Victorian Parliament on 18 March 2023 in an apparent attempt to intimidate transgender rights supporters. Concerns over membership of extremist groups were also highlighted in the media recently with stabbings by apparently radicalised offenders.

What will this bill do? The bill will provide two key offences in relation to Nazi symbols. These include display of the Nazi symbol, the "display offence", and the application of a Nazi symbol, the "graffiti offence". The display offence will also capture situations in which the symbol is not physically in a public place but is visible to someone from a public place—for example, the display of a Nazi flag in a private residence window or front garden. It will also be an offence to display a Nazi symbol on private property without the consent of the person who manages or controls the property. Importantly, the display offence will also capture the display of tattoos. The graffiti offence will prohibit the application of a Nazi symbol on public property, such as by spray-painting or drawing, and has a penalty higher than that provided for in the Graffiti Vandalism Act 2016 to reflect the harmful nature of this action.

The display, graffiti and performance of the Nazi salute offences will result in fines of up to \$24 000 and two years' imprisonment for those convicted summarily and five years' imprisonment for those convicted on indictment. These are indeed very serious offences, and the penalties are therefore reflective of this. Western Australia will have the toughest penalties of all jurisdictions, reflecting the seriousness and impacts of these hateful acts. The bill will also provide police with the ability to act swiftly in response to display offences by issuing a removal notice. We will not have to see these terrible symbols displayed; the police will be able to have them removed very quickly.

It is important to note that this bill will not apply to children, as children are not able to fully comprehend the history and values associated with Nazi symbols. However, children could be subject to charges under existing legislation for their actions, such as graffiti or property damage, if appropriate.

Finally, defences are provided for persons displaying Nazi symbols for legitimate reasons, such as academic purposes or to report fairly and accurately matters of public interest. This will ensure that the media can report on incidents involving Nazi symbols and that lessons about this tragic period of history can continue to be recounted.

There are no financial implications for government in implementing this legislation. The introduction of this bill demonstrates that the Cook Labor government is committed to standing against hate groups that seek to spread fear, division and violence in Western Australia's vibrant multicultural community.

In conclusion, any form of racial vilification is anathema, including the expression of Islamophobia. I go back to my purpose and my son's purpose for visiting Vilnius in Lithuania. My son was trying to find his grandfather's birth certificate. His grandfather left Lithuania at the end of the war with very little documentation. It is interesting that in the part of Lithuania from which my son's grandfather came, the surname is very common and, in fact, the first name is very common. My son did not find his grandfather's birth certificate; however, he found information about a person with the same first name and surname who died in the Mauthausen concentration camp. It was not my son's grandfather, but it demonstrates the very complex and tragic circumstances that evolved subsequent to the Nazi regime in Germany. With that, I commend the bill to the house.

Debate interrupted, pursuant to standing orders.

[Continued on page 3673.]

VISITORS — GREAT SOUTHERN GRAMMAR

Statement by Speaker

THE SPEAKER (Mrs M.H. Roberts) [2.00 pm]: Ahead of question time, I would like to welcome Great Southern Grammar's year 12 politics and law students to the public gallery today on behalf of the member for Albany. Welcome, and congratulations on studying politics and law. Hopefully, at least one of you may have a future in that area.

QUESTIONS WITHOUT NOTICE

WOODSIDE ENERGY — SEVENTIETH ANNIVERSARY DINNER

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

I refer to Woodside's event last Saturday celebrating 70 years as one of the state's biggest exporters and employers, which was snubbed by the Premier and his Albanese Labor government colleagues.

Several members interjected.

The SPEAKER: Order!

Mr R.S. LOVE: I ask the following.

- (1) Why was this significant milestone not deemed important enough for the Premier to attend?
- (2) Does this blatant disregard for such a critical industry event suggest that Labor has given up supporting the gas sector in Western Australia?

Several members interjected.

The SPEAKER: Order, please! It appears that there are a dozen other people who would like to answer the question.

Mr D.T. Punch interjected.

The SPEAKER: Minister! It is highly disorderly to interject, but it is beyond highly disorderly to interject while I am speaking. Please do not interject on questions. Please allow the minister to whom the question has been addressed to answer the question. In this case, it is the Premier in response.

Mr R.H. COOK replied:

- (1)–(2) The issue of the day—the key issue, the first issue—that the opposition raises with the government is: who went to whose birthday party? Do members opposite think that the Western Australian people give one jot about those issues? Do they think the Western Australian people care for a moment about who goes to whose birthday party for a knees-up, to celebrate Woodside's seventy-fifth anniversary? I can confirm the government received one invitation, which was sent to me. I could not be there because I had duties in the community, so I was represented by the Minister for Environment; Energy, Hon Reece Whitby. As members know, he provides great representation for the WA government on behalf of the people of Western Australia. To think that this is the issue that is occupying the opposition's mind today is just extraordinary. The extrapolations or extension of the fact that people were or were not at this event are just mind-boggling and really just demonstrate how out of touch those opposite are.

If I am to account for my own activities, I was up in the Pilbara, meeting with people in the community. Can I say, they love their local member!

Government members: Hear, hear!

Mr R.H. COOK: The king of the Pilbara reigns supreme! I talked to people in Newman, Karratha and Port Hedland, and they love their local member, Kevin Michel. It was a delight to be there to speak to people about the issues that matter to them and are important to people in the community.

I must say that I spent some time with members of Woodside to celebrate two important milestones on the Burrup Peninsula on Sunday morning. That included the extension of an important energy corridor between

Maitland Strategic Industrial Area and Woodside's North West Shelf operations at the Karratha gas plant and, of course, Pluto. The other thing we celebrated with members of Woodside's leadership was the handing back of West Intercourse Island to the traditional owners in the Burrup area. Although the Leader of the Opposition was pleased with himself, and perhaps surprised, at having scored an invitation to share some drinks at an important function to acknowledge an important milestone, and that is good, I thought it was more appropriate to do what I did, which was to engage with the community and to engage with Woodside on the ground.

Another anniversary took place just 15 years ago, being the sixtieth anniversary of Woodside. At that time, Tony Abbott was the Prime Minister. Did he go to that event? No, he did not. It is a bit rich for a former Prime Minister to ignore the invitation when Woodside was celebrating its sixtieth birthday, and then, today, as a talking head on Sky News, to call out the current Prime Minister for not being at that event. That extraordinary hypocrisy just goes to show how out of touch the Liberal Party is if it considers these issues to be of most concern to the people of Western Australia.

WOODSIDE ENERGY — SEVENTIETH ANNIVERSARY DINNER

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

I have a supplementary question. Has the Premier conveyed concern to his federal colleagues for their apparent lack of support for the Western Australian gas industry?

Mr R.H. COOK replied:

That is just not true. We know the federal government is incredibly supportive of our resources industry. That is why Anthony Albanese has been to Western Australia more than all the past four Liberal Prime Ministers combined. In fact, he is the only Prime Minister in history to have taken his cabinet to the Pilbara. He understands that the Pilbara is the engine room of the nation's economy. He understands the important role that the gas industry plays in Australia's economy and to our renewable energy future as an important transition fuel for not only Australians, but also our South-East Asian and North Asian trading partners. We will continue to do what we can to advocate for our important LNG industry, which has been a generator of so many jobs and so much prosperity for Western Australians. We will continue to do everything we can to secure the renewable energy future for Western Australians. That is not going to be done by sharing a chardonnay at a particular function in Perth; that is done by getting your boots on the ground and getting the red dirt on them, like my entire cabinet did on the weekend.

The SPEAKER: I give the call to the member for Pilbara.

Several members interjected.

The SPEAKER: Order, please, members! Just wait a moment, member for Pilbara. I know that it is a celebration for you all; however, when I give a member the call, I am not expecting either nasty noises or very happy noises. It should just be the member getting to ask the question.

STATE DEVELOPMENT — PILBARA

507. Mr K.J.J. MICHEL to the Premier:

I refer to the Cook Labor government's commitment to strengthening regional communities.

- (1) Can the Premier outline to the house how this government is helping regional communities such as Karratha to create more housing for local workers?
- (2) Can the Premier advise how the Cook Labor government's vision to diversify the economy will help to grow regional towns such as those in the Pilbara?

Mr R.H. COOK replied:

- (1)–(2) I love the question from the member for Pilbara, and thank him very much for having us there over the last few days. I will also just correct the record as I misspoke in my answer to the last question. It was not Woodside's seventy-fifth anniversary; it was its seventieth.

It was the greatest of pleasures to be in the Pilbara once again with the member for Pilbara. Just last week, I was sharing details of my last trip up north with my good friend and colleague the member for Pilbara when we visited Tom Price and Paraburdoo with the Minister for Health. This time, we went to Karratha, and I took the whole cabinet with me. It is a wonderful town that will only get better, thanks to the strong advocacy of its local member. We all know that Karratha is synonymous with the mining and LNG industries. Like much of the Pilbara, it is also synonymous with fly-in fly-out workforces. After all, Karratha hosts the busiest airport in the state after Perth Airport; it is a hive of activity.

What was clear from our visit is that the economic potential of the Pilbara has not peaked—far from it. In coming years, we will see more economic growth through clean energy, critical minerals demand, increased tourism and advanced manufacturing, particularly in the areas of ammonia, hydrogen and other elements of the renewable energy future.

The Perdaman urea plant project in Karratha is a great example of the future of industry in the north west. These industries do not grow only on the work of fly-in fly-out workers. We want local workforces. We want them to be in the community, to bring their families to be members of that community and to play and spend their incomes in the community. Of course, for that to happen we need more housing. We want to build up the towns that post economic growth and continue to make them strong and thriving communities. That is what we are doing in Karratha. Of course there are particular challenges with residential construction in those towns. We know that the cost of building homes is particularly high. We know that the price of delivering housing for workers for many businesses is very difficult.

Therefore, it is remarkable when businesses and governments can partner to deliver 100 homes in a single contract for the people of Western Australia. We are unlocking 174 lots of development-ready land in Madigan in Karratha. Of those lots, 100 will be sold to Perdaman at a bulk purchase price on the proviso that the homes are built and will be used by local workers alone. Perdaman will build 100 homes over five years for its local workers and families on the Karratha urea project. Madam Speaker, if you know Vikas Rambal like we all know him, I do not think it is going to take five years. He has extraordinary ambitions and he delivers. The remaining lots will be prepared for release on the private market, further easing housing pressures in Karratha. The \$120 million investment in the local housing that this represents means that we will see an increasing capability and capacity of residential construction in Karratha, and I think we will see a significant boost in economic activity.

This is all part of our massive investment in regional WA in recent years—roads, bridges, ports, energy infrastructure—and there is more in the pipeline, particularly for hospitals. We have invested heavily in economic diversification. We are ensuring that regional communities thrive in concert with the regional economy. As we know, if we are going to grow our economy, we have to grow our regional centres. To do that, we have to attract workers, and workers need housing, and communities need that housing in order to thrive and be resilient and strong. That is why my government is investing heavily to make sure that we support regional communities to continue to drive jobs and the economy.

PUBLIC SECTOR WAGES POLICY

508. Ms L. METTAM to the Premier:

I refer to the opinion editorial by Mick Buchan in *The West Australian* yesterday. He stated —

Good wages and conditions help attract and retain workers in our industry during a skills shortage and cost-of-living crisis.

Can the Premier explain why this year his government will allow a 25 per cent increase for Construction, Forestry, Mining and Energy Union workers on government projects, yet offer Western Australia Police Force officers only a five per cent wage increase?

Mr R.H. COOK replied:

This is not the first time the Leader of the Liberal Party has raised this allegation. Quite frankly it is wrong, and if Mick Buchan says that good wages and conditions attract workers to good industries, I find it very hard to disagree with that statement. I can only assume that the member for Vasse is referring to traffic management individuals who were left high and dry as a result of a company going out of business. The Minister for Transport, working with the government and industry, sought to secure those jobs and make sure that they were secured at a decent rate. If the Leader of the Liberal Party's critique is that people should not be given a fair day's pay for a fair day's work, I am happy for her to hold that view. We believe that workers deserve fair pay and conditions and the right to get home at the end of the day free of injury and, of course, we want their families to not feel a loss by that person not returning home at all. That is the reason we have a range of things such as the WorkSafe Western Australia Commissioner and unions—to make sure that they keep people safe in the workplace.

That is the difference between them and us. We think workers should have a say in their workplaces to make them safe and make sure that workers get a fair wage and fair conditions. If that is not the position of those opposite, they should make that clear to the people of Western Australia—that they do not care if their workplaces are unsafe, if people are ripped off in the workplace, or if people do not have a voice about the way their lives are impacted by their workplace conditions. If that is the member's position, be honest with the people of Western Australia. Be under no illusion, we will remind them in the lead-up to the next election.

PUBLIC SECTOR WAGES POLICY

509. Ms L. METTAM to the Premier:

I have a supplementary question. If the Western Australian Police Union had given WA Labor donations on a similar scale to the Construction, Forestry, Mining and Energy Union, would it have received a better wages offer?

The SPEAKER: Order! I am waiting to give the Premier the call, rather than the Leader of the Liberal Party.

Mr R.H. COOK replied:

The Western Australian Police Union is a public sector union. We are their employers. The CFMEU is a union that almost exclusively practices in the private sector. We do not control their wages. Obviously, we work with all our public sector unions to make sure they get fair wages and good conditions that meet the needs of the members, and that they continue to be proud members of our public sector. That is one reason that the teachers have already signed up as part of our new round of enterprise bargaining agreements.

That is the reason that all the public sector unions are engaging deeply with the government at the moment as part of the next round of their enterprise agreements. That is the reason that we will provide them with good outcomes, making sure that everyone in the public sector gets what they deserve.

ROADS — PILBARA**510. Mr K.J.J. MICHEL to the Minister for Transport:**

I refer to the Cook Labor government's record investment in road upgrades and improvements in the Pilbara region.

- (1) Can the minister outline any works underway to improve freight connectivity and safety improvements on our regional roads?
- (2) Can the minister advise what this investment in Pilbara roads means for local jobs, businesses and the community?

Ms R. SAFFIOTI replied:

- (1)–(2) I thank the member for the Pilbara for his question. I, too, was in the Pilbara on the weekend with my cabinet colleagues to look at the incredible projects that are underway through the Pilbara. In relation to roads, there are a number of key projects underway. There are works on the Burrup Peninsula road that are supporting, as the Premier outlined, a major new project for Western Australia. The multibillion-dollar Perdaman project will create more jobs in the future and supply a product that will reduce our need for imports and replace many of the fertiliser imports that are coming into Australia. It is an incredible project.

We are working to support that project through our road improvements on the ground. The work on two new intersections is nearly complete and that will support both the construction and operation of the new Perdaman plant. We visited Lumsden Point to see another project we are delivering. It is a new interchange to support new port facilities at Pilbara Ports' Lumsden Point. It will see the ability to export a number of new products. It will increase our ability to direct ships into South-East Asia and will support our renewable energy and hydrogen policies on how we can facilitate development in that area.

I know the member for Pilbara and the Premier visited the new overtaking lanes that are being built on Great Northern Highway. I understand there has been massive feedback from the Newman community about the safety improvements of the 11 overtaking lanes. We have a number of new overtaking lanes, together with new rest-stop areas for trucks and truck drivers, and new facilities to support the freight industry throughout the area. There are overtaking lanes, new intersections to support port expansions and new improvements to support a major new facility through the Pilbara.

I was quite interested in today's first question. The Leader of the Nationals WA asked why the Premier was in regional WA and not at a city event. The modern "MetroNats" believe that the Premier of the day should not visit regional WA. Looking at their diaries, they would prioritise a city event over being in the regions. A former member of Parliament attended our community town forum on Sunday. Do members know what he was thinking? He was thinking, "My goodness. This is a government that visits the regions and engages with local people and delivers in the regions—the whole government and cabinet does that." Member, I was quite astounded by that first question—that the Leader of the Opposition believes that the Premier of WA should not be in regional WA. Maybe that happened in the government he was a part of, but this government prioritises regional visits and engaging with regional local communities.

NICHELIVING — UNPAID WATER BILLS**511. Mr R.S. LOVE to the Minister for Water:**

I refer to revelations on the ABC mornings program last Friday about unpaid water bills at several Nicheliving developments, including one bill worth \$132 000 that was issued by the Water Corporation against a Willetton strata for water used by Nicheliving during construction.

- (1) Is the minister aware that these large bills are being disputed by strata residents, who insist that Nicheliving is responsible for the water usage; and, if so, what actions is the minister taking to ensure that these bills are directed at those responsible?
- (2) Has the minister sought details on the quantum of any such unpaid water bills?

Ms S.F. McGURK replied:

(1)–(2) I am really pleased. Last week, I made much of it being more than two years since we had been asked an industrial relations question in this house, and I still have not had one directed at me. It has been 325 days since I last had a question on water—nearly a year. Despite last summer being the driest period on record, the opposition still had no interest in water. Anyway, I am glad I now have a question on water in this place.

I am aware of the concerns of some strata companies that have been impacted by the very difficult and unacceptable situation with Nicheliving. It involves some technicalities, and if members bear with me, I will try to explain them. Essentially, it is a legal requirement for a builder or developer to ensure that a water meter is installed on land that is under development. Technically, Nicheliving met the requirements for the Willetton development to which the Leader of the Opposition referred. In the case of strata schemes, the most common metering options are a master meter that records all water use. A designated strata manager receives a single bill and designates the bill out from there. Another option is the installation of a master meter and individual sub-meters, which is what the developer opted for in the case of Willetton. The development in Willetton has three master meters and a sub-meter installed at individual lots. Technically, as I am advised, Nicheliving met its requirements, but because it did not install the sub-meters, the strata company is bearing the bills for the whole establishment. I can understand its frustration about that. As the member said, the amount is just over \$135 000 for this development. The Water Corporation has wiped any penalty interest for that amount not being paid. We are continuing to discuss with the strata how to best manage this situation. As we have seen across the sorry saga of Nicheliving, it has a long tail—this sort of poor behaviour by a builder that has not met any of its legal obligations and, frankly, its professional or moral obligations to individual home owners, of which this is an example. Technically, the Water Corporation is not able to go after Nicheliving for the debt; the debt has been incurred by the strata company. We will continue to work with the strata title group to make sure that it is not unfairly disadvantaged by the situation.

NICHELIVING — UNPAID WATER BILLS**512. Mr R.S. LOVE to the Minister for Water:**

I have a supplementary question. Can we be assured that the strata company will no longer be issued with invoices for this water use or is the minister saying that it will be expected to bear the brunt of this cost?

Ms S.F. McGURK replied:

We will continue to work with the strata company. Another strata company is involved in a similar situation, but with a lower amount of money, about \$30 000, in dispute. We will continue to work with this strata company to see how we can resolve the situation. As the Minister for Commerce has pointed out in trying to resolve the situation with Nicheliving, when we apply a rule, we need to be aware that it might apply to other companies and situations. We need to have a look more broadly to see whether others might be impacted, not just Nicheliving, but other companies that might have met their legal and technical obligations but leave others with a further bill, as is the case here. We will continue to work with the company. It is not my intention that this strata company is unfairly left with that burden, such that it is. We will continue to work with it to see whether we can resolve the situation.

PEEL HEALTH CAMPUS — SOUTH METROPOLITAN HEALTH SERVICE**513. Mrs L.A. MUNDAY to the Minister for Health:**

I refer to the Cook Labor government's commitment to our public healthcare system and secure public sector jobs.

- (1) Can the minister update the house on this government's commitment to bring Peel Health Campus back into public hands after it was privatised by the Liberal and National Parties?
- (2) Can the minister please advise the house how this builds on the government's redevelopment of Peel Health Campus?

Ms A. SANDERSON replied:

(1)–(2) I thank the member for Dawesville. Today is a great day for this government and the Peel and Mandurah communities. They finally have a hospital that is run by the state government—a hospital that is now in public hands.

Government members: Hear, hear!

Ms A. SANDERSON: Yes; hear, hear! It is something that they have advocated strongly for for decades. It was incredible to be there this morning for the transition celebration. The transition went very smoothly. All the staff stood proudly in their South Metropolitan Health Service uniforms that they had helped design. They are very proud and very happy to be part of the WA Health family. It has been long advocated for, particularly by the member for Mandurah, who has weathered incredibly turbulent times down there during the time of the former Liberal government and the former provider. I am very, very proud of this government's commitment to public health

care. It is only a Labor government that is focused on the public health system and public health workers. That includes permanency for WA doctors, the introduction of nurse-to-patient ratios and strengthening of our junior doctor workforce by listening to them and implementing the reforms that they need. This government has a strong track record on public sector jobs, particularly in health care, and finally Peel Health Campus is part of that family. Ninety-five per cent of existing Peel Health Campus workers elected to come over and work in the public system. That is a huge endorsement of our public health system. It is a great place to work. More than 1 000 doctors, nurses and allied health and support staff will now work at Peel Health Campus. I remind people that this government has honoured their existing entitlements and a range of enhanced entitlements in working for the public sector. They will get an additional four weeks' parental leave, enhanced casual loading, 13 weeks' long service leave, paid family and domestic violence leave, superannuation on up to 12 weeks' unpaid parental leave and their existing entitlements will be recognised and transferred over.

Mr R.H. Cook: The Liberal Party wouldn't like that.

Ms A. SANDERSON: Absolutely not.

It will pave the way for the redevelopment of that hospital. Now that it is fully in public hands, we can get on with the redevelopment of the hospital. It will have more than 60 inpatient beds, more mental health inpatient beds, 15 palliative care hospice beds, the introduction of the mental health emergency centre, another operating theatre, 12 chemotherapy places and more outpatient services. Importantly, access to private health care by Ramsay Health Care will remain because it is an important choice that people in that community want to maintain.

I want to reflect on what it was like 10 years ago in the theme of "remember when". Remember when the Liberals were running Peel Health Campus?

Ms L. Mettam interjected.

Ms A. SANDERSON: In 1997, the Liberals gave a 20-year contract to Singapore-based Health Solutions.

Mr D.A. Templeman interjected.

The SPEAKER: Silence, please! I will ask two people not to interject any further during this question. One is the Leader of the House and the other is the member for Vasse. Minister, you have the call.

Ms A. SANDERSON: Thank you, Madam Speaker. Liberal members opposite continue to defend Health Solutions. They continue to defend the dodgy operator that treated staff badly and drove down standards.

Ms L. Mettam interjected.

The SPEAKER: Member for Vasse, the potential is there for me to ask you to leave the chamber and not come back today. You should understand that if you want to ask another question.

Ms A. SANDERSON: Not only did the Liberal Party defend Health Solutions' dodgy running of the hospital; they preselected a senior executive, Tony Solin, who shared a campaign office with the Minister for Health at the time.

Mr D.A. Templeman interjected.

The SPEAKER: Leader of the House, the member for Vasse is now compliant with my request. I ask you to be compliant with it too because the same applies to you and I think you have an important role that you need to stay here for.

Ms A. SANDERSON: At the time, the Liberal Party preselected a senior executive of Health Solutions who shared a campaign office with the then Liberal health minister while the company was seeking a 60-year contract and a \$75 million redevelopment. It had a stench all the way back to Perth! The whole thing stank! The community saw right through it. The community remembers the Liberal Party's record. We have worked hard to fix those mistakes and Ramsay stepped in at the last minute to help resolve many of those issues. We have done what the community asked us to do—that is, bring it back into public hands.

UNIONS — COLLECTIVE BARGAINING

514. **Dr D.J. HONEY to the Premier:**

I refer to new federal laws brought in earlier this year that enable unions to start collective bargaining without majority support of the workforce they claim to represent.

- (1) Does the Premier believe that companies and employees should have the choice to work with unions and not be coerced or forced into it by government policy?
- (2) Given the current concerns regarding criminal conduct and union activity, will the Premier stand up for Western Australian businesses against this blatant power grab, or will he simply support his union mates?

Mr R.H. COOK replied:

- (1)–(2) I think, in the first instance, the member was asking for an opinion from me on some federal laws that do not really fall into my portfolios.

The SPEAKER: On that point, Premier, if you look to the standing orders, you cannot ask for an opinion in a question. You can ask ministers or the Premier about matters in their portfolios; with the Premier, it is pretty much all portfolios. You can also ask the leader of a party about party matters. The Premier is quite right in raising that point and I ask him to address those parts of the question that are appropriate for him to address.

Mr R.H. COOK: Thank you, Madam Speaker. Obviously, I want Western Australian workers and their representatives to be able to work with Western Australian employers to get great outcomes for the Western Australian economy. I want jobs to be generated here for Western Australian families and I want to make sure that Western Australia is a place for people to do business, and that is what it is. I cannot comment on the federal laws and the impact they may have. Although I can say that I think when employers work in partnership with unions, they get great outcomes. They have happy workers, they attract more workers and they have higher retention rates, and that has always been thus. I expect that to continue, particularly in the Pilbara, where we see the workers and the companies that drive the national economy. I have utmost respect for all involved.

I will also say that the member made some veiled references to criminal activity. I can only assume that he is referring to the criminal activity alleged in the public media about a union on the east coast. To my knowledge, no allegations have been substantiated with regard to any mining union in Western Australia. If they are, I just say, as we have been doing for a while now, ever since Parliament returned, members opposite have to put up or they have to shut up. We want to make sure that our workplaces are constructive workplaces, particularly in construction and other industries that have high levels of risk for workers. That is the reason, on returning from leave recently, I made a commitment that the government will introduce laws for a fit and proper person test for the right of entry. I continue to talk to industry and no-one is suggesting to me that the activities of the CFMEU seen on the east coast are the same as those seen on the west coast. I have already said that if the federal government and/or the WorkSafe WA Commissioner and/or the Fair Work Ombudsman move to place the CFMEU into administration because they believe there are reasons to do so, I will absolutely support it. From that point of view, we will wait to see what the federal government's intentions are on this.

I might add that the federal government has said that it wants to see these laws passed speedily to make sure that the federal minister can intervene in the matters on the east coast as a matter of urgency. I notice that only one political party is standing in the way of those laws passing through the Parliament quickly, and that is the Liberal Party. The member opposite would like to see reflected on my government the activities of industrial law reform on the east coast, but he has to remember that if he is going to do that, he also has to accept the activities of his federal leader who has, to date, stood in the way of the speedy passage of this legislation. He should answer that question.

UNIONS — COLLECTIVE BARGAINING

515. **Dr D.J. HONEY to the Premier:**

I have a supplementary question. Will the Premier support our currently competitive mining sector and help prevent a 1980s-style union takeover?

Mr R.H. COOK replied:

I always support the mining industry. I will support all our industries to make sure that Western Australia continues to be the engine room of the national economy. I will support them to make sure that they can take confident investment decisions on their long-term activities so that we can continue to generate Western Australian jobs because Western Australian jobs keep our community happy and our economy strong. I will continue to do that. It is the reason I was in the Pilbara on the weekend. I talked with industry and employers from right across the Pilbara about the issues that matter most to them and how we can continue to support them to be leaders and employers to keep our economy strong and grow Western Australian jobs.

EAST PERTH PRIMARY SCHOOL

516. **Mr S.A. MILLMAN to the Minister for Education:**

I refer to the Cook Labor government's ongoing commitment to ensuring that every Western Australian student has access to quality education facilities. Can the minister update the house on this government's commitment to deliver a new East Perth primary school and advise how the new school will unlock benefits for East Perth and surrounding areas?

Dr A.D. BUTI replied:

Yes, I can provide that information to the member for Mount Lawley, who has a very keen interest in education statewide, in the inner-city area and in his electorate. Today, I gave notice of the introduction of a bill that will come to this house as part of our commitment to build an inner-city primary school in East Perth. This has been a commitment of both the state government and the City of Perth over a number of years. The City of Perth had previously been in lockstep with the state government in advocating for a primary school in the inner city. The bill that will be brought before the house is necessary for us to progress the inner-city primary school.

We identified the Queens Gardens car park as the most appropriate site in the inner city. That site is currently governed by legislation and a state agreement. The Chevron-Hilton Hotel Agreement Act means that the site can

be used only as a car park. It cannot be used for anything else—nothing at all but a car park. The legislation that we are bringing to Parliament will repeal the act and terminate the agreement. It will also transfer lots B and C to the state for us to build the primary school. Lot A, which has a development potential of \$27.2 million, will remain with the city. At the moment, it is a car park; that is all it is. We are unlocking that, providing a \$27.2 million benefit to the city and putting a vertical primary school on lots B and C. It will be the biggest single investment in any school in Western Australian history. The effect of this will be an economic and social benefit of at least \$60 million to the city, plus the ongoing benefit of having first-class facilities to educate students of parents who reside in the city or nearby. That is what the bill before the house will allow the state to do if it is passed. It will allow the state to invest in the education of students living in the city and surrounding areas. I also add that we are providing \$4.2 million to the city as an acknowledgement of the car parking revenue that will be lost from lots B and C during the construction of the primary school.

In April last year, I stood in the Queens Gardens car park with the then Minister for Planning, who is now the Deputy Premier; Treasurer, the Minister for Lands and the local member. We stood there with the Lord Mayor of Perth, and the Lord Mayor congratulated the state on this announcement. He said that he had long advocated for the need for an inner-city primary school. He said that this was great for the city. Members do not have to take my word for it or try to remember what he said. If we look at a post he put on social media on 14 March 2023, we see that he said —

This has been a significant issue for the inner-city community for some time now. Plain and simple, the East Perth area needs a primary school. It's been something this @CityofPerth Council had been advocating for since our election in 2020. It's time this project was moved along.

That is what we are doing. We are doing that. We had to bring this legislation into Parliament because the City of Perth would not allow us to move it along. I should also add that the Lord Mayor, who is now also the Liberal candidate for Churchlands, stated in his election paraphernalia for the seat of Churchlands that every child deserves a first-class education, and well-resourced schools and modern facilities are necessary in laying the foundation for that. That is what we are doing. I understand that he is now the Liberal candidate for Churchlands and that there will be some politics, but if I thought that any issue was above politics and could have brought the City of Perth and the Lord Mayor together with us, it would have been building an inner-city primary school. We are doing it to benefit the students of that area. As the Minister for Education, I have an obligation to do my best to provide appropriate facilities to educate our children. That is what we are doing here, and it is very disappointing that the Lord Mayor and the City of Perth have taken this position.

I will add a couple more matters before I sit down.

Dr D.J. Honey: It's not a second reading speech.

Dr A.D. BUTI: I will add just a couple more matters. It may be uncomfortable for the member for Cottesloe. Since we announced this in April last year, I have never got into a personal stoush with the Lord Mayor. He decided to get personal with cabinet ministers. He tried to make fun of the Italian surnames of the Deputy Premier and me. I have never once criticised him personally in this respect, but that will become harder and harder when he keeps attacking my cabinet colleagues and me. I should add that he responded today by saying that this is outrageous and that we are engaging in bullying behaviour. It is really interesting that the Lord Mayor should talk about bullying. I will leave that for a moment.

The member for Vasse has come out in his support, saying that what we are doing is appalling and mean spirited, and we should give him a fair deal. So that the member for Vasse understands, because I do not think that she is over the details, I again say that this is a site that can be used only as a car park at the moment. We will remove that restriction, invest \$150 million in a state-of-the-art vertical primary school and allow the city to retain lot A, which has a development potential of \$27.2 million, and the city wants us to pay it \$40 million extra to do that. If the member looks at the whole contribution and the ongoing economic benefit, we are investing over \$200 million. Member for Vasse, would you prefer that we give —

The SPEAKER: Minister, ask no more questions to the people opposite. I will ask you to conclude your answer quickly, please.

Dr A.D. BUTI: Would any member prefer it if we gave the city an extra \$40 million, over and above this significant investment, so we could not use it to improve schools in their electorate?

Member for Roe, I will be incredibly interested in your position because you know what Esperance Senior High School needs. Would you prefer that I could not do —

The SPEAKER: Minister, you are going on to a whole new area and a whole new person and school now. Please conclude your answer.

Dr A.D. BUTI: What I am saying, Madam Speaker, is that if this state is required to lay out another \$40 million, over and above what we are already investing in this area, that money cannot be put into building a new school or the major redevelopment of our schools. We all know about opportunity cost in economics. If we put money in

this area, we cannot put it in that area. It will be for members of the opposition to work out where they stand on this—whether they want to play politics or whether they agree that we should be providing a facility for students who are raised in the City of Perth area.

In concluding, I add that this plan is complying with what the city wants. It wants to have a vibrant, liveable city, with an increasing population. If it is going to have that, it has to have infrastructure, services and schools.

YOUTH DETENTION — UNIT 18, CASUARINA PRISON

517. Mr R.S. LOVE to the Minister for Corrective Services:

I refer to the ongoing inquest into a death at unit 18, which has revealed that the unit was built on, and I quote, “a series of grievous lies” with former Department of Justice director general Adam Tomison admitting to signing off on a briefing note that contained untruths and the Deputy Commissioner of Corrective Services for women and children, Christine Ginbey, revealing that communications produced before and after the opening of unit 18 were inaccurate. Will the minister now admit that unit 18 was built on a foundation of lies; will the minister agree that it must be permanently shut down to ensure no further harm is caused to prison staff and youth offenders under his duty of care; and why has he failed to act for so long?

The SPEAKER: We have had two records; one is a record-length answer and that is a record-length question.

Point of Order

Mr W.J. JOHNSTON: The Leader of the Opposition’s question specifically referred to evidence given in a hearing in front of a magistrate in the Coroner’s Court. That appears to me to be the definition of sub judice.

The SPEAKER: I am unaware of whether the coroner has delivered findings. I will ask the minister to respond insofar as he can.

Questions without Notice Resumed

Mr P. PAPALIA replied:

Speaker, I will reflect the observation made by the member. The coronial inquest is still underway. It is inappropriate that the Leader of the Opposition even asked that question. I will definitely not speak about a coronial inquest that is on foot.

YOUTH DETENTION — UNIT 18, CASUARINA PRISON

518. Mr R.S. LOVE to the Minister for Corrective Services:

I have a supplementary question related to unit 18. Does the minister agree that the unit could be shut down immediately upon the Jasper unit strengthening works being completed, which is due, I understand, in a short while?

Mr P. PAPALIA replied:

No. The reason is that Banksia Hill Detention Centre and unit 18 are significantly better than they were this time last year. There have been extraordinary improvements in terms of out-of-cell hours—it is between nine and a half and 11 hours on average at Banksia Hill and something like over 6.5 hours on average at unit 18. Services are being delivered, interventions are being provided, and guidance, mentoring and support are being afforded to the juvenile detainees. I can tell members that today there are something like 56 juveniles in detention in total in Western Australia. When the Leader of the Opposition was in government, it was well in excess of 200. The juvenile detainees in Western Australia are being delivered a far improved service and it is improving all the time. That is for one reason alone at the outset, and that is because the most challenging, complex and often violent individuals are being managed in a safer way at unit 18. If we removed them from there and put them back into Banksia Hill, we would compromise service delivery to both sets of detainees and put at risk all the improvement that has been made.

SHARKS — HAZARD MITIGATION

519. Mrs L.M. O’MALLEY to the Minister for Fisheries:

I refer to the Cook Labor government’s efforts to keep the community safe.

- (1) Can the minister outline to the house how this government’s world-leading \$17.3 million shark hazard mitigation strategy is keeping Western Australians safe in the water?
- (2) Can the minister advise the house how this funding is delivering new shark barriers?

Mr D.T. PUNCH replied:

- (1)–(2) I thank the member for her question and for her unwavering commitment to keeping water users safe, as is, of course, the whole Cook government’s commitment to safety for our community. Whether it is the fantastic work of the Minister for Police with concealed weapons, or any other aspect of the Cook government, community safety is a major priority. I could speak at length on the shark mitigation strategy, but I will not. I will keep it succinct, even though it is the strongest evidence-based shark mitigation program in the world.

Our shark mitigation strategy is comprehensive, wideranging and uses every possible lever—sorry, Minister for Housing!—to keep ocean users and our coastal communities as safe as possible. A total of \$17.3 million was allocated in the 2024–25 state budget to secure the future of this important strategy and ensure continued delivery. Of that funding, \$12.6 million will go to secure ongoing delivery of helicopter patrols and vital frontline safety services provided by Surf Life Saving WA. The helicopter patrols are a crucial component of the strategy and operate in the metropolitan area and the south west from November to April each year. These patrols feed into the shark notification systems, with 17 shark warning towers located at strategic points along our coast as well as near-time, real-time notification by the SharkSmart app and website. It is great to see so many people using those tools, with over 170 000 people downloading the SharkSmart app. They go from Perth all the way to Esperance and into the Swan River.

In so many ways, our shark mitigation strategy is helping people to enjoy the beaches with confidence. There is a \$200 personal shark deterrent rebate, beach emergency number signs and, of course, a rapid response on whale carcass management. The one that I have not mentioned is our support for shark barriers to provide safe swimming enclosures. They are different from shark nets; they are a rigid barrier designed to prevent sharks entering an enclosed area and designed not to trap marine wildlife. There are currently eight of these ring enclosures in WA, with the most recent in the member's electorate at Bicton Baths in the Swan River.

I am very pleased to announce that we have recently provided support for the installation of two new shark barriers: one, member for Fremantle, at Bathers Beach in the City of Fremantle; and a replacement barrier for Cottesloe Beach. The City of Fremantle has been very unfortunate to see a number of shark interactions in and around its local area, and it has been working in partnership with the Town of East Fremantle to investigate a range of shark mitigation and barrier options for its beaches on the Swan River. From this work, the City of Fremantle identified Bathers Beach as its preferred option for a shark barrier and has been seeking funding support. I was very pleased, on behalf of the Cook Labor government, to receive that proposal and support it with \$500 000 towards the new barrier. It will be located right in the heart of Fremantle. I know that the small businesses around that area are eagerly awaiting it as it will activate the area.

There is one for the member for Cottesloe. Listen to this, member for Cottesloe! If he decides to go independent, he can use this: the replacement for the Cottesloe Beach barrier comes five years after the Town of Cottesloe took the initiative to install the barrier in 2019 and it is now reaching the end of its life. It is one of the most iconic beach destinations and the barrier has been a great success. Shark barriers are a great addition to local areas and with funding available to support the purchase and installation under the Cook government's world-leading shark mitigation strategy, I encourage councils to consider whether a barrier is the right solution for their area. It is a fantastic strategy delivering great outcomes and helping to keep communities safe. I thank the member for Bicton for her question.

The SPEAKER: The Leader of the Liberal Party with the last question.

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

520. Ms L. METTAM to the Premier:

I refer to Senator Murray Watt on ABC's 7.30 last night when he said —

... does anyone seriously think that people are going to want to come to an open Parliamentary hearing and give evidence, at the same time that we're being told that people are fearful—and rightfully so—of reprisals?

Given Minister Watt's comments about fear of reprisal, why must Western Australian businesses put themselves at risk of extortion and industrial sabotage before the Premier stands up to the Construction, Forestry, Mining and Energy Union?

Several members interjected.

The SPEAKER: Order, please! I would like to hear the Premier.

Mr R.H. COOK replied:

Madam Speaker, it is just a stupid question.

Ms S.F. McGurk interjected.

The SPEAKER: Minister for Training and Workforce Development, I would like to hear the Premier.

Mr R.H. COOK: If anyone has any concerns or anxieties with regard to the behaviour of any member of a union organisation in relation to a workplace issue, they should refer that person to the appropriate authorities: the Fair Work Ombudsman or the police, if necessary. This is something I have been saying today. I said it the day before that and the day before that. If there is any concern or evidence of misconduct or misbehaviour in relation to the conduct of a union official or anyone acting unlawfully, they should go to the authorities. That is the same message I have

delivered to the member for Vasse time and again, and we are yet to hear anything from the member for Vasse about this so-called criminal element in the union movement. This is taking union bashing to a whole new low. Quite frankly, I am getting fed up with it because the questions are just so wrong and baseless when it comes to evidence.

The point that Minister Watt was trying to make is to appeal to the Liberal Party to stop standing in the way of the legislation that he has put before Parliament so that he can intervene on the issues that have been raised about the misconduct of several union officials on the east coast. I think that is a reasonable thing to say in the context of that question. I did not see *Q+A*, but I suspect he is saying that there are more appropriate forums for people to hand over evidence and concerns about these matters, other than doing it in an open forum.

Ms S.F. McGurk interjected.

Mr R.H. COOK: Yes. I think that is absolutely the case. It is time for the Liberal Party to stop grandstanding and politicising this issue about the passage of this legislation. The federal government has brought in the legislation to take decisive action on the allegations around misconduct related to this union. The application to the courts made by the Fair Work Commission last week did not include the WA branch of the Construction, Forestry, Mining and Energy Union as part of that action, although it obviously signalled that if it were to receive evidence, it would include them. However, the Western Australia and ACT branches of the union were left separate from that particular action. What action the federal government will take under this legislation that it has introduced, I do not know. But we will support any action that it sees as appropriate and necessary to make sure that it can continue to take decisive action. I repeat my request to those opposite that if they have any evidence of misconduct, take it to the authorities so that it can be substantiated, and then that behaviour can be addressed.

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

521. Ms L. METTAM to the Premier:

I have a supplementary question. What correspondence has the Premier received from organisations such as the Chamber of Commerce and Industry WA, the Masters Builders Association or UnionsWA regarding the union's behaviour?

The SPEAKER: Member, sorry, that question is out of order. I have said before, the question needs to be short and pertain to the original question, not open up a new front on the same overall global theme.

Ms S.E. Winton interjected.

The SPEAKER: Sorry, I do not require your assistance, Minister for Community Services.

MINISTER FOR POLICE — PERFORMANCE

Matter of Public Interest

THE SPEAKER (Mrs M.H. Roberts) informed the Assembly that she was in receipt within the prescribed time of a letter from the Leader of the Liberal Party seeking to debate a matter of public interest.

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

MS L. METTAM (Vasse — Leader of the Liberal Party) [3.02 pm]: I move —

That this house condemns the Minister for Police for the alarming increase in crime across our state and his inability to effectively manage and reduce criminal activity, which is creating a growing sense of insecurity within our communities.

As many people here would realise, the alarming rise in crime rates across this state, particularly in regional WA, is not just a statistical concern, but also very deeply troubling. People are feeling increasingly unsafe in their homes and communities under the Cook Labor government.

Mr M.J. Folkard interjected.

The DEPUTY SPEAKER: Member for Burns Beach!

Point of Order

Mr R.S. LOVE: I am only a few feet from the member for Vasse and I cannot hear her, so I would appreciate a little bit of quiet.

The DEPUTY SPEAKER: Yes. Unfortunately, every time we do have this changeover at the end of question time and go into a matter of public interest, there is a lot of background noise going on. If members could keep it down, that would be appreciated.

Debate Resumed

Ms L. METTAM: It is a very sad fact that the recently released crime statistics reveal a stark and disturbing trend that, in Western Australia, we have seen —

Mr M.J. Folkard interjected.

The DEPUTY SPEAKER: Member for Burns Beach!

Ms L. METTAM: We have seen, in Western Australia, a 56 per cent increase in crime against the person, jumping from 45 000 offences during the Labor government's first year in government to over 70 000 offences this year. Violent crime in Western Australia has surged dramatically, with no signs of it abating under this government. Assaults are up nearly 40 per cent over seven years, and there has been a 10 per cent increase over the last two financial years. Even cutting the numbers another way, that is a 22 per cent increase on the five-year average for offences against the person and a 44 per cent increase in family and domestic violence crimes. These figures are not just numbers; these are people who are feeling threatened. Women, children and families are living in fear, often in their own homes.

Western Australia now holds the grim title of having the highest proportion of family and domestic violence assaults in the nation. When it comes to safety, this is the worst state in Australia to be a woman. Almost two-thirds of all assaults in our state are committed by a victim's partner or relative—a chilling fact. This surge in crime is not limited to urban areas; it is also devastating our regional communities. Towns like Albany, Karratha, Broome and Kalgoorlie have seen crime rates soar by up to 51 per cent since the COVID pandemic. Temporary measures implemented by the government, such as deploying fly-in fly-out police officers, have not worked and have proven to be very much a short-term or bandaid solution.

This police minister promised 950 additional officers by 30 June this year. We know that promise has been an absolute failure of criminal proportions, made worse by more than 1 000 police officers resigning from the force over the last two years. Astoundingly, 40 per cent of those resignations were from officers with more than 10 years' experience. That is a lot of experienced officers who have left the force because they do not feel supported under this government's watch. Many feel very insulted by the suggestion that they have just taken up opportunities in the resources industry for more pay. Their morale is at an all-time low. Gaining skilled police officers back will take half a generation. Police districts across our state have significant staffing deficits, yet nothing is being done to support our police officers. The WA Police Union has certainly spoken on behalf of police officers about these concerns. To make matters worse for the police we do have, the government has not addressed the root causes of the increase in crime, such as cost-of-living hardship, mental health, increases in drug use, and the broader impact of family and domestic violence. We know how slow this government has been with the lack of priority it has given to the family and domestic violence legislation that has been introduced in other states.

Since Labor's first year in government, we have seen an 87 per cent increase in non-family assaults in the Kimberley—that increase is breathtaking—alongside a 286 per cent increase in threatening behaviour. If we look to the midwest, these numbers hit 102 per cent for assaults and 180 per cent for threatening behaviour. The same trend persists for the Pilbara and the south west region, which captures my electorate. We are also seeing significant spikes in heroin and MDMA consumption, with regional WA having the nation's highest rate of methylamphetamine consumption at the end of last year. This rise in crime, alongside the scourge of family and domestic violence, has far-reaching consequences. It places immense strain on our health system, our social services and our economy. We know that this is happening at a time when the government is receiving record revenue as a result of our mining and iron ore industries. At the same time, it has a significant financial cost to our community. In fact, family and domestic violence alone is estimated to cost \$22 billion annually, encompassing health care, counselling, welfare support and lost productivity. It goes without saying that there are obvious and significant impacts on the individual—the human cost, the trauma inflicted as a result of this scourge on individuals and families, the erosion within communities and the growing sense of insecurity across our society. Women, children and vulnerable groups are bearing the brunt of this crisis, with many finding themselves trapped in cycles of violence, with nowhere to turn.

The data clearly illustrates an alarming escalation of family and domestic violence that can only be described as out of control. Over the term of this government, the number of FDV incidents, which include family assault and family threatening behaviour, has surged by 17 568 cases. We have seen an 81 per cent increase to 39 132 cases in 2023–24. Particularly troubling is the 38 per cent rise over the last three years alone, which is significant. When we compare these statistics over different administrations, the contrast is even more stark. During the 102 months of the previous Liberal–National government, there were about 114 000 family assaults and 13 882 threatening behaviour incidents. In just 87 months under the Labor government, these numbers have ballooned significantly to over 172 000 assaults and 29 000 threatening behaviour incidents. This represents a 49.9 per cent overall increase in family assaults and a staggering 118 per cent increase in threatening behaviour, all within a shorter timeframe. Even when accounting for population growth, these increases are certainly significant. It highlights how this government has dropped the ball on such an important issue. Promises of additional police officers remain unfulfilled. We understand today that legislation to tackle coercive control will not be introduced. The strengthening of protections for victims of family and domestic violence has been delayed and support services are falling well short.

We cannot allow this to continue. This is a significant issue right across our state—in our cities, in our communities and, in particular, in our regions. It is imperative that we demand more from this government. It is the most resourced government that we have seen in modern political history. It is shameful that it has completely dropped the ball on what should be a priority of any government.

MR R.S. LOVE (Moore — Leader of the Opposition) [3.13 pm]: I rise to speak to the motion brought to the house by the member for Vasse, the Leader of the Liberal Party, which states —

That this house condemns the Minister for Police for the alarming increase in crime across our state and his inability to effectively manage and reduce criminal activity, which is creating a growing sense of insecurity within our communities.

Over the winter break, I travelled the length and breadth of Western Australia and throughout much of the metropolitan area and it is certainly apparent that people feel that crime is an issue in their community. It is an issue right across the state. Oftentimes, it is the most vulnerable communities that feel the most threatened by the current surge in crime. I am sure that those in some of the comfortable leafy western suburbs are not quite so concerned, as criminal activity is often perpetrated in areas where people are more vulnerable. I believe it leads to people feeling very much under threat in many areas of the state.

We have seen a lack of any effective policy from this government to deal with those situations. Although we know that people who selectively work in highly unionised environments under government contracts have been given very large pay increases—we have heard a figure of 25 per cent for certain union members—the Western Australian Police Union is basically at a stalemate with the government over fair and equitable pay for police officers at a time when, as the member for Vasse has highlighted, police numbers are not keeping up with the demand. One would have thought that in order to recruit more police, the first thing the government would make sure of is that wages and conditions are attractive for our police officers, but we are not seeing that happen. Consequently, families, businesses and individuals right across the state are living in a state of fear. Crime rates are soaring and offenders are becoming emboldened by the apparent lack of consequences.

It is not always violent crime. I am aware that shop theft has become a huge issue in some communities. In the midwest, for instance, it has become common for people to stack up a shopping trolley with goods worth hundreds of dollars and just leave the shop unchallenged because the supermarkets will not allow their employees to challenge people in those circumstances and the private security officers do not have the ability to control it. People are aware of that situation. It has become part of the cost of doing business in some regional communities. It is unacceptable. It is unacceptable that there is no enforcement and that there is no concern for the consequences of their actions by the people who are doing the theft. That is causing a great deal of distress for businesses and their employees. We know that some of the theft is of alcohol, and that is deeply concerning. Measures to try to combat those matters are thwarted, as people just steal it straight from the shop without any consequences for their actions.

I am going to take umbrage at some of the comments about the National Party that were made by the Minister for Police in this place last week. I have seen newspaper reports in which he has claimed that the National Party is a direct threat to community safety. The National Party has sought to represent the interests of law-abiding citizens in Western Australia. It is simply that—to represent law-abiding citizens who happen to have a licence to own a firearm. Many of those people feel that they are being treated by this government as some sort of criminal underclass. That is because of the actions of the government and the way that the police minister has prosecuted the development of the firearms legislation. We supported the development of new firearms laws, but we do not support the selective way that the Labor government has applied some of the findings of the Law Reform Commission and manufactured the view within the community that law-abiding citizens who own firearms are somehow a threat to public safety. In doing so, the minister has caused division. It is not from what I have said. It is simply people reacting to the stunts and the inflammatory language of the minister, which was backed up by the Premier during question time. I remember that on one occasion in this place the Premier referred to the opposition as dogs returning to their vomit when I asked him a question about the Aboriginal cultural heritage legislation, which we know was a complete shemozzle and failure, just as this minister is a failure at bringing crime under control and ensuring that the police feel valued and have the resources at hand to bring under control some of the crime problems that we see right across the state, from the city right out to the furthest areas of Western Australia's regions.

This is the same minister who arrogantly refuses to accept that the management of the corrective services portfolio by him and his government has been woefully deficient. Of course, that has fed into the whole problem especially around youth crime, because if the youth justice system is failing, the police are unable to control criminal activity in these towns. There was a recent example in my electorate of the complete absence of any support from the government for individuals in Mullewa. A youth was being regularly dumped in the town with nowhere to live and no-one to care for them. This government does not listen to its agencies. The police were powerless in this situation because the government failed to provide any youth justice support in that area. Because of that, the police were unable to control the situation in the town. We saw some shocking incidents at the local community resource centre; basically, a mini riot occurred, putting the staff under threat and under siege. As I understand it, Mullewa is supposed to have a police force of six officers. There was one officer in the town when this all kicked off—one officer, not six. To his credit, that officer attended. I think they are supposed to run in pairs, but he got down there and sorted out the situation and calmed it down. That goes to show the lack of resources in many regional areas of the state.

It might be difficult to recruit people to certain communities. I admit that it is easier to find staff for some towns than others. People would probably prefer to go to one of the south west tourist havens than somewhere inland, in

the Pilbara or in the midwest. Nonetheless, the role of the police minister is to ensure that the police force has the resources to attract staff and that we can get staff into those communities. I am not criticising any of the police in the regions because they do a great job, but if they do not have the resources at their disposal to properly carry out their tasks, they are set up to fail. They are being set up to fail by a police system that starts with the police minister.

The police minister is supposed to set in place the resources and general direction for the police and to improve the ability to provide resources to them so that they can go about their role effectively and we do not see a situation in which crimes against property are virtually ignored because crimes against people, due to family and domestic violence or other offences, are running out of control. There has been a 22.9 per cent increase in offences against the person over the last four years. The latest figure for family and domestic violence shows a 44 per cent increase over the five-year average. These are shocking statistics. The police force needs all the tools at its disposal to combat this rising tide of violence and crime in Western Australia. If those tools are not provided, the police will be unable to address the situation. The minister is the person who speaks in this place for the police. He should understand the situation and ensure that the police get those resources. Instead, we know that he is failing to do that. We know that some communities do not have the number of police they need. The minister is responsible for that. He has failed, and he should admit that failure. I strongly support the motion brought by the Leader of the Liberal Party.

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [3.24 pm]: I also support the motion from the Leader of the Liberal Party, which states —

That this house condemns the Minister for Police for the alarming increase in crime across our state and his inability to effectively manage and reduce criminal activity, which is creating a growing sense of insecurity within our communities.

I have to say that I back up the comments of the Leader of the Liberal Party and the Leader of the Opposition. I first want to thank our police officers, who are doing their best under trying circumstances. When we look at the crime statistics from the police website, we see that between 2015 and 2023, crime reports peaked in regional areas at over 70 000. They were at their lowest level in 2020 during the COVID pandemic, with 56 000 reports, but have been trending back upwards since then, to 66 000 reports in 2023. Alarming, the highest number of reported incidents are for family assaults. In 2023, there were 13 448 offences; so far in 2024, there have been 7 000. As the Leader of the Opposition pointed out, the percentage change from the five-year average for selected offences against the person, excluding family-related offences, was a 22.2 per cent increase, while family-related offences of assault and threatening behaviour is up by 44 per cent. The minister certainly cannot hang his hat on that. Looking in my electorate of Roe, Narrogin peaked at 1 058 offences in 2017. It went down to 611 in 2022 and then trended upwards to 720 in 2023. The same thing happened in Katanning; it peaked at 975 offences in 2016, went lower in 2020 during COVID with 659 offences, and is now trending back upwards, with 883 offences in 2023. The numbers show the need to have a police presence in regional areas and the value of local knowledge.

The value of having facilities like the Katanning Regional Emergency Accommodation Centre in regional areas cannot be overstated. That facility provides an integrated approach. When domestic violence and the like occurs, sometimes the male member of the family can be accommodated at that facility so that the mother and children can stay at home. I know that Narrogin is looking at building a men's refuge to mirror the women's refuge in the town. A facility like KREAC would also be valuable in Narrogin.

The 2024–25 budget papers showed that the Kimberley juvenile justice strategy would receive no funding after 2022–23. The *Economic and fiscal outlook* has a line item for juveniles in custody that shows that \$700 000 has been allocated each year until 2027–28, when no further funding has been allocated. We cannot find any regional juvenile justice teams; however, there are five of those teams in the metropolitan area. I think that sums it up, along with, once again, the information we have received from the union. There is dissatisfaction with the leadership of this minister and the culture within the management of the police force. The union states that 76.8 per cent of police members surveyed said that that was their number one issue, with one respondent saying —

The minister's comments about the culture problem show how out of touch the hierarchy are. It saddens me to know how many experienced officers are leaving because they are so fed up with sub-par treatment. I participated in an internal interview in which I was treated worse than how we're expected to treat suspects. The whole system is broken."

I echo the comments of the Leader of the Opposition about the minister's disgraceful misrepresentations of the National Party last week. We are representing those 90 000 law-abiding citizens who hold a firearms licence. They have been made to feel like criminals.

In closing, the advice of the former Commissioner of Police, Karl O'Callaghan, makes the best comment to sum up this minister. He said —

The survey really reads like a cry for help but was inexplicably and unceremoniously dismissed by Police Minister Papalia as partly being a ruse to enhance the current police wage negotiations.

The minister might have been better served by asking what has changed in policing in the past few years to bring about such a sharp drop in morale and a widespread dissatisfaction with management. A significant clue is the much greater levels of concern echoed by metropolitan based officers when compared to those serving in regional WA.

That sums it up.

MS M. BEARD (North West Central) [3.30 pm]: In the last couple of minutes we have, I want to touch on a couple of the issues that have been raised already. Regional crime levels are at an all-time high. We speak about this regularly, and it frustrates me that that it is seen as talking down the regions or regional towns. In actual fact, it is telling it as it is. It is what is happening on the ground. I hope it is constructive feedback to some degree. Community safety is paramount and we cannot flippantly say that addressing it is talking a town down; that is definitely not the case.

We all know that the impacts of antisocial behaviour and crime are far reaching, and there have been notable increases. The police are definitely struggling. They do an incredible job with limited resources, facilities and services. Regional development and growth are being impacted. Attracting and retaining people in the regions is becoming difficult. Education is being impacted and so are families, seniors, businesses and a lot of the industries in the community. A lot of this comes down to the community being really underwhelmed by the consequences and accountability in the level of law and order. To assist the police, our communities and offenders we need a much greater level of accountability and consequences because things are becoming entirely out of control. There is a lack of accountability and consequences for youth crime, and often there are no outcomes.

A security company is now empowering its people and putting them through training to carry batons and pepper spray. It operates 24/7 and its staff have been threatened. Its staff are getting calls at home from people threatening them, telling them they know where they live, that they will come to get them and that they will hurt them. This is an incredibly difficult time for a lot of people. The community knows and understands that there is a shortage of police, so some of these people do not phone through. I have mentioned this to the minister before. There is such a time lag because there is a lack of resources.

In summary, we need better support and resources for victims of crime and the police. We need to address the justice system and bring a much greater level of accountability and consequences. If anyone wants to, I am more than happy to chat about this. I do not have a lot of time.

Ms S.E. Winton: What about alcohol sales?

Ms M. BEARD: The kids undertaking this antisocial behaviour are not on alcohol; they are taking drugs.

Several members interjected.

Ms M. BEARD: That is just a cheap shot because that is all the minister has to offer; that is all she can say.

MR P. PAPALIA (Warnbro — Minister for Police) [3.33 pm]: Of course, we will oppose this motion; it is ridiculous. At the outset, the Leader of the Liberal Party, the member for Vasse, disappoints me. She knows that I am a fan, I really am. Like many of the people who responded to the internal Liberal Party polling, I absolutely believe that she is far superior to any other wannabes or people who might pretend or argue that they might do a better job. I am on the member for Vasse's side. I think she is capable. I think she is far more capable than any other proponents behind the scenes who may be putting themselves forward for the leadership of the party, so it really disappoints me when this is all she can come up with for a matter of public interest. It is like she went to the old cabinet, pulled out the manila folder right at the back of the draw, put it on the table, shuffled through the three bits of paper and came to the one she always goes to, which is complaining about the police. That is really disappointing. It is sad and disappointing that that is all that the member for Vasse has got. I think she is more capable. I do not expect anything of Waldorf and Statler from the Nationals WA. They are not going anywhere with anything—maybe out of the Parliament at the next election, but beyond that I do not expect anything, so there are low expectations of them. I expect more of the member for Vasse, so I am disappointed. I ask that at the next opportunity she puts her mind to it and comes up with something a little more original and thought out.

In response, I say up-front that the whole premise of the motion is just fundamentally wrong. The highest crime numbers in the history of Western Australia occurred under the Liberal–National government. In 2015–16, the number of crimes was at its peak; 292 985 offences were recorded under the Liberal–National government. That is still the fact to this day, despite the fact that between that time and today—during which we took office—there has been a 20 per cent increase in the state's population, so naturally there will be some impact on the number of crimes as a consequence of that. That aside, even accepting or ignoring that the population has grown by 20 per cent, the highest rate of offences in the history of Western Australia occurred under the Liberal–National government in 2015–16. It is a fact that the rate of burglary was 58 per cent higher under the Liberal–National government than it is today. Think about that. There are 20 per cent more people in the state but burglary—the thing that really engenders fear and anxiety right across the community about sovereignty, sense of worth and safety in people's own homes because regardless of their demographic they are far more likely to encounter someone who would harm

them if they break into a home when they are there—was 58 per cent higher under the Liberal–National government. That is extraordinary. That confirms what an exceptional job the Western Australia Police Force is doing in tackling that high harm–offender crime.

The Western Australia Police Force’s rapid response teams work so effectively, employing all of the modern policing capabilities they have been resourced to be capable of delivering to rapidly respond to the people who are doing the most harm. As a consequence, they are taking those people out, and they are not out there doing the burglaries. The people who do 50 or 100 different crimes in a very short time, hurting all those people, are not there anymore because they have been tracked down, taken to court and brought to justice. Non-dwelling burglary was 46 per cent higher under the Liberal–National government, motor vehicle theft was 35 per cent higher, theft was eight per cent higher, property damage was 21 per cent higher and drug offences were 24 per cent higher. All of those things were higher under the Liberal–National government when there were 20 per cent fewer people in the state.

The member for Vasse came in here and said something that was just an echo of old campaigns without any substance to it. I will reflect on the most disturbing thing because I find it concerning: the member for Vasse’s claim that morale in the Western Australia Police Force, which was echoed by Waldorf or Statler—I am not sure which nickname I will append to either member of the Nationals. They said the same thing: there is a claim that morale in the Western Australia Police Force is at an all-time low. That is both false and damaging. It is not fair to the Western Australia Police Force, which is doing such an exceptional job. It is also not fair to the record number of police officers we have in Western Australia right now. There is a headcount of 7 148 police officers in Western Australia. That is the highest number of police officers in the state’s history, and more than 600 higher than when the Liberal–National government was in government. The suggestion that somehow morale is at an all-time low and the police are performing poorly is just insulting; it is not true. Apart from that, it is completely unhelpful.

I turn to growing the police force. I have said this many times. I have tried to explain this to the opposition but it clearly has not penetrated, so I will briefly do it again. Prior to the COVID-19 pandemic, we inherited a recession in Western Australia. The state was in recession. Nobody in a public sector job who did not have to leave was going to leave. For two years, there was very low attrition across the public sector because those were the jobs that were attractive at that time. Then there was COVID-19, when nobody who had a job wanted to leave. There were four years of disproportionately low attrition. Post-COVID-19, right around the developed world, there was the thing they called the great resignation. It happened everywhere. I have been in other jurisdictions in Australia, talking to their police ministers, but it was not only police but every other sector. It was not only the public sector; all across the private sector people left and tried something else. That happened. In Western Australia we had the added motivation that we had very low numbers depart for four years. There is also so much opportunity in Western Australia. It has the best state government in the nation, it is the best-governed state in the nation, it has the best budget management in the country, it is in the best budget position in the country and it has the strongest economy in the country. The state government is supported by the business sector. Every business sector supports the Western Australian state government; they are vocally supportive of it and regularly commend the state government for the responsible management that it has applied and delivered, and ensured as a consequence that the state has enjoyed the benefits of increased demand for some of our resource sector commodities, which we did right through COVID-19, and it has enabled all of our sectors to flourish and continue to operate and employ people.

That is universally acknowledged, with the exception of the six people on the other side of this place. Everybody else knows and acknowledges it. All of that meant that there was opportunity; therefore, some people left. It is true—they left in bigger numbers in 2022 than had ever been seen. Attrition has returned to pre-COVID-19 levels. The opposition keeps saying something that is no longer the case. In the last seven months, on average, 25 people resigned from the Western Australia Police Force every month. It is at pre-COVID-19 levels. It is half of what it was at its peak. This is interesting—the Leader of the Opposition suggested that we should focus on things that might attract people to join the Western Australia Police Force. I promise him that is being done. It is evidenced by the fact that there are about 1 900 experienced overseas officers who have applied to join the Western Australia Police Force. They are from the United Kingdom, Ireland and New Zealand. There are more than 2 700 Western Australians, locals, who have applied to join the Western Australia Police Force.

I am not sure of the exact number right now, but there are around 300 recruits at the Western Australia Police Academy. The throughput of the academy has been increased to enable 1 000 to pass through in a year. We will keep doing that. Our problem is not attracting officers and getting them out—in some ways it is getting them through the system and training and getting them out. I will make the observation it is imperative that we do everything that we can to retain our officers. We have the best police force in the world. It is easily the best in the nation and I say equal to any in the world. Our officers should be rewarded, acknowledged and remunerated appropriately. That is why the government undertakes to engage in enterprise bargaining in a fair manner. It is not something that I am responsible for. When members opposite are condemning me and having a crack at me across the chamber about enterprise bargaining, it is not something I am responsible for. I probably would not be very responsible. I would probably allow anything to happen and blow the budget on the police, but what we will do is bargain in good faith with the police force. I commend the Western Australian Police Union and Paul Gale. Paul is a robust

contributor to the industrial negotiation process. I commend him for standing up for his members and I urge him to get on with doing a good job of representing his members and negotiating in good faith and we will get a good outcome.

With respect to the contributions that have been made, firstly, the premise is wrong. The police are doing an incredible job and right across Western Australia overall crime is lower than it was under the Liberal–National government, despite a 20 per cent increase in the population in the interim. As an example, statewide offences year on year, by comparison, in the last 12 months show that sexual offences are down by 9.4 per cent, burglaries are down 22 per cent and, as I said, 58 per cent over a decade. Robberies are down 6.9 per cent, motor vehicle theft is down 13 per cent, and fraud offences are down 13 per cent.

I do not know when the Leader of the Opposition was last anywhere in the regions—I know he is spending a lot of time at dinners for birthday parties at Crown—but I will give an update. I was in the Pilbara yesterday. I was talking to Superintendent Gailene Hamilton about the excellent job that the Pilbara district police officers are delivering across the Pilbara. A couple of numbers come to mind. In Newman, where a couple of years ago there was anxiety and concern and matters were raised about juvenile crime, crime is down 21 per cent over the last 12 months. Juvenile crime in Hedland and Newman combined is down 18 per cent. Claims were made about the Kimberley, I think by the member for Vasse and the Leader of the Opposition. Juvenile crime across the Kimberley is down in excess of 15 per cent. I was in Kununurra for a mini community cabinet. Yesterday, in Karratha, it also struck me that when we have town hall meetings and we have multiple meetings with all parts of the community, we usually get a sense of that matter. When people raise the matter of crime or juvenile crime or anything of that nature, they are willing to tell us about it because we are there listening to people in the community. Ours is the only jurisdiction in the country that does it; we are out having community cabinets and face-to-face time with people in the communities. In Karratha it was not an issue that people wanted to talk about.

I went to Kununurra about a month and a half ago with the Premier, Deputy Premier and other ministers. I met with a community group in Kununurra, led by an excellent inspector in the Western Australia Police Force and working with the council, the regional development office, the Chamber of Commerce and Industry of Western Australia, and a range of Aboriginal community–controlled organisations and other non-government organisations and they had a focus on juvenile crime reduction. They commenced their collaboration two years ago and I can tell members that when we were up there, we learned that there had been a 27 per cent drop in juvenile crime in Kununurra in the last 12 months. It is outstanding. It is incredible.

The Commissioner of Police engaged Mechelle Turvey to create a program to roll out community policing officers across the state and they have a couple in Kununurra whom I met. They only recently won an award from the commissioner for their exceptional service. They were part of the response, but they were not the only response. It was really reassuring and uplifting to see the success of the cross-community work on reducing juvenile crime and crime generally. People were so confident and appreciative of that success that they wanted us as the cabinet representatives to focus not on that, but on marketing their town for tourism purposes and telling everyone what a great place it is. People did not want to talk about this issue because there had been such a success in tackling and curbing crime.

It was suggested that initiatives have not been put in place to respond to crime. I will go through a few of the ones that we have put in place. I note the glass jaw and almost Olympic-qualifier level of sensitivity demonstrated by the Leader of the Opposition about my observation last week that his language was inflammatory and inappropriate and he should curb it. His response was to somehow portray himself as a victim. I find that incredible. I wanted to talk about the firearms legislation, particularly some of the recent successes of the firearms buyback. Clearly, the Leader of the Opposition did not quite get what I was talking about. I am not saying in any way that the Leader of the Opposition told someone to do something to the government or to me or to the police or to anybody else because of the law, but the language he employed was inflammatory and engenders and encourages an aggressive response, suggesting to people that they have been unfairly targeted in some fashion and therefore should be aggrieved. I note that some of the people who are appending themselves to the Nationals WA’s campaign are being given authority to act in a very aggressive fashion, and I suggest to the Leader of the Opposition that he might want to reflect on that. For example, when the law was being debated in Parliament, the Leader of the Opposition released a media statement in which he said —

“The Firearms Act 2024 represents yet another assault on the private property rights of Western Australians ...

“Contrary to the rhetoric spouted by the Police Minister, these laws will do nothing to reduce gun crime yet Labor’s attacks and fearmongering over many months have left law-abiding firearms owners feeling like criminals.”

In what way is rewriting the Firearms Act, which has not been rewritten for 50 years, an attack?

Mr R.S. Love interjected.

Mr P. PAPALIA: It was a rhetorical question.

The primary objective of rewriting the act, which was put at the very front of the bill, was to elevate public safety. I refer to John Howard's observation that ownership and use of a firearm in Australia is a privilege that is subject to the provision of community safety. That is what our law has done. That was the objective of the law. How can the opposition suggest that that is somehow an attack on some right? There is no right to have a firearm in Australia; it is a privilege. John Howard established that in 1997 after the appalling atrocity that was the Port Arthur massacre.

Trying to reduce the number of firearms in the state is a good thing. The Leader of the Opposition appears to believe that it is better to have more firearms, unlimited firearms, in Western Australia. He appears to believe that because that is what he is supporting. The people who most vehemently oppose the legislation overall, and particular parts of it, want to have an unlimited number of guns. That is it. They do not want people to need a genuine reason to have a firearm. People need to have a genuine reason. That is what John Howard stated and established. For the first time under the legislation, primary producers are being given a specific dedicated licence. All the peak bodies that actually talk to and represent farmers are supportive of the legislation. The Western Australian Farmers Federation, Pastoralists and Graziers Association, Kimberley Pilbara Cattlemen's Association, vegetablesWA and Wines of Western Australia support the legislation because they helped write it.

Competition shooters who belong to clubs and compete are not being attacked. They have been provided with a specific genuine reason to have a firearm, and they are fine with it. I note that some people are spending too much time on Facebook and probably the Nationals website, where they are being misled and getting misinformation, and, as a result, feel somehow aggrieved about something that is not really happening. There is no reason for competition shooters in Western Australia to not support this legislation.

Finally, there is a group of people who have a genuine reason to own a firearm to shoot on someone else's property. If someone is genuinely asked by a property owner to come and shoot on their property on a regular basis so that they can control vermin, they will not have a problem. But the fact is that there are potentially thousands of people across the state, many living in the metropolitan area, who either bought or got through the purchase of their firearm a property letter issued from a person they have probably never met and probably never will meet. They will not go to that property to shoot and so they do not have really have a genuine reason to own a firearm. In the future, there will be an actual link from the property authorities to the property based on the prevalence of vermin.

In recent times, we have tried to raise awareness with people that they should look at the law and consider whether they will have a genuine reason to own a firearm when the law comes into effect. If they do not believe they will, they should take the opportunity to sell their firearm as part of the buyback. I can tell members that last week we had an incredibly successful promotion of the buyback. Yesterday, over 24 hours, 814 firearms were handed back under the buyback of which 500 were in the metropolitan area. There were 105 in Midland, 100 in Joondalup and something like 94 in Mandurah. That is a good thing. It is extraordinary that Nationals WA members suggests that is bad and somehow an assault on people's rights that they should be angry about. Two days ago, those 814 firearms were sitting in the Western Australia community—500 in Perth and 300 or so elsewhere—potentially vulnerable to theft, misuse by people who may not be authorised to use them or used in an inappropriate and dangerous way, as has been seen on occasion. The vast majority of firearms owners do not break the law or do the wrong thing but occasionally some do. It is possible that some of those firearms have now been removed from the community, and that is a good thing.

More than 22 000 firearms have been handed in to date as part of the buyback. That is an incredible number. The buyback is until the end of the month, so I encourage anyone out there who suspects that they may not have a genuine reason to own a firearm after the laws come into effect to take advantage of it. People should ignore the Nationals, give it all the attention that it deserves, and contemplate that potentially they may not be able to get a return on their firearm. People will still be able to sell a firearm lawfully. That is something that could happen. It would be interesting to know how many firearms have been sold separate to the buyback.

Almost weekly, I come in here to talk about measures we are taking to tackle crime and protect community safety. The Police Legislation Amendment Bill was read in last week. It is a direct response to the concern, anxiety and fear generated by the really concentrated period of knife crime that began with the horrific events in Bondi and was followed by events here at Westfield Carousel and in the streets of Willetton, amongst other things. Those laws are designed to provide support for community safety and make the community safer.

I found it interesting that commentary on the banned drinkers register from the opposition, particularly from the Nationals WA, appears to have moved on. Members would be aware that in December we amended the Liquor Control Act to enhance and bolster the banned drinkers register, which we created and introduced. It was something that the opposition had never done. The opposition had never even contemplated a response to the harmful use of alcohol, particularly in the regions and in the north.

In the last six or seven months since that legislation came into effect, it has enabled police to issue banned drinkers orders. It has also allowed medical professionals to recommend that people be placed on the banned drinkers register. More than 900 people are now on the banned drinkers register. I am pretty certain that 350 or so people in the Pilbara are on it. It is assisting police and all the other agencies to tackle crime generated by the harmful use

of alcohol. It came about only because this government implemented a banned drinkers register in the first place, enhanced it with takeaway alcohol management systems and subsequently bolstered the legislation to impose carriage limits and restrictions. The director of Liquor Licensing has introduced liquor restrictions across the state.

For the member for North West Central, I will again reflect on how colleagues here commented on liquor sales. Carnarvon's crime rates are down by double digits from a year ago. The liquor restrictions—the two-day no takeaway restriction and the closing of liquor stores at seven o'clock in the evening each day—have had a sustained impact. It will be interesting to watch what happens in Derby. About three and a half weeks ago, the director of Liquor Licensing imposed similar restrictions in Derby for the same reason: it had been proven to work in Carnarvon. As we get the opportunity to watch it in real-time, it will be extraordinary to watch the impact of the measures that the member for North West Central opposed, criticised and tried to undermine through some of her commentary about the post-imposition environment.

Ms M. Beard: I called for it.

Mr P. PAPALIA: You called for it? That is laughable.

The only reason those measures have been able to be employed is that this government created a banned drinkers register, enabled it by providing the takeaway alcohol management system, subsequently imposed carriage limits and then gave the police powers to tackle sly grogging. There have been some incredible outcomes right across the Kimberley and Pilbara. It is heartening to witness the effect and the success of our police, and how exceptional the police service has been at tackling crime right across the state of Western Australia, particularly in the regions, despite the fact that we have had a 20 per cent population increase. That is extraordinary. We will keep growing the number of police in the state. We already have record levels of police officers, and we will keep growing that number and affording them all the resources they need so our police can continue to be one of, if not the best police forces in the world. I really lament how the member for Vasse has been so lacking in imagination that she keeps doing this.

Division

Question put and a division taken, the Acting Speaker (Mr P. Lilburne) casting his vote with the noes, with the following result —

Ayes (6)

Ms M. Beard	Mr R.S. Love	Mr P.J. Rundle
Dr D.J. Honey	Ms L. Mettam	Ms M.J. Davies (<i>Teller</i>)

Noes (46)

Mr S.N. Aubrey	Ms E.L. Hamilton	Mr K.J.J. Michel	Mr D.A.E. Scaife
Mr G. Baker	Mr T.J. Healy	Mr S.A. Millman	Ms J.J. Shaw
Ms L.L. Baker	Mr M. Hughes	Mr Y. Mubarakai	Ms R.S. Stephens
Ms H.M. Beazley	Mr W.J. Johnston	Ms L.A. Munday	Mrs J.M.C. Stojkovski
Dr A.D. Buti	Mr H.T. Jones	Mrs L.M. O'Malley	Dr K. Stratton
Mr J.N. Carey	Mr D.J. Kelly	Mr P. Papalia	Mr D.A. Templeman
Mrs R.M.J. Clarke	Ms E.J. Kelsbie	Mr S.J. Price	Mr P.C. Tinley
Ms C.M. Collins	Ms A.E. Kent	Mr D.T. Punch	Ms C.M. Tonkin
Mr R.H. Cook	Dr J. Krishnan	Mr J.R. Quigley	Ms S.E. Winton
Ms L. Dalton	Mr P. Lilburne	Ms M.M. Quirk	Ms C.M. Rowe (<i>Teller</i>)
Ms D.G. D'Anna	Ms S.F. McGurk	Ms R. Saffioti	
Mr M.J. Folkard	Mr D.R. Michael	Ms A. Sanderson	

Question thus negatived.

CRIMINAL CODE AMENDMENT (PROHIBITION ON DISPLAY OF NAZI SYMBOLS OR GESTURE) BILL 2024

Second Reading

Resumed from an earlier stage of the sitting.

MR J.R. QUIGLEY (Butler — Attorney General) [4.09 pm] — in reply: I rise to conclude the second reading debate and thank members for their contributions. I thank the opposition for indicating its support for this bill. Nazi symbols and the Nazi salute are notorious inflammatory hate symbols closely associated with far-right extremism, genocide and racial hatred. This bill sends a clear message that Parliament is united in its condemnation of the use of such displays that spread hatred and division in the community.

The member for Vasse spoke of the importance of education, and for young people in particular to learn about the persecution of the Jewish people by Nazi Germany, the Holocaust. This is why this bill specifically protects the use of Nazi symbols in the course of any statement, publication, discussion or debate for academic purposes and other purposes that are in the public interest—that is, a true artistic performance or historic statements. They will

be protected. The member for Hillarys also spoke about the importance of education and the use of offensive Nazi symbols internationally, in recent years, by far-right extremist groups. Closer to home, the member spoke about how the threat of terrorism has risen in Australia and the growing fixation on the violent aspects of Nazi extremism. The member mentioned the use of Nazi symbol graffiti in Western Australia, including hateful graffiti featuring the hakenkreuz, more commonly known as the swastika, on an advertisement for her office earlier this year. The community is rightly upset and saddened by these offensive displays and the incitement to violence, and has called for strong legislation to address this problem. The member also noted how Western Australia will have the toughest penalties in the country for Nazi symbol displays, which reflects the community's denunciation of such behaviour.

In his contribution, the member for Burns Beach spoke of how the bill was about standing up against the ideology of hatred, violence and division. The member noted the increasing visibility in Western Australia of far-right groups that use Nazi symbols as a rallying point for those who believe in these hateful xenophobic ideologies. The potential for violence from organised far-right and religious extremists is real and probable. This is reflected in the Australian Security Intelligence Organisation's latest update that credible intelligence assessed by Australia's security agencies indicate that individuals and groups possess the intent and capacity to conduct a terrorist attack in Australia.

The member for Mount Lawley spoke passionately about how he is heartened by the bipartisan support for this important bill and acknowledged the contributions of members from all sides of Parliament over the years who have spoken in support of the Jewish community against threats and intimidation. Such unified support from members of this Parliament gives us all cause for hope. The member for Joondalup also noted that Western Australia is not immune to far-right violence, pointing to the worrying increase of far-right organisations that seek to harass, intimidate and vilify vulnerable groups. The member's own office has been vandalised more than once with hateful graffiti featuring the Nazi hakenkreuz.

The member for Moore stated that there was a vast difference between the use of hate symbols that target Jewish people and the targeting of other communities. He suggested that other vulnerable groups targeted with hate symbols are somehow less worthy because they are merely told to go back where they came from. I find this approach taken by the Leader of the Opposition disingenuous. Pain is not comparable. The recognition of the suffering of the Jewish community during the Nazi regime is important, and it does not diminish the very real hurt and fear felt by others who are targeted with hate symbols. Having experienced the worst horrors of the regime represented by Nazi symbols, members of the Jewish community, the LGBTQIA+ community, the Romani community and other victims of Nazi violence and genocide would be the last to suggest that the threat of such horrors against anyone else is somehow of less force or value. We must not fall into the trap of comparative suffering and invalidate the fear and experiences of those who are targeted with hate symbols by saying that the Jewish people had it worse than others. This bill is not about division. It is about being united in recognising the harmful nature of Nazi symbols because of their terrible history and denouncing the use of such hate symbols in vilifying any vulnerable person or group. Nevertheless, I welcome that the Leader of the Opposition has indicated the opposition's support for the bill, and I thank him for that.

The members for Southern River and Churchlands also noted that the hakenkreuz is a misappropriation of the swastika, which was used in Buddhism, Hinduism and Jainism long before it was hijacked by the Nazi regime. Community members continue to use the swastika in temples outside their homes in a religious context as a sign of peace and good fortune. Such use will not be criminalised by this bill.

Several members also referred to the racist firebomb attacks and other criminal activities by Jack van Tongeren of the far-right Neo-Nazi group, Australian Nationalist Movement, in Perth in the late 1980s and again following his release in 2004. It is a useful reminder that far-right violence is not just an abstract concept confined to the east coast. The members for South Perth and Churchlands spoke of how the symbols and gestures of the Nazi regime have been revived by adherents of hateful ideologies. It is important that we deter any such revival, and this bill is a significant step in doing that. I acknowledge and thank all members who contributed to the debate on this bill. I thought that the member for South Perth gave a particularly good and insightful résumé of the Nazi regime, how it engaged in genocide and how it used the symbol and the SS's double lightning bolts as symbols of terror.

I am not sure whether the case has concluded, but as far as I can track it down, last November, a Melbourne white supremacist was the first person charged for breaching Victoria's anti-Nazi salute laws. The accused was Jacob Hersant, who allegedly performed the salute in front of media outside the county courthouse in Melbourne on the Friday before 28 November 2023. At the same time, he raised his arm and said, "Heil Hitler." It is just appalling that in 2024, young people with no concept or memory of the genocide in Europe, when six million Jewish people were murdered, would today use symbols from that repugnant regime.

I note that the member for Southern River also spoke of the hate against the Asian community and the attacks in the 1980s. The ABC article noted that a whole series of Chinese restaurants were attacked by van Tongeren in the 1980s. The member for Nedlands spoke of what we have all seen—that is, a surge in right-wing extremism, and that includes Neo-Nazi white supremacist groups. She said that these are the darkest parts of our society and their activities should be restricted. She noted, as did the Leader of the Liberal Party, that we are introducing the strongest penalties in Australia. The member for Cockburn spoke of being horrified by the rise of anti-Semitism in Western Australia

and expressed his support for the outlawing of these gestures and symbols. The rise of anti-Semitism and Islamophobia was noted by the member as being particularly repugnant. I have already paid respect to the speeches given by the member for South Perth and the member for Nedlands.

The final thing I would like to say is that this bill, of course, goes beyond the Nazi salute and the display of the swastika because it includes the prohibition of public display of Nazi symbol tattoos of the swastika. It goes further than the legislation in other states around Australia. It is just as offensive for someone to display a swastika on their face as it is to display a swastika 200 millimetres away on their jacket. The question that was posed by the Leader of the Opposition, which we will deal with further in consideration in detail, was: what about tattoos? The display of a swastika or other Nazi symbol in the form of a tattoo will expose the person to arrest and prosecution. They can deal with the tattoo as some of the bikies have dealt with their tattoos by having their girlfriends splatter their faces with foundation cream and other make-up or they can go to a tattoo removalist and have it removed, which is the preferred outcome that the community would like to see.

In the display of evilness and hatred, extremists often go to the swastika. Those of us who can remember the dreadful events involving Sharon Tate, who was murdered by Charles Manson while she was eight months pregnant—that was shocking—and the others he slaughtered might remember that when he went to court, he had carved a swastika on his forehead with a razor, which stayed there for the rest of his life until he died in prison. Evilness often goes to the swastika to signal to everyone around that they are an extreme, evil person and to be careful and frightened of the danger that these extreme right-wingers present. The government says to them, “You can be frightened about this law because we are producing the toughest penalties in the country.”

I commend the bill to the chamber.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Mr R.S. LOVE: The Attorney General just asked me which clause I wanted to speak on. There are only six clauses, so there will probably be two or three.

Mr J.R. Quigley: Do you want to go to clause 7?

Mr R.S. LOVE: No. Clause 4 is a massive proportion of the bill, but clause 2 deals with the commencement date. Reading the bill itself is not as interesting as reading the explanatory memorandum. Perhaps the Attorney General could explain the commencement date and the necessity for the changes, particularly paragraph (c), which provides that the rest of the act will come into operation on the day after assent day. The EM says —

... Part 3, commences the day after assent day. Part 3 provides for a consequential amendment to clarify the existing operation of the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021. Since no additional administrative processes are required to support this clarification, it is appropriate for this part to come into operation the day after assent day.

I wonder whether the Attorney General could explain to the house what that will mean in practice.

Mr J.R. QUIGLEY: Thank you for the question, Leader of the Opposition. Part 2 will commence on the date fixed by proclamation. This is to provide time for the appropriate administrative arrangements and regulations to be put in place to support the enforcement of the new offences and the Nazi symbol removal scheme to be introduced by this part. Part 3 contains consequential amendments to clarify the meaning of “display” in the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021. As this will simply support the existing operation of that act and no administrative changes are required, it is appropriate for this part to commence on the day after royal assent. It is expected that part 2 will come into operation within six months of the bill receiving royal assent. There will have to be removals of symbols and notifications et cetera. This is to provide agencies sufficient time to put in place administrative arrangements to support the enforcement of the new offences and, as I have just said, the Nazi symbol removal notice scheme. Police require sufficient time to provide information and training to frontline officers. The Nazi symbol removal notice scheme will also require new forms to be drawn up and integrated into police IT systems, the implementation of new internal processes, as well as drafting and gazetting of new regulations to support the Nazi symbol removal notice scheme. For those reasons, member, the bill has those commencement dates for parts 2 and 3.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Part II Chapter 11A inserted —

Mr R.S. LOVE: Clause 4 is the bulk of the bill and will insert new chapter 11A into the Criminal Code. This new chapter contains proposed sections 80K to 80ZF—which I think was a model of a Ford Fairlane, if I remember rightly!

Mr J.R. Quigley: Sorry, I missed that.

Mr R.S. LOVE: I am pretty sure ZF was one of those Fairlanes back in the halcyon days.

The ACTING SPEAKER (Mr P. Lilburne): And the ZK, member!

Mr J.R. Quigley: A Falcon—it was.

Mr R.S. LOVE: It was not a Falcon—a Fairlane.

Mr J.R. Quigley: At the same time as the HG, wasn't it?

Mr R.S. LOVE: I never owned one, but there used to be many people who did.

Anyway, this clause sets out the proposed new legal framework for the prescribed use of Nazi symbols and the Nazi salute in certain circumstances. There are a few matters in there on which I have some basic questions. A lot of it is fairly straightforward. If we turn to proposed section 80K, “terms used”, it refers to the owner of a place, and goes through a number of ways a person can be one. I wonder what the import is of the definition under proposed subsection (1)(b), which states —

if the place comprises, or is on, land that is subject to the *Registration of Deeds Act 1856* — the holder of an estate or interest in the land that is registered by memorial under that Act;

Could the Attorney General explain what that provision refers to when it states “or interest in the land that is registered by memorial under that Act”?

Mr J.R. QUIGLEY: Before the Torrens system of title was introduced, which included “indefeasibility of title”, there was a previous system in which someone could register deeds in relation to land to make sure that any historical vesting of land under those deeds is still effected. We cover it off. The member will see that it is any land that is subject to the Transfer of Land Act 1893, which replaced the Registration of Deeds Act 1856. I wanted to cover all land. Seeing as the member is on proposed section 80K, he might like to ask about display.

Mr R.S. LOVE: I have a few questions to ask, but that was the first. Looking at publishing to the public or a section of the public, perhaps the Attorney General might explain how that publishing might be achieved. Does that mean published online or in a library or a gazette? What is the means of that publishing in that sense—or is this in relation to a person who publishes a representation of a Nazi symbol of some sort? Please explain what the term “publish” refers to here.

Mr J.R. Quigley: I am just looking for the section, member.

The ACTING SPEAKER: No rush, Attorney General. May I suggest, sir, perhaps it is proposed section 80N.

Mr J.R. Quigley: I will not be a moment. I am just looking for the section.

The ACTING SPEAKER: No problem.

Mr J.R. QUIGLEY: I wonder whether the Leader of the Opposition could proceed and I will come back to “publish”, and the difference between publish and display. I do not want to hold the proceedings up too long. When I refer to the new definition of “display”, I mean that the definition of display in the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021 is to be amended. This is because there was a Supreme Court case, the member might recall, about a bikie who had a ring on his finger with the symbol of a bikie gang on it. The court felt that to display it meant that it had to be displayed in a way in which members of the public could actually see it, and it was not too small. To take care of the Supreme Court's concern, displaying a Nazi symbol on private property has the meaning given in proposed section 80N(4), which states —

A person *displays* a Nazi symbol in the manner described in subsection (1) on private property if —

- (a) the person displays the Nazi symbol while physically on the private property; or
- (b) the Nazi symbol is visible to another person on the private property regardless of whether the Nazi symbol is seen by the other person.

That covers the area of display that accounts for the Supreme Court decision stating that it has to be seen by another person. It does not have to be if it is in a public place and they have a Nazi symbol.

That addresses the first part of the difference between display and publish, because there is a defence to the charge. The defence to the charge of an offence under proposed sections 80O or 80P is to prove that the accused person's conduct—I am reading from the bottom of page 9 of the bill, member—falls under proposed section 80R(1), which states —

- (a) in the performance, exhibition or distribution of an artistic work; or

- (b) in the course of any statement, publication, discussion or debate made or held, or any conduct engaged in, for —
 - (i) any genuine academic, artistic, religious or scientific purpose;

The Leader of the Opposition will see from that that it will be in the course of any statement or publication. Proposed subparagraph (ii) outlines that that will be excusable for any purpose that is in the public interest. An alternative defence in proposed paragraph (c) will be —

in making or publishing a fair and accurate report or analysis of any event or matter of public interest.

Mr R.S. Love: Where is that wording that you are reading?

Mr J.R. QUIGLEY: It is just over the page, at the top of page 10. That is proposed section 80R.

Mr R.S. Love: It is on page 9 in my copy.

Mr J.R. QUIGLEY: It starts at page 9. I was reading from the top of page 10.

Mr R.S. Love: Your numbering is different, sorry.

Mr J.R. QUIGLEY: It is still the same proposed section.

Mr R.S. Love: It is proposed section 80R.

Mr J.R. QUIGLEY: Proposed section 80R(1) provides a defence for publication for genuine artistic or academic work, being —

- (a) in the performance, exhibition or distribution of an artistic work; or
- (b) in the course of any statement, publication, —

There is the word “publication” —

discussion or debate made or held, or any conduct engaged in ...

Mr R.S. LOVE: I would like to hear more from the Attorney General.

Mr J.R. QUIGLEY: I thank the Leader of the Opposition. Proposed subparagraph (i) states that it is for —
any genuine academic, artistic, religious or scientific purpose ...

We then go to proposed paragraph (c), which states —

in making or publishing a fair and accurate report or analysis of any event or matter of public interest.

That will be the defence for publication on the six o'clock news of a far-right demonstration in which someone displayed the banned insignia. That is the difference between something being displayed by the accused and publication. I hope that is helpful.

Mr R.S. LOVE: Publication could involve any method of providing that report to the public or a section of the public. It will not matter whether it is on the television or in an online report, a magazine, a periodical or a journal of some sort.

Mr J.R. Quigley: That is right.

Mr R.S. LOVE: It is a broad definition of “publish”; the information can be made known to a section of the public through various media. Would that be fair enough to say?

Mr J.R. QUIGLEY: I would agree with that. This is the defence provision. We want to make it broad enough so that anyone who publishes it in good faith for any of the reasons that I have outlined has a defence. It might be a local newspaper that publishes a picture of a swastika that has been sprayed on someone’s retail premises—hopefully not on the Leader of the Opposition’s office. If a newspaper publishes a photo of that in the public interest, the newspaper will not be liable; it will have a defence.

Mr R.S. LOVE: The Attorney General mentioned display; there is an extensive section on that and we will get to that as we go along. I am going in order as much as I can so that I do not get lost. Proposed section 80L provides a definition of “Nazi hakenkreuz”—forgive me if I butcher the pronunciation. It states —

A *Nazi hakenkreuz* (commonly referred to as a swastika) is a symbol of a cross with the arms bent at right angles in a clockwise direction used in connection with the Nazi Party, the Third Reich, Neo-Nazism or Nazi ideology.

Will the depiction of this symbol need to have some supporting narrative to suggest that it pertains to Nazism? For instance, if I published a swastika on a street sign or something without any further indication of my political view, would that be considered an offence?

Mr J.R. QUIGLEY: The Leader of the Opposition will notice that proposed section 80L starts off by stating that a Nazi hakenkreuz is commonly referred to as a swastika. It has to be shown to be a Nazi swastika. Context will be important, because if it is on a Buddhist temple, as I said it could be a sign of —

Mr R.S. Love: What if it is on a street sign with no indication that it is telling people to go home or whatever?

Mr J.R. QUIGLEY: The definition provides that it is —

... a symbol of a cross with the arms bent at right angles in a clockwise direction ...

That defines what a Nazi swastika is. I know that in the Buddhist community, the arms go to the left and not the right. We will not have to have the word “Nazi” on the sign. The displaying of the hakenkreuz by way of a tattoo or poster will be illegal after the passage of this bill.

Mr R.S. LOVE: That is interesting, because speaker after speaker referred to it as basically being the same symbol as the one appropriated by the Nazis for their symbolism. The Attorney General is saying the opposite and that there is a fundamental difference in the design. The Attorney General might be completely right, but that was not picked up in any of the discussions I heard in the chamber, or I missed it if it was. Looking quickly at Wikipedia, it states that both symbols are used in India. That probably is not enough to define that symbol in the way that the Attorney General is suggesting.

Mr J.R. QUIGLEY: I cannot vouch for all religions, but some certainly have the arms going to the left. Because the hakenkreuz has been used as a peace symbol by some religions, context will be reasonably important. If we see a swastika on someone’s shirt, we will need to look at the context because it might actually be a peace symbol under their religion. They will have a defence for publication under the previous proposed section that we discussed if it is a peace symbol under their religion. Context will be important. That will be up to the police and the prosecutor. We have to provide the legislation.

Mr R.S. LOVE: The question I asked was: in the absence of any other context, will the publication of a swastika be considered contrary to the law? The answer I am getting is that it will depend on the circumstances, and it will be examined in that way.

Mr J.R. QUIGLEY: The answer is yes, but we have to look at the available defences and, therefore, look at the context to see whether they fit within one of the defences that we discussed in detail.

Mr R.S. LOVE: Proposed section 80M(2)(a) provides further definitions of a Nazi symbol, including —

- (ii) the Nazi flag;
- (iii) the double-sig rune (commonly known as SS bolts);
- (iv) the Nazi eagle;
- (v) an image of a person performing the Nazi salute;

Again, in this context, will consideration be given to the circumstances of the display? On the face of it, these symbols will not be used by anybody else. Is there a common definition of what these things are? Can the Attorney General advise whether any other Nazi symbols may be contemplated as being subject to regulations down the track?

Mr J.R. QUIGLEY: We are not contemplating widening the provisions at this stage. We have tried to think exhaustively of those images and symbols. Minor variations have been adopted from jurisdiction to jurisdiction as each Parliament tries to deal with this. The most common symbol specifically provided for is the Nazi hakenkreuz. It is prescribed in the ACT, Queensland, Victorian and commonwealth legislation. The South Australian bill also provides for outlawing the hakenkreuz. New South Wales and Tasmania appear to rely on the ordinary meaning of the term “Nazi symbol”, which would almost certainly include the hakenkreuz. They have banned Nazi symbols, so their legislation would almost certainly include the hakenkreuz. Some jurisdictions, such as Victoria, use a combination of a general description of “Nazi symbol” as well as specific prescribed symbols like the hakenkreuz. This bill prescribes the Nazi flag and the double lightning bolt of the SS. In proposed section 80M, WA has taken the approach of prescribing well-known symbols traditionally associated with Nazi ideology, as well as providing for further symbols to be prescribed as Nazi symbols in the future when the Attorney General of the day is satisfied that the thing or image is widely known by the public as being solely or substantially representative of the Nazi Party, the Third Reich, Neo-Nazism or Nazi ideology. This will allow for certainty on the one hand by having a list of well-known symbols specifically set out while also providing that new symbols that may be used by emerging hate movements and far-right extremist networks can be regulated against. At this point in time, we do not know whether there are such symbols out there, but things develop.

Mr R.S. LOVE: I guess there will be exceptions and omissions when a list is included. It is interesting that the government has included the SS rune but has not included the death head skull, which was used by some of the Panzer Divisions of the SS. It is also a well-known SS symbol, which I would have thought would have been included in a list of commonly known symbolism of Nazism.

I refer to the Nazi eagle. Is there a difference between the Nazi eagle and the Roman legion’s eagle? I am not a military historian, but they look pretty similar. Is there a difference in the appearance of the Nazi eagle and various other eagle depictions in other military and government use?

Mr J.R. QUIGLEY: The Nazi Party commonly used the eagle. It is usually associated with the swastika as an image—the eagle plus the swastika. This provision will fortify any prosecution on the swastika itself. We were talking earlier about the context of the swastika. If the swastika is displayed with the Nazi eagle, it will strengthen the case

against the accused because it cannot be said that the Nazi symbol is a sign of peace when it is also matched with the eagle. We have to look at these things in their context and that is why we have provided that list. Proposed section 80M(2)(b) states —

something that so nearly resembles a thing or image referred to in paragraph (a) that it is likely to be mistaken for that thing;

The eagle may be mistaken for the Nazi eagle if it is not presented properly, but we have to look at the context. If it is published with the swastika or the double lightning bolt, that will nail it both ways, proving that the context of the hakenkreuz is a Nazi hakenkreuz because it comes with the eagle; or the display of the eagle is prescribed because it comes with something else looking at the context of the eagle. We do not want to give them any out, member, and I know that the Leader of the Opposition does not. We want to cover the field.

Mr R.S. LOVE: It is interesting because the bill defines it as a Nazi symbol. It does not define it as a Nazi symbol if it includes other things. The eagle is defined as a Nazi symbol under section 80M(2) of the classifications. It reads —

A *Nazi symbol* is —

(a) any of the following —

It refers to the eagle as being one of the five things. That does not really follow from what the Attorney General said, but I accept that he has given me an explanation and will probably not go much further than that.

Mr J.R. QUIGLEY: It is the context. It refers to the Nazi eagle, as we talked about earlier when we discussed proposed section 80L and the Nazi swastika. I note that the Americans often have an eagle on top of their flag. If we look at the context, we do not say that that eagle always lags behind —

Mr R.S. LOVE: That is a bald eagle, so that is different. I think the Roman one is pretty close.

Mr J.R. QUIGLEY: Okay. Thank you.

Mr R.S. LOVE: This is not mentioned here, but I am wondering about the status of other memorabilia, I guess, such as the Iron Cross. It is closely related to those wartime Nazi atrocities in some way because it was an award for German troops fighting under the Nazi regime, but it has a history as a military award going back before then. Could the Attorney General explain whether that could be considered to be a Nazi symbol?

Mr J.R. QUIGLEY: An Iron Cross per se is not a Nazi symbol. As I recall, the German Iron Cross awarded in the Nazi military has a swastika in the middle of it. The swastika is in the middle of the cross, so displaying the Nazi military medal of the Iron Cross would be an offence because it has a swastika on it, and there would be no doubt that it is a Nazi swastika because it is on a Nazi medal.

Mr R.S. LOVE: An Iron Cross that was awarded in the Second World War under the Nazi regime has a swastika on it, but an Iron Cross that was awarded in the First World War does not, so the Attorney General is saying that the two would be different.

Mr J.R. QUIGLEY: Yes, because Nazism, national socialism, did not come until 1934 or some time like that, about 16 years after the conclusion of World War I.

Mr R.S. LOVE: We discussed that that might be in regulations that may be prescribed on the recommendation of the minister. At the very bottom of the page, proposed section 80M(5) states —

The Minister must not make a recommendation under subsection (4) —

Which is where a recommendation is made under regulations —

unless satisfied that the thing or image is widely known by the public as being solely or substantially representative of the Nazi Party, the Third Reich, Neo-Nazism or Nazi ideology.

The test is that it could be any one of those four things. Is it an and/or test; that is, it does not have to be all of them but can be any of those four things?

Mr J.R. Quigley: Yes.

Mr R.S. LOVE: The proposed section talks about symbolism that is substantially representative of the Nazi Party, the Third Reich and Neo-Nazism. Neo-Nazism might evolve and another symbol—I do not know, the Russian Z or something—might come to symbolise some similar type of use. Is the Attorney General suggesting that even though the symbol might not be representative of the Nazi Party of the 1930s and 1940s, the legislation could evolve and include in the future different symbols not contemplated earlier?

Mr J.R. QUIGLEY: Proposed section 80M(4) gives the head of power to make regulations and to prescribe things. Proposed section 80M(5) sets out the criteria upon which the minister may make the recommendation under the previous proposed subsection I just referred to. Neo-Nazis generally use swastikas, double bolts and—we will get to it later—gestures such as the Nazi salute, all of which we provide for in the bill. However, to get around this, a Neo-Nazi group advocating fascist propaganda or regime may in the future adopt a symbol that is slightly different than what is enacted. If the alternative becomes widely known and associated with Neo-Nazi groups, the

minister can make a recommendation under proposed subsection (4) on the criteria in proposed subsection (5) to outlaw that new symbol, or newly adopted symbol, in the same manner as the four or five referred to in proposed section 80M(2).

Mr R.S. LOVE: Perhaps it might have been more useful if one of those symbols had been included in this legislation so we would know it is an example of where the government will go in the future.

Mr J.R. Quigley: You can never guess what they are going to do.

Mr R.S. LOVE: There are already well-known symbols of Neo-Nazism that are not mentioned anywhere in this legislation—the number 88, for instance. The number 88 is well known amongst white supremacist groups as a symbol.

Mr J.R. Quigley: It is not a Nazi symbol.

Mr R.S. LOVE: It refers to H in the alphabet, so it is “Heil Hitler”, and there is a hand signal that goes with it. That is a symbol that is already used by Neo-Nazi white supremacist groups, especially in the United States, but it has not been included here. I was wondering whether that is because there was not much thought given about that modern context at the time of drafting. These things evolve over time and I would have thought there would have been a bit of discussion and thought about some of the more modern context that could be included and the process to take that forward, given we have just gone through the drafting of the legislation. I will leave that as a comment because it is not there and it is obvious that the Attorney General has not heard of it before. Now that the Attorney General knows about it, perhaps he might seek to —

Mr J.R. QUIGLEY: The proposed section provides the criteria upon which the minister may make the recommendation under the regulation-making power. The minister has to be satisfied that the image is widely known as being solely or substantially representative of the Nazi Party. Regarding what the member referred to, as the minister that I am, I do not know that if I saw on TV someone wearing a shirt with “88” on it, I would immediately associate it with the Nazi Party. It may become more widely known and promoted once this legislation comes through. I note with interest, for example, that to get around these types of laws in the prohibited insignia legislation the Rebels Motorcycle Club—I think, I am not quite sure—has moved to wearing Raiders T-shirts. Has the member seen those? The Raiders are a football team in the United States. They wear Raiders T-shirts. Instead of wearing Rebels insignia, they wear Raiders T-shirts, overlooking the fact that in the whole list of banned insignia there is reference to “Raiders” because we knew at the time of passing legislation that nominees—I do not know whether it is to the Rebels or the Comancheros—were called “Raiders”, so we included that as well because it was widely known. If something becomes widely known as the alternative to the Nazi swastika used by the Neo-Nazi groups that are promoting fascism, the minister of the day will have the power to make the recommendation to declare it.

Mr R.S. LOVE: I thought 88 was well known. Maybe I read the wrong sort of magazines and things.

Mr J.R. Quigley: I thought it was a Chinese gambling money symbol.

Mr R.S. LOVE: I think 888 is for good luck.

Mr J.R. Quigley: I notice the big black Mercedes like 88 on their number plates.

Mr R.S. LOVE: Look out; do not step out in front of them!

The reference to the display of a symbol in proposed section 80N, which the Attorney General has been dying to get to, says —

- (1) A reference to a person *displaying* a Nazi symbol includes the person —
 - (a) wearing, carrying or otherwise possessing or controlling a Nazi symbol, or a thing marked with a Nazi symbol, in a manner that the Nazi symbol would be visible to another person;

What if a person is suggesting opposition to Nazism? What if they have a swastika with a cross over it or something else, like, “Ban the swastika”? Is that considered to be displaying the Nazi symbol?

Mr J.R. QUIGLEY: That person would have a defence under proposed section 80S, which states —

- (3) It is a defence to a charge under this Chapter to prove that the accused person was acting reasonably and in good faith in opposition to the Nazi Party, the Third Reich, Neo-Nazism or Nazi ideology.

The cross that the member is describing—that is, crossed out like the no-smoking cross or a slash—would provide a defence. The person could say, “I was displaying this to oppose it, not promote it.”

Mr R.S. LOVE: Proposed section 80N(1), in reference to a person displaying a Nazi symbol, refers to tattoos and other body markings in proposed paragraph (b). It then reads —

- (2) A person displays a Nazi symbol in the manner described in subsection (1) in a public place if the Nazi symbol, or a thing or person marked with a Nazi symbol, is —
 - (a) physically in the public place;

If someone has the symbol and walks around in their backyard, that would not necessarily be an issue; whereas, if someone walks down the street, it would be an issue. Can the Attorney General please explain the context of those matters? Visibility will depend on the level of privacy on the property, but can the Attorney General explain more about the display in a public place and the definition of when the line is crossed, especially on private property, and at what point it becomes publicly displayed?

Mr J.R. QUIGLEY: I thank the Leader of the Opposition for the question. I think the answer to his question is fairly well set out in proposed section 80N(2). It says —

(b) physically in another place —

That is the private place the member is talking about —

from where the Nazi symbol would be visible to another person in the public place.

The person might be, for example, on the front veranda of their unit and they might be wearing a T-shirt with a Nazi symbol. That will not be an offence if they are not in a public place, but it will be an offence if someone in a public place is able to view the display, even though the display was put somewhere other than a public place. If someone puts the Nazi symbol up in their window, it is not in a public place, but if someone walking down the street can see it, then it is viewed by another person in the public place.

Mr R.S. LOVE: I move forward to proposed section 80N(3) —

For the purposes of subsections (1) and (2), a Nazi symbol may be displayed regardless of whether —

(a) the Nazi symbol is seen by another person; or

(b) in the case of subsection (2) — another person is in the public place.

How can someone be displaying publicly if no people are there to view the matter being displayed? Who will pick it up? Would it be CCTV or a police person who happens to be driving past as the only person who sees it? Can the Attorney General explain the operation of proposed subsection (3)?

Mr J.R. QUIGLEY: Is this the proposed subsection I was referring to before, which I would call the “court case subsection”? I think it related to the outlaw motorcycle member Ginn who died, and a comment was made by the court. This was not the ratio decidendi of the case, but rather what we call obiter dictum in reaching the decision. *Greenway v Lavers* highlighted that a narrow interpretation of the term “display” could be taken such that there may be a perceived requirement for a person to have been situated within the public place at the relevant time and seen the insignia for the offence to be established. In the government’s view, such an interpretation is unduly narrow and inconsistent with the policy intent of prohibited insignia law. The government has taken the opportunity to remove any doubt, and especially provide that a person is taken to display insignia if the insignia would be visible to another person in the relevant place irrespective of whether a person is in fact in the place at the time. The approach to the display offence is also consistent with proposed section 80N, which we will come to in a moment.

The police could enter a bar or a beer garden. I think it was a beer garden in the *Greenway v Lavers* case at the Raffles Hotel. Police could enter an area in which there was nobody else present except the person wearing the insignia. If the insignia is such that it could be seen by somebody else, the offence is complete. The size of the insignia does not matter. It was on a ring and they said, “Someone wouldn’t see that.” If they could see it, if it was displayed on their body in a manner that could be seen, it does not matter that it was not in fact seen; it could be seen and the offence established.

Mr R.S. LOVE: I struggle to see how the offence is established if it is not actually seen. Where does the complaint come from and where is the action going to stem from if nobody has seen the offence take place? Are we talking about an Orwellian world in which everything is recorded on CCTV and we are watching people? Will people be on a watchlist who might be expected to be filmed in their backyard, regardless of whether they are doing anything untoward? Where will the likelihood of a prosecution come from if nobody has seen an act?

Mr J.R. QUIGLEY: That is right; there would have to be evidence that it had been displayed. A police officer might walk into the hotel, see it and arrest the person. The police officer might review CCTV footage and see the person in there displaying a Nazi symbol in a manner that could be seen by a member of the public and they could prosecute. We are cracking down. There is no room for slippage. The court in *Greenway v Lavers* interpreted that it had to be seen. We felt that the court by its narrow interpretation was invoking a test that was unduly narrow and inconsistent with the policy intent of the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021. The court said that there may be a perceived requirement of the legislation that a person be situated within the public place at the relevant time and see the insignia. Obviously, there has to be some evidence that it was there, so someone has to have seen it. It would not have to be a member of the public; it could be a police officer walking in to a premises and saying, “You’re displaying that in an area where it could be seen”, or seeing on CCTV footage that a person was displaying it. They do not need to prove that someone else saw it—only that it was being displayed in a public place.

Mr R.S. LOVE: Should we presume that there will be people who will be monitored because of past activities and it is quite likely that some people may from time to time carry out some level of research or surveillance on those people? I move to proposed section 80O, “Offence to display Nazi symbol”, which states —

(1) A person commits a crime if the person displays a Nazi symbol in a public place.

We have just been discussing that a person will be guilty under proposed section 80N even if the symbol is not seen by anyone other than the person monitoring them with a camera.

Mr J.R. Quigley: Guilty!

Mr R.S. LOVE: Guilty. The penalty will be imprisonment for five years. How does that term of imprisonment compare with the penalties in other legislation? Could the Attorney General comment specifically on how that penalty compares with the provisions in the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act?

Mr J.R. QUIGLEY: The penalties under this legislation are in line with the penalties in chapter XI of the Criminal Code that deal with the incitement of racial hatred. This bill relates to racial hatred, so the penalties are in line with those in chapter XI of the code.

Mr R.S. LOVE: Are all the provisions in proposed section 80O in line with those provisions in the Criminal Code?

Mr J.R. QUIGLEY: Yes. I did have the right section, from memory; I still have the marbles! It is section 80A of the Criminal Code entitled “Conduct intended to racially harass”, which states —

Any person who engages in any conduct, otherwise than in private, by which the person intends to harass a racial group, or a person as a member of a racial group, is guilty of a crime and is liable to imprisonment for 5 years.

...

Summary conviction penalty: imprisonment for 2 years and a fine of \$24 000.

We have included in this bill the same penalty for the display of Nazi symbols.

Mr R.S. LOVE: Proposed section 80O(3) provides that the provisions in that proposed section will not apply to a person who has not reached 18 years of age. What would be the penalty in these situations for a person who has not reached the 18 years—who is 17 years or less? Could the Attorney General give me an idea what penalty they may face? I am asking specifically about young people because we know, according to reports from the Australian Security Intelligence Organisation and others, that they are at greater risk of radicalisation through online interactions into extreme Islamist groups or, one would presume, into far-right groups. What are the provisions for younger people who may be caught up in the display of Nazi insignia or the whole Neo-Nazi movement, if you like?

Mr J.R. QUIGLEY: There is a number of issues there. Young people do things that are not thought out and done without the full context or knowledge of what they are doing; they just do it. I remember that a photograph was published of a member of the Royal Family attending a party wearing a Neo-Nazi symbol on an armband. Young people do inappropriate things. However, for example, if a young person defaces an office with Nazi symbols, they could be charged by police under section 5 of the Graffiti Vandalism Act. The minimum penalty is a youth community-based order. The maximum penalty is the same as the penalty in this bill—that is, two years’ imprisonment or a \$24 000 fine. I cannot recall a case, but in an appropriate case in which racial vilification is involved, a person could also be charged under section 80A of chapter XI of the Criminal Code for inciting racial vilification.

Mr R.S. Love: Is that for a young person?

Mr J.R. QUIGLEY: Yes. There is no provision in the Criminal Code that says a person under 18 years cannot be charged. They could be charged under the code or under the vandalism act. Going to a party displaying a Nazi symbol is totally inappropriate. I think it was the Duke of Sussex. It was totally inappropriate, but, as they are a child, are we going to prosecute them as a child? There is a provision that says no. But in an extraordinary or extreme case, police can look at those other offences.

Mr R.S. LOVE: Therefore, it is the mere display of a symbol. In fact, these penalties are repeated throughout most of the provisions that create offences in the bill. The offences under proposed section 80A will not apply to people who have not reached 18 years. None of those offences will really apply to young people even though we know that they are increasingly likely to get caught up with some of these things. I put it to the Attorney General that someone going to a costume party wearing a Nazi uniform —

Ms M.M. Quirk: It was Prince Harry.

Mr R.S. LOVE: Thank you, member. I am painfully aware of the photograph. I have seen it repeated many times and used to have a bit of a go at poor old Harry.

I digress a little bit. If a young person innocently does that—goes to a costume party or something—and is not fully aware, that is different from a 17-year-old who is obsessed with Neo-Nazi literature, has read all sorts of

historical documents and is communicating with other people who are planning actions against the local synagogue or whatever. Police cannot actually charge them for all those things because they might be more difficult to charge. Would it not be useful to have the option to at least encompass those young people within this legislation, even with a modified penalty regime, in circumstances in which their display is symptomatic of a deeper affiliation with Neo-Nazism?

Mr J.R. QUIGLEY: The Leader of the Opposition raises a very good point. A program is in place to deal with the sorts of youths and behaviour he refers to. The program is called the Living Safe Together intervention program. A child could be inducted into this program if he is charged with any offence. A child who might not be charged but is considered at risk of becoming involved in violent extremism can be referred to the Living Safe Together intervention program because we want to turn young people around. The program provides services such as mentoring, counselling, education and employment support to help turn children away from extreme ideologies, which is what the member is suggesting should be happening. The Western Australia Police Force has advised that since September 2019, eight juveniles have participated in the program. Of the eight juveniles who have been put into that program because of police concern that they might fall in with violent extremism, five are still in the program and three have completed it. There are programs to address what the Leader of the Opposition referred to.

Mr R.S. LOVE: We will move on to proposed section 80P, which refers to the offence to make a Nazi gesture. We do not have a definition, but we know, from the earlier discussions we had about proposed section 80M(2) and what constitutes a Nazi symbol, that a Nazi symbol includes —

- (v) an image of a person performing the Nazi salute;

There is not actually a definition of the Nazi salute in the legislation. I assume that it is the classic “Heil Hitler!” sort of thing, with the arm extended et cetera. Proposed section 80P states —

- (1) A person commits a crime if —
 - (a) the person makes a gesture in a public place; and
 - (b) the gesture is a Nazi salute or so nearly resembles a Nazi salute that it is likely to be mistaken for a Nazi salute; and
 - (c) the person intends the gesture to be a Nazi salute.

We have to go through a range of factors to determine whether it is a Nazi display, but it does have to closely resemble the classically understood salute.

Mr J.R. Quigley: A raised, outstretched arm.

Mr R.S. LOVE: Can the minister give me some idea of what might be a gesture that is not a classic Nazi salute but could be considered, for the purpose of this legislation, to be a gesture that falls under this offence?

Mr J.R. QUIGLEY: Certainly, I can. Taxi! People raise their extended arms often on the terrace to call a taxi. It is not intended as a Nazi salute. Once again, we have to go to the context. I will just return to my desk for a moment. The chap that I referred to in my second reading speech, who was the first person to be charged with this offence, was Jacob Hersant in Melbourne, who did it in front of the media outside the court. He raised his arm and at the same time said, in front of the media, “Heil Hitler!” and some words like, “I am not meant to do that now.” It was intended as a Nazi salute, so—bang!—he was arrested.

I give you hailing a taxi or saying hi as examples. In a number of circumstances, people may raise their arms to attract attention, but it is not intended to be a Nazi salute. If, at a Neo-Nazi or extreme right-wing demonstration where the hakenkreuz is on display, someone throws up their arm like that in the middle of a crowd that is displaying Nazi symbols, we have to look at that context. Was it intended as a Nazi salute outside of the courts, in a booing crowd where other Nazi symbols were on display? It will be open to the court to infer intention. The Criminal Code has many provisions for which intention has to be proven, such as an intention to kill or an intention to do grievous bodily harm. Intention can be determined either by the accused’s confession, saying, “Yes. That is what I intended”, or by an inescapable inference drawn from the circumstances surrounding the gesture.

Mr R.S. LOVE: I imagine that the Nazi salute raises the arm to here. We have explained that. I imagine that over the years there have been a number of other fascist types of salutes that are not that one. Other right-wing salutes are not necessarily Nazi but may be Italian fascist or something else. I do not know as I am not an expert on every salute, but I imagine that they would have had different ways of doing things that still promote a similar ideology. Are they all covered by this gesture provision or does the gesture have to be intended to be something that reflects Nazism, as such?

Mr J.R. QUIGLEY: It must be something that reflects Nazism. In fact, the short title of the bill is the Criminal Code Amendment (Prohibition on Display of Nazi Symbols or Gesture) Bill—so Nazi symbols or gestures.

Mr R.S. Love: Not fascist.

Mr J.R. QUIGLEY: No, it must be Nazi symbols or gestures. The Leader of the Opposition talked about the Nazi salute. I have seen photographs of Hitler raising his arm from his elbow. Maybe as they got up in the ranks, they did not hold their arm as high, but it was intended as a Nazi salute as he was walking up and down. It is not the degree of raising the arm so much as whether it is intended as a Nazi salute.

Mr R.S. LOVE: That is all fine and understood. The Attorney General might be aware of the Keep the Sheep movement, which has been going around Western Australia. Keep the Sheep has a gesture that is chanting “Keep the sheep!” while pumping a fist in the air. I must admit that I feel a little uncomfortable doing that Keep the Sheep movement, because it could perhaps be seen as something that it is not.

Mr J.R. Quigley: It is not intended.

Mr R.S. LOVE: It is not intended to be anything of the sort, no, but it is a display of defiance. They are certainly doing that with a great deal of conviction, but I must admit that I still feel uncomfortable about “keeping the sheep”, in that sense.

This is basically the same provision regarding the display of the gesture and everything we have already spoken about—we do not have to go through all that again—and applies to a person under the age of 18 years. The difference here though is if a 17-year-old is at a rally with a bunch of other people and is undertaking all the activities, including a Nazi gesture, and is perhaps trying to intimidate worshippers as they enter a synagogue or whatever it is, it concerns me that there is no provision for a 17-year-old to be punished for that behaviour per se. I think it is a different level of activity and it is an action, perhaps taken in company, that is a little different from the display of a symbol at a party or something such as the Attorney General mentioned. This would be completely different. I again raise the question: in this particular matter, which is taking place in an action, why would a person younger than 18 years suffer no consequences?

Mr J.R. QUIGLEY: It is the same. If a young person in a crowd is influenced by that crowd to raise their arm, they would be a red-hot candidate for the police to refer them to the Living Safe Together intervention program, which eight people have already been inducted into. It is not a lasting gesture; it is a momentary raising the arm in a crowd that gives it the context of it being a Nazi salute. A young child should not be there and would be referred to the Living Safe Together program by the police.

Mr R.S. LOVE: I remain concerned about that. I think there are different degrees of innocence. People will have gone down a certain path and probably left behind the part where there should not be consequences for their actions.

I will park that as a comment and move to proposed section 80Q, “Offence to apply Nazi symbol to a property”. This is when someone has applied writing or scribbling and has defaced property that is the property of another person, without the consent of that person, or public property. I go back to the Attorney General’s answer. I think it is pretty straightforward; the provision does not need a lot of explanation. I go back to the situation with the 17-year-old. When the Attorney General first responded, he mentioned there were provisions around graffiti et cetera. Given that the summary conviction penalty is two years’ imprisonment and \$24 000, if Nazi symbolism has been applied to a property, will that, in the Attorney General’s view, lead to any aggravation through the offence under the other provision that he was talking about? Would the courts take that into account when they are dealing with the young person under that other provision of the legislation—I forgot the earlier proposed section—around graffiti? Could the Attorney General explain whether the court would take into account the fact that Nazi symbolism has been applied as opposed to, I do not know, some tag or something that somebody has done on a property?

Mr J.R. QUIGLEY: Yes. The Leader of the Opposition was talking about a young person. There is no exclusion for young people under the Graffiti Vandalism Act 2016. If a person vandalised by their fixation of Nazi symbols, that would certainly be taken into account as opposed to someone graffitiing somewhere “the Eagles are losers”, something that is insulting to a sporting team but not racially motivated, like the member is suggesting. The court will take all those circumstances into account. If it was not put up in fun and was put up to provoke, insult and hurt people whose race and religion were the subject of an extermination and mass genocide by Hitler, it would take that into account.

Mr R.S. LOVE: I move to proposed section 80R, the defence provisions that we touched lightly on before when the Attorney General talked about the publishing of information. Could the Attorney General elaborate? Proposed section 80R(1) states —

- (b) in the course of any statement, publication, discussion or debate made or held, or any conduct engaged in, for —
 - (i) any genuine academic, artistic, religious or scientific purpose; or
 - (ii) any purpose that is in the public interest;

Proposed subsection (2) states —

For the purposes of subsection (1), an accused person’s conduct is not engaged in reasonably or in good faith if the conduct promotes or supports the Nazi Party, the Third Reich, Neo-Nazism or Nazi ideology.

Can the Attorney General give some indication about where that line will be crossed? Some people may generally have a view, which I do not want to get into nor do I want to support any crazy theories, and I am trying to understand how someone will cross the line between being someone who in good faith is producing a documentary that explains, for instance, the rise of Nazism or the effect it had on people, and when they would no longer be considered to be engaged in reasonable conduct or in good faith. I am trying to get an understanding of how that would be judged in the Attorney General's mind or the mind of the drafters of the law. What is the line? There are different degrees of explanation around historic events and different approaches taken by people to explain the context. Where is the line between the two?

Mr J.R. QUIGLEY: A person might put on a humorous performance that they are performing in good faith because, often, the way to spear an evil ideology is by having people laugh and poke fun at it. I am thinking of the performance by John Cleese in *Fawlty Towers*: “Don’t mention the war.” I do not know whether the Leader of the Opposition saw that one. John Cleese was in the dining room doing the Nazi salute and saying, “Don’t mention the war.” It was a very funny episode. He was absolutely spearing Nazism with his well-pointed humour. I am sure that others have done that as well. I am thinking of *Hogan’s Heroes* and Sergeant Schultz: “I know nothing.” That was a genuine humorous performance that was done in good faith, not as a guise to insult people. In other words, it was not done in bad faith pretending to be humorous—that is, not in good faith—but by using that vehicle to actually cause distress. The conduct in the performance has to be reasonable and done in good faith—a twin test. We could say that in the performance in that episode of *Fawlty Towers*—we all love those episodes—John Cleese was acting in good faith and he was reasonable. He was not inciting hatred. It was so funny and it speared Nazism to make it look ridiculous. The proposed subsection states —

- (b) in the course of any statement, publication, discussion or debate made or held, or any conduct engaged in, for —
 - (i) any genuine academic ... purpose ...

The precursor to that is that any of that discussion has to be reasonable and done in good faith. They are the words that predicate paragraphs (a) and (b). It is the same in chapter XI of the Criminal Code. It is a defence to a charge under section 78 or section 80B, to which I have previously referred, to prove that the accused person's conduct was engaged in reasonably and in good faith. It then also goes on to refer to artistic work et cetera. We have lifted the test out of the Criminal Code and applied it to a specific circumstance of performance or academic discussion conducted in those circumstances.

Mr R.S. LOVE: That brings us to the general defences, which, again, I think are fairly self-explanatory, but the Attorney General might like to make a comment to further explain proposed section 80S, other than what is written there. It looks to me to be what we have been discussing throughout the debate.

Mr J.R. QUIGLEY: Thank you for the invitation, Leader of the Opposition. I think it is important for Parliament to understand that proposed section 80S provides for what we know is in section 23 or section 24 of the Criminal Code. It provides for mistake of fact-type defences that will apply to all offences in new chapter 11A. Proposed section 80S(1) deals with a situation in which the accused inadvertently displayed a Nazi symbol because the accused did not know, and could not reasonably be expected to have known, that the symbol was being displayed. It will be immaterial whether the person knew that the symbol was a Nazi symbol; rather, the focus will be on whether the person could reasonably be expected to have known that the display was visible. I go back to someone putting up a poster in their house. Would it be reasonable to expect from the position of the poster that someone walking past the house would see it on display? If that is an unreasonable expectation, there will not have been an offence, but there will be if the locality is looked at and it is found that the poster was on a wall opposite a big window and was on display to members of the public.

Proposed subsection (2) deals with a situation in which a person did not know, and could not reasonably be expected to have known, that the symbol was a Nazi symbol. For example, there are some surf brands that use a lightning bolt as their motif. Some young people who are not familiar with what has happened with the SS bolts might not know, and could not reasonably be expected to know, that the lightning bolt was, in fact, a symbol of Nazism. Proposed subsection (3) deals with a situation in which a person acted reasonably and in good faith in opposition to Nazism ideology, and the Leader of the Opposition referred to that circumstance earlier when he asked about a Nazi symbol with a strikeout line through it. That would be in opposition to Neo-Nazism, the Nazi Party and the Third Reich.

Proposed section 80S in new chapter 11A provides for mistake of fact-type defences and they relate to an accused who inadvertently displayed the symbol; a person who did not know, and could not reasonably be expected to have known, it was a symbol; and a person who acted in opposition. I take the member a little further on to make it perfectly clear. Proposed section 80ZF specifically excludes section 24 of the Criminal Code. That is a mistake of fact, but it is a more specific mistake of fact in this case. It is not just a general “I didn’t know. It was a mistake.” It is more specific.

Mr R.S. LOVE: That is good; I was going to ask the Attorney General about section 24. Thank you, Attorney General; we will not have to go into that now. Proposed section 80T, “Exceptions”, refers to police and investigators. That is fine; I am not going to ask about that.

Proposed section 80U, “Issue of Nazi symbol removal notice”, states —

(1) In this section —

interested person, in relation to a relevant place, means a person who —

- (a) is a lessee or hirer of the place, whether or not actually occupying the place; or
- (b) is occupying, or is entitled to possession of, the place;

If someone is not occupying the place, why would it be reasonable to expect that they would be ordered to remove a Nazi symbol under this piece of legislation?

Mr J.R. QUIGLEY: The intent of these provisions in the legislation is to enable the removal of those symbols that are capable of causing so much distress to people whose race or nation were subject to an attempted extermination. If someone is leasing a property with a Nazi symbol on it and they have obligations under the lease, they will have the obligation to remove it. If the premises are unoccupied, the owner will have the obligation to remove it. Whoever is responsible for that property will have to get rid of the symbol on it. They could just paint it over with white paint and it would go. The legislation does not state that the property has to be restored to “as it was”; they just have to get rid of the symbol. They could get a big roller and whack on some Dulux one-coat paint!

Mr R.S. LOVE: How will the senior police officer determine who to issue the notice to? In the case of a property that for all intents and purposes is not occupied but has a lessee or hirer in place, and also an owner, what will the hierarchy be in determining who will be the person expected to remove the symbol?

Mr J.R. QUIGLEY: It will be the person in charge of the property who will be not only expected to remove the symbol, but also have a legal obligation to cover it. A Nazi symbol might be displayed on a shop that has the name My Coffee Shop or whatever on it, but it is vacant. Obviously, the first person the senior police officer will try to find is someone who is occupying the building. If no-one is there, they will look for the owner and place the obligation on the owner to remove the symbol. If the owner says, “No, Bill has leased that property. Here’s my lease”, they will go to the lessee and say, “You’ve got to remove it.” There will be an obligation on Bill, the lessee, and on the owner as well. The intent of the legislation is that it will place an obligation on people in charge of properties upon which a Nazi symbol is displayed to cover up or get rid of the symbol—gone. We do not want people to be insulted, disturbed or harassed by the display of these symbols.

We have seen what has happened in Perth with the prohibited insignia laws. I have to be careful about the words that I use, but let us say there are “I hate Quigley’s laws” T-shirt, without going into the vulgar language that the bikies use. That legislation, which prohibited the display of bokie symbols, has given the police the capacity to suppress them. This bill will give the police the capacity to suppress Nazi symbols used by people either to promote hatred of a group in our community or to promote Nazism and Neo-Nazism.

Mr R.S. LOVE: Proposed section 80U(4) states —

This section does not apply if the Nazi symbol being displayed is, or is part of, a tattoo or other body marking.

The police will have no power to order someone to remove a tattoo or cover it up under this proposed section. A person could not be told to remove their Nazi symbol if it is a tattoo, but they could be asked to cover it up, not directly under this proposed subsection, but under different parts of the legislation.

Mr J.R. QUIGLEY: Proposed section 80K(2) provides that a thing marked with a Nazi symbol excludes a tattoo. The term “thing marked with a Nazi symbol” is used in the Nazi symbol removal notice scheme in proposed sections 80U and 80ZD to refer to offending displays that can be removed under a police-issued notice. Although having a tattoo of a Nazi symbol will not of itself be unlawful, leaving it displayed in such a way that it is visible from a public place will be an offence under this legislation. However, considering that the removal notice scheme is aimed at the expeditious removal of graffiti, the government has decided that it is inappropriate to use such a mechanism to compel the obliteration of tattoos by laser burning and the like. As such, proposed section 80K(2) clarifies that a person will not be considered a thing marked with a Nazi symbol in order to exclude such personal body markings from the scope of the removal notice.

As I said in my reply to the second reading debate in response to an issue raised by the Leader of the Opposition about tattoos, a person will not be able to display them where they can be observed in a public place. They could put foundation cream, lipstick or a bandage over them. I have seen photographs in the paper of people who are marked using several methods to make sure that they are not committing offences.

Mr R.S. LOVE: We have looked at ownership and a number of other matters. Proposed section 80V, “Content of Nazi symbol removal notice”, outlines that a senior police officer will issue a notice when they reasonably suspect a symbol is being displayed in a public place. That is pretty straightforward. The notice will be issued to the person because the person is the owner of, or interested person in relation to, the place where the symbol is located. What will be the situation with public land? What will be the situation with a piece of land that has been forfeited to the Crown or is held by a public authority, such as a derelict building or something like that?

Mr J.R. QUIGLEY: The Leader of the Opposition is referring to land that is not vested in a private individual or a private corporation.

Mr R.S. Love: A boarded-up social house or something.

Mr J.R. QUIGLEY: For a boarded-up house, the senior police officer could attach a notice to the front entrance or another part of the relevant place where the notice could be easily seen. There would then be an obligation on the owner—it might be the department of housing; it could be anyone—to remove it. For unalienated crown land or state-owned land, such as foreshore reserves, the state or local government could remove the symbol. The member referred fleetingly in his question to a boarded-up premises. Someone will own it, so the senior police officer could not interfere with the property, but they could attach a notice to the front door. If the symbol is not removed, the owner of that boarded-up house could be prosecuted.

Mr R.S. LOVE: Say the Department of Communities owns a house in, I do not know, Mullewa. It cannot get anyone to go up there and fix the lights, air conditioners or plumbing, but there is a swastika on the front wall of the empty house. What will happen there? Putting a notice on there will not achieve anything if the department of housing does not go out there fortnightly to look at the thing. What is the process there?

Mr J.R. QUIGLEY: It is a state-owned house. If someone notifies the department of housing that a swastika is being displayed to the public on one of its properties, it will get someone to remove it. They are not going to prosecute the state when it did not know. They have only got to ring up housing to say, “You’ve got to fix up this house. You’ve got to get rid of the swastika.” It is not a problem.

Mr R.S. Love: Fix up the house and get rid of the swastika?

Mr J.R. QUIGLEY: No, fix it up by getting rid of the swastika, “Go and attend to this —

The ACTING SPEAKER (Mrs L.A. Munday): Give the house a paint job while you’re there.

Mr J.R. QUIGLEY: — and get rid of the swastika off the house you own.”

Mr R.S. LOVE: We will move on to the service of the notice. There are a number of steps there. In the end, as the Attorney General said, if no other reasonable means can be found to serve a notice on a person, the notice can be left on the front of the property, the front entrance or another part of the relevant place identified in the notice where it can be easily seen.

The symbol removal notice itself has to be served within seven days after it was issued. Putting it on the doorstep of the property means it is then considered to be served. Then there is the normal period someone would have to respond and remove it. If the person is overseas and is unaware of the graffiti or the notice that has been placed on it, what would happen? Would the expectation be that having had no response from anybody two weeks after the notice has been served by being left on the front doorstep, the Commissioner of Police would simply order the removal of the graffiti and seek financial recompense from the owner down the track? I know that what the commissioner can do is covered further down the track, but can the Attorney General explain what he expects would happen? There will be many examples in which someone has gone away for a while. Someone might have a lovely white brick wall outside and someone has put a symbol on it. A notice has been left on their doorstep, but the police have no idea how to get in touch with this person because they are camping in Kakadu for a month or something. Where would the process go from there?

Mr J.R. QUIGLEY: The Leader of the Opposition is right; this is dealt with in proposed section 80ZA. If the police see that the house is unoccupied and put the notice on the door, a number of things may happen. The person may be notified by a neighbour or via a social media post that it is on their door, but if they are overseas and cannot deal with it while they are away within the prescribed time of 14 days, they can then apply or write to the police and ask for a reasonable extension to allow this to be removed.

However, the police will also have the power to enter the place where the Nazi symbol is located and use reasonable force to have it removed. Should this occur, proposed section 80ZA, to which I have referred, will provide police with the right to recover costs of such removal from the owner of the place in a court application. As I said, the cost might be one coat of paint to cover up the Nazi symbol. It might not be the large expense of removing a wall or anything. Who knows? The police will have the power. If they cannot locate the owner and the owner does not respond to the notice, the police can take action to remove it.

Mr R.S. LOVE: Is there any indication of how long the police would have to wait before they took those actions? If they were aware that the person was uncontactable and that no one was going to respond at any time for the next month and, in the meantime, there is an offensive symbol out on the street, would it not be in the interests of everybody if the police immediately simply moved in and ordered that the symbol be painted over so that life could go on?

Mr J.R. QUIGLEY: The police have a lot of common sense. They would serve the notice and nail the notice on the front door. The Leader of the Opposition is right; leaving it on display causes harm. They will not just leave it eternally on the property with no action being taken. There comes a point at which the police will enter the property and remove the symbol. There is no definition of that time, but the police can respond at any time after the 14 days has expired. They might wait a little longer to make further efforts to locate the owner, but it cannot be left there interminably.

Mr R.S. LOVE: I turn to proposed section 80Y, “Revocation of Nazi symbol removal notice”. It contains the pretty straightforward steps that the commissioner must take. Proposed section 80Y(4) states —

The Commissioner of Police must revoke a Nazi symbol removal notice if satisfied —

- (a) the requirements under section 80U(2) for issuing the notice were not met;

Proposed section 80U(2) is about the fact that the senior policy officer has to reasonably suspect that the Nazi symbol is being displayed in a public place. Can the Attorney General explain how quickly a notice could be issued if the requirements in proposed 80U(2) had not been met?

Mr J.R. QUIGLEY: I cannot hypothesise all the circumstances, but the owner might say, “Look, really, if you walk down the street and look left at my property, you’ve actually got to stand on a milk crate or something like that to view it, to see it over the fence”. Mistakes happen. People may say, “Well, you’ve got to be 6’8” tall to see over the fence to see it. I object to the notice.” The commissioner can look at it and apply his common sense, “Yes, you have a point there. 80U(2) has not been satisfied, so I am going to withdraw the notice. It is not doing harm because it is not on display.”

Mr R.S. LOVE: It is pretty straightforward. Proposed section 80U(2) states —

If a senior police officer reasonably suspects ...

There has to be a test for whether he has reasonably suspected. What if a junior officer has said something to the commander and he has gone, “Oh, yes. Write it out and off you go” and accepted their word without any investigation or reasonable suspicion? Is that what we are talking about here?

Mr J.R. QUIGLEY: There are any number of reasons. The house might not be occupied, but the swastika is visible. The person has a notice on their door and has returned from visiting their family in Indonesia. They have come home and said, “Look at that notice! We’re Buddhists. That’s my peace sign around our lounge room before which we meditate!” They can then go to the police commissioner and say, “Could you please revoke the notice because section 80U has not been complied with?”

In other words, it is not a Nazi symbol. The reasonable suspicion that was held will be debunked by a good explanation.

Mr R.S. LOVE: Proposed section 80Z, “Offence to hinder compliance with Nazi symbol removal notice”, states —

- (1) A person who does anything intending to prevent, obstruct or delay the authorised removal of a Nazi symbol, or a thing marked with a Nazi symbol, in accordance with a Nazi symbol removal notice commits an offence.

Are we talking about a person physically obstructing someone from going about their work or could it be that they refuse to unlock the gate to let the tradesman or painter in? Can the Attorney General explain what is intended by this proposed section?

Mr J.R. QUIGLEY: It will be all that the Leader of the Opposition described, such as physical obstruction when the police come to remove the symbol itself. It will be anything that prevents, obstructs or delays. People come up with all sorts of gambits to try to delay authority. If any of those things happen, it will be an offence. The Leader of the Opposition will note that the offence carries a lesser punishment than the substantive offence—a period of imprisonment for 12 months and a fine of \$12 000. It will be a less serious penalty for delaying its removal than for deliberately displaying it.

Mr R.S. LOVE: I move to proposed section 80ZA(5), which states —

The Commissioner of Police may recover from a relevant person who is the owner of the relevant place identified in the Nazi symbol removal notice the costs incurred by the Commissioner under this section in a court of competent jurisdiction as a debt due to the State.

A cost will be incurred when the removal takes place. Will that have to be agreed in a court or could there be an agreement between the owner and the police? The police might say, “Look, it will cost \$500 for Jim’s Cleaning to come and do this; here is the bill. If you pay that, we’ll call it quits.” Will that be possible or will the agreement have to go to the Magistrates Court or some other court to be ratified? What will the process be?

Mr J.R. QUIGLEY: Proposed section 80ZA(5) provides for the enforcement recovery of costs. A person might agree on \$500 with the police and pay over the \$500. However, if a person refuses to provide that compensation, proposed section 80ZA(5) will enable the Commissioner of Police to recover it as a debt in a court of competent jurisdiction. The Family Court would not have competent jurisdiction, but the Perth Magistrates Court would have competent jurisdiction for debt recovery. The police will be able to file the claim under proposed section 80ZA so that we, the taxpayers, do not carry the burden of the offender.

Mr R.S. LOVE: Just to clarify, that will not be the only path. The person could agree with the police beforehand; that is not spelt out but it is implied in this proposed section. Only if there is no agreement or there is a dispute about making the payment will the commissioner apply for compensation through the court.

Mr J.R. QUIGLEY: That is correct, Leader of the Opposition.

Mr R.S. LOVE: Proposed section 80Y is headed “Revocation of Nazi symbol removal notice”. The proposed section on delegation states —

The Commissioner of Police may delegate the Commissioner’s functions under section 80Y or 80ZA to a senior police officer (the *delegated officer*).

Presumably, this will normally be handled by the same person or an officer of the same level as the person who made the notice in the first place. Are we basically saying that if a particular commander makes a decision to issue a notice to remove insignia in the normal course of activity, that person will probably be approached for the revocation of that notice and will perhaps go to court? Do we expect it to be the same person or is there an expectation that the commissioner will delegate the tasks to different officers?

Mr J.R. QUIGLEY: This is covered in the definition section, proposed section 80K, where “senior police officer” is defined. It will have to be a commander or above. A commander will not be out on the street investigating offences; commanders do not do that. It will be a superior officer. A police officer will investigate the complaint and have the notice issued, but they can always go to a higher rank to appeal or have the notice revoked. We have discussed that that could be the Commissioner of Police or someone who is delegated. I turn to proposed section 80ZC(4), which states —

A senior police officer who issues a Nazi symbol removal notice must not perform the Commissioner of Police’s functions under section 80Y ...

That way, there will not be a conflict.

Mr R.S. LOVE: That is fine; I am glad the Attorney General explained that.

I turn to proposed section 80ZD, “Forfeiture of unlawful material”, which states —

A court that convicts a person of an offence against this Chapter may make an order for the forfeiture to the State, or the destruction or disposal, of any Nazi symbol or thing marked with a Nazi symbol in respect of which the offence was committed.

Will that mean that items will be confiscated and destroyed as part of a conviction for any of the offences in this chapter? Regardless of whether it is at the highest or the lowest end of severity, is the expectation that the displayed object will be seized and either forfeited or disposed of in some way?

Mr J.R. QUIGLEY: It will not be mandatory. It states that a court may order its destruction. However, the Leader of the Opposition has to remember that a tattoo will not be regarded as marking a thing. The court will not be able to order the destruction of a person’s arm that has a tattoo on it because a tattoo is not marking a thing. For anything else that marks a thing—for example, a T-shirt, an Iron Cross replica or whatever—an application could be made to the court for the destruction of that thing, and the court will have the power to order its destruction or disposal.

Mr R.S. LOVE: I was just going to ask about disposal. Disposal means that the object will not be destroyed but will be taken off that person and put somewhere else. Would that include its sale by auction, housing it in a museum or simply putting it in a warehouse somewhere? What is the intent of the word “disposal” here?

Mr J.R. QUIGLEY: The member is right. The order could be for the destruction or disposal of it, so we would take it out of the hands of someone who has unlawfully used it by displaying it, and we could dispose of it to somebody who could lawfully possess it—for example, a museum, a military museum or a museum on far-right extremism and its culture. There are people who could lawfully possess it, so it would be disposed of from the person who displayed it for an unlawful purpose to the state, which could, for example, put it in a museum that could lawfully possess it and display it.

Clause put and passed.

Clause 5: Act amended —

Mr R.S. LOVE: This clause refers to the fact that part 3 will amend the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021. I have not been through the *Hansard*, but I am pretty sure that we did consideration in detail on that act. In that discussion, the nature of some of the Nazi symbols was discussed and why it was not included in that piece of legislation. Can the Attorney General reinforce why some of these symbols and Nazi paraphernalia were not included when this law was developed? Clearly, they are used in all sorts of ways by outlaw gangs. Can the Attorney General explain why, at the time, we did not just simply include Nazi symbols in that prohibited insignia law?

Mr J.R. QUIGLEY: Certainly. That law was specifically aimed at outlaw motorcycle gangs and their insignia; it did not include this whole regime for the removal and disposal of Nazi insignia.

Mr R.S. Love: Those were those things that were covered over.

Mr J.R. QUIGLEY: Yes; they were covered over, but it did not have the regime that we have been discussing in the proposed sections in clause 4 to do with removal notices and disposal and the like. This regime was developed specifically for Nazi insignia, Nazi salutes and the like. It is a more detailed regime than under the anti-insignia legislation, which was simply that it is an offence to display certain insignia in public. It did not provide for removal notices and all those sorts of things; it was to do with bikies going around the city displaying their insignia.

We are including it in this legislation, in proposed part 3, to deal with that situation that I referred to before. A consequential amendment will be made to section 24 of the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act to align the wording with how the term “displays” is set out in proposed section 80N. We have discussed that before. It will not actually have to be seen, but if it is in a public place where it could be seen, the offence is complete. Both provisions will use the same approach in that a person is taken to display insignia if the person wears or carries a prohibited thing in a manner that would be visible to another person in the place. The focus is on the manner in which the thing is carried, and it is immaterial whether another person in fact sees the symbol or the insignia at the time. Therefore, if someone wears a replica of the iron cross, it is immaterial that any person did not see the little swastika in the middle of the Iron Cross. It is enough that the Iron Cross displayed an insignia in a public place, irrespective of whether it was seen.

The proposed amendment to the unlawful consorting and prohibited insignia law does not change the underlying policy or intent of section 24. It will clarify the existing position that insignia is being displayed if it is worn or carried in a manner that would be visible to another person regardless of whether the insignia is in fact seen by another person or whether another person is actually in the place, as discussed earlier when we were discussing clause 4.

Clause put and passed.

Clause 6: Section 24 amended —

Mr R.S. LOVE: Clause 6 has just been explained in full by the Attorney General, so I would just point anybody who does not understand clause 6 to read his explanation in clause 5. That concludes my contribution on this matter.

Clause put and passed.

Title put and passed.

[Leave granted to proceed forthwith to third reading.]

Third Reading

MR J.R. QUIGLEY (Butler — Attorney General) [6.37 pm]: I move —

That the bill be read a third time.

MR R.S. LOVE (Moore — Leader of the Opposition) [6.37 pm]: The advisers have all decamped, but I would like to thank them anyway, in their absence, for their service to the house and for the explanations they provided through the Attorney General, who gives all the answers but does not know all the answers because he relies greatly upon his advisers to make up for the gaps he has in his own knowledge of the law and to enable him to look like he is fully in charge of the situation and understands it all. Thank you to the advisers. Thank you, Attorney General, for going through a number of the matters in consideration in detail that helped clarify much around the law that is being put through the chamber.

An awful lot of legislation has recently been brought in. We are one day into the first of nine scheduled sitting weeks for the Legislative Council, so the likelihood is that some of that legislation will not get through both houses of Parliament simply because of the numbers of bills being brought forward and the amount that is already sitting on the books. Therefore, I hope that this matter goes through in a timely fashion. It is one of those bills that I think enhances public safety, and that is a good thing to ensure. Therefore, I look forward to that bill being brought on in the Legislative Council as quickly as possible. I do not anticipate there being any opposition if it were to be dealt with there. I think there is goodwill on the opposition’s side to make some of these bills that everybody supports go through. We need to get those bills into the chamber so that they can be discussed and passed. Let us hope that the Attorney General’s colleagues in the other place who manage the business of the house are mindful of the need to put this legislation through Parliament as quickly as possible.

Except for a short break, I have been in the house since the commencement of proceedings today. When I came back from a very short break, I was told that during his reply to the second reading debate, the Attorney General attacked me for being disingenuous. I think that was a little rough. I have not been able to track down in *Hansard* exactly what I was accused of. I put on record by umbrage to that. Perhaps given that I was not in the chamber, I missed the exact context of what was said, but I certainly do not believe that I have been disingenuous in any of my contributions on this matter. I will not take it any further than that. I will look at the record tomorrow.

With that, I conclude my discussion on the third reading and again say that the opposition supports this legislation. There is no reason that anyone would want to see this type of symbolism common in the community, nor would anyone want to see people carrying out Nazi salutes or using Nazi symbolism to intimidate people. With that, I will wait for the Attorney General to conclude his remarks.

MR J.R. QUIGLEY (Butler — Attorney General) [6.41 pm] — in reply: I rise to thank the Leader of the Opposition and the opposition generally for their support of the Criminal Code Amendment (Prohibition on Display of Nazi Symbols or Gesture) Bill 2024. I thank the Leader of the Opposition for his interrogation of the bill, which was not in opposition to the bill, but to have on the record during the second reading debate the intent of each of the clauses of the bill and by his interrogation, he facilitated his comments going into *Hansard* for those who are interested in this bill or who will try to interpret it later.

As to the level of umbrage the Leader of the Opposition should take to my comment, I would say maybe a quarter of a teaspoonful. I was only referring to a comment that the member made that other people are subject to more hurtful racism, like Asians being told to go home. I simply tried to make the point that this sort of hurtfulness is not relative, and it is not comparable. We do not have to say, “This group suffers more than that group.”

Mr R.S. Love: I was reading someone’s quotes from a publication.

Mr J.R. QUIGLEY: What the Leader of the Opposition did today was a good job. He interrogated the bill and helped those both within and outside Parliament to gain a better understanding of the legislation. I thank the opposition for its support. Yes, especially at this time when we are seeing a rise in right-wing extremism, the government thinks it is important that this legislation passes as soon as possible. We will send it off to the other place and hope that that is met. May it please you, Madam Acting Speaker, I commend the bill to the chamber.

Question put and passed.

Bill read a third time and transmitted to the Council.

BILLS

Returned

1. Appropriation (Recurrent 2024–25) Bill 2024.
2. Appropriation (Capital 2024–25) Bill 2024.

Bills returned from the Council without amendment.

EDUCATION AND CARE SERVICES NATIONAL LAW APPLICATION BILL 2024

Second Reading

Resumed from 20 June.

MR P.J. RUNDLE (Roe — Deputy Leader of the Opposition) [6.44 pm]: I rise on behalf of the opposition to provide a relatively brief contribution on the Education and Care Services National Law Application Bill 2024 and say that the opposition will be supporting the bill. It is an important bill because it will bring WA back into line with the rest of Australia. Of course, it will be sent to the Standing Committee on Uniform Legislation and Statutes Review, which is important so that it can scrutinise it closely.

On 7 December 2009, the former Council of Australian Governments entered into the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care, which led to the 2012 establishment and implementation of the national quality framework, which is based on a uniform set of standards, known as the National Quality Standard. The key changes made to the national law in 2002–23 that will give effect to these decisions that are not yet part of the WA law but will come into effect when the national law is applied in WA are strengthening the safety of children in early childhood education and care services; improving safety and oversight in family daycare services; improving oversight and compliance tools for regulatory authorities; providing for cancellation or refusal of provider approval under the commonwealth Family Assistance Law; confirming that the regulatory authority may administer questions to an applicant for provider approval; updating maximum penalties for offences; reducing the burden for early childhood education and care services by aligning the definition of “person with management or control” of a service with the Family Assistance Law definition of “person with management or control” of a provider; and making minor and technical amendments to clarify existing provisions. Although this bill will not address the issue of WA having the lowest rate of accessibility to child care in the country, it will bring WA into line with all other jurisdictions to ensure the safety, health and wellbeing of children who attend education and care services, and improve education and developmental outcomes through the provision of high-quality early childhood education and care.

As we know, childcare services in WA strive to provide the best opportunities in early years education. They provide the ability for parents to continue working, which is critical during this cost-of-living crisis. Our regional childcare centres have to strive that much harder because housing stock is critically low, so staff are incredibly hard to attract and retain. Factors in regional areas that affect the attraction and retention of staff include the critical regional housing shortage or lack of suitable housing, finding qualified staff in smaller towns, increased workloads, limited access to professional development and low wages.

I am sure that many members here will talk about the importance of child care. At the last election, we had policies about the importance of early years education. It is widely recognised by government and across the community

that we need to provide children access to quality early education and learning opportunities. It critically supports not only their growth and development but also vulnerable children and working parents. I am sure there will be many contributions along those lines tomorrow when we further discuss these changes.

A 2022 report into the availability of child care around Australia found that WA has the lowest rates of accessibility of all the states and territories. In 2022, approximately 3.6 Western Australian children were vying for approved places in childcare centres, which can be compared with the national average of 2.6 children. There are nearly 1 200 childcare or day care centres in the metropolitan area including Mandurah, with the remaining 200 spread across our regions. These centres cater for an approved number of up to 87 000 children across WA. Regional childcare workers are very valued in our communities and without them the towns would suffer greatly, with a large percentage of the workforce unable to go to work.

If we look closer, we will see that our regional towns are simply not meeting the demand for child care and the waitlists are long. These are examples of how child care cannot keep up with demand in my electorate. Katanning has a population of 4 100, with two centres for 50 approved day care places. Esperance has a population of 9 536, with three centres for 169 approved day care places. Narrogin has a population of 3 745, with one centre and 57 approved day care places. In Esperance this year, one childcare centre asked clients to stay home with their children because there was not enough staff to look after the enrolled number of children.

Although I support this bill, I look forward to further improvements in our childcare and education services across WA. I have taken the opportunity to criticise the federal government on many occasions about many things. I criticised it about the cashless debit card and the woeful decisions that it made there. I criticised it about the nature positive plan—I will be doing that again tomorrow in private members' business—power price increases and government intervention in the live sheep market, but, on this occasion, I want to give credit to the federal government for its increase in wages that it came through with last week. I will give all credit where credit is due. Like I said, I have not been frightened of criticising the federal government on many occasions, but I think that was well deserved. It is well recognised right throughout Australia that our childcare workers deserve those wage increases. I have said to the Minister for Education many times in this chamber that education assistants within our school system also need to be recognised with higher wages because of the challenges that they face, especially in special-needs areas, in both our regional schools and our metropolitan schools. They do a fantastic job and I think they deserve to be compensated a little bit more. I make that comment in relation to the federal government on one of its rare improvements, if I might say.

As far as the bill goes, I have a couple of points to make. Hon Donna Faragher in the other place is our lead on this bill. She is our early childhood spokesperson. As chair of the Standing Committee on Uniform Legislation and Statutes Review, she will be scrutinising this legislation. I think it is important to point out that this bill is about applying amendments made to the national law and national regulations in WA. It will preserve the sovereignty of WA, as pointed out in the minister's second reading speech. As we know, Victoria has been the lead Parliament on this occasion, and we are bringing it through in the context of Western Australia. I think that it is important for a review to happen after five years. An earlier review would be helpful, but the minimum period should certainly be five years.

Part 3 of the bill will make modifications for specific differences in Western Australia. I appreciated the briefing last week, at which clarity was provided on differences in definitions. Firstly, the compulsory school age is five years in WA, not six, which it is in some other states. Secondly, the State Administrative Tribunal is used more in WA. The definition of family members is different in WA from that used in other states. We also have the scenario in WA in which a child can only leave a service in a specific way. As was pointed out, we have penalties specific to Western Australia, such as that a service can be penalised \$50 000 and an individual \$10 000. Those important points were raised so that we can recognise that WA is different in various forms.

We had the review of the national quality framework, and I appreciate being provided with a copy of that framework and a variation of the amendments. It has different definitions and regulations to improve safety and transparency in the provision of family day care services, which we all no doubt agree to and will also reduce administrative and regulatory burdens on education and care services. I think that is a very important element because, unfortunately in this day and age, whether it is a school, a TAFE or a childcare service, we seem to be getting bogged down with administrative burdens.

In the case of schools, for the likes of school camps or excursions, it places a massive burden on them. I know there is a duty of care—we all understand that—but we are getting to a point at which we are making the administrative process so lengthy that it is taking away from the original purpose, whether it is a school or a TAFE. In the world of TAFE, we have the scenario in which some of our lecturers, who have industry experience, cannot grind their way through the administrative grief that goes with being a lecturer. That is limiting their capacity. From my perspective, it does not matter whether it is this government or this opposition that comes into government after the 2025 election, we need to make sure we do not grind down our people in the education and childcare systems by putting all that red tape on them.

I will leave my contribution at that. It is important that this legislation goes through to bring Western Australia back into line. On behalf of Hon Donna Faragher, who is our lead spokesperson, I think it is really important that the Standing Committee on Uniform Legislation and Statutes Review goes through this bill with a fine toothcomb.

As I said, I appreciated the secondary briefing that was supplied last week. The opposition will be supporting this bill.

Debate adjourned, on motion by **Mr D.R. Michael (Minister for Mines and Petroleum)**.

House adjourned at 6.59 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

HEALTH — SEVERITY ASSESSMENT CODE 1 — INCIDENTS

1064. Ms L. Mettam to the Minister for Health:

- (1) Please provide the total number of Severity Assessment Code (SAC-1) incidents that were recorded by all hospitals in the Perth metropolitan area, in the months of January, February and March 2024, with a breakdown by each hospital site administered by the department?
- (2) Please provide the total number of SAC-1 incidents that were recorded by all hospitals in the country health areas, in the months of January, February and March 2024, with a breakdown by each hospital site administered by the department?
- (3) Please provide the total number of SAC-1 incidents recorded by all hospitals in the Perth metropolitan area, that resulted in death, in the months of January, February and March 2024, with a breakdown by each hospital site administered by the department?
- (4) Please provide the total number of SAC-1 incidents recorded by all hospitals in the country health areas, that resulted in death, in the months of January, February and March 2024, with a breakdown by each hospital site administered by the department?

Ms A. Sanderson replied:

SAC-1s are any event where health care, by commission or omission, could have or did contribute to serious harm or death – this includes physical and psychological harm. SAC-1 clinical incidents may have multiple contributing factors that may not be solely responsible for the patient harm caused.

It is challenging to compare SAC-1 rates between hospitals as different hospitals have different acuity and levels of activity. It is not possible to compare clinical incident data nationally due to the differences in data capture and the lack of standardised data definitions. There is no nationally agreed benchmark rate for clinical incidents.

Many of the SAC1 clinical incidents included in the data provided remain under investigation. Following the completion of an investigation, if no healthcare contributing factors are identified then an event may be determined not to be a clinical incident.

(1)

Hospital	Jan 2024	Feb 2024	Mar 2024
Armadale Health Service	<5	<5	0
Bentley Health Service	<5	<5	0
Fiona Stanley Hospital	9	7	5
Fremantle Hospital and Health Service	<5	<5	0
Joondalup Health Campus (Public Patients)	0	<5	<5
Osborne Park Hospital	<5	0	0
Rockingham Hospital	<5	0	<5
Peel Health Campus (Public Patients)	0	<5	<5
Perth Children's Hospital	0	<5	0
Royal Perth Hospital	<5	7	<5
Sir Charles Gairdner Hospital	<5	<5	<5
St John of God Midland Public Hospital (Public Patients)	5	<5	0
St John of God Mt Lawley Hospital (Public Patients)	0	0	0
Women and Newborn Health Service	0	<5	<5
Total	32	28	14

Data provided in the table above includes incidents currently under investigation, excludes inactive records (declassification approved) and is correct as of 18 April 2024.

Hospital services include non-admitted, outpatient, community, and ambulatory services.

(2)

Hospital	Jan 2024	Feb 2024	Mar 2024
Albany Health Campus	0	0	<5
Bridgetown Hospital	0	<5	0
Bunbury Hospital	<5	<5	0
Busselton Hospital	0	<5	<5
Halls Creek Health Service	0	0	<5
Hedland Health Campus	0	<5	0
Kalgoorlie Hospital	0	<5	<5
Karratha Health Campus	0	<5	0
Katanning Hospital	<5	0	0
Margaret River Hospital	<5	0	0
Merredin Hospital	0	<5	0
Northam Hospital	<5	0	<5
Total	5	8	7

Data provided in the table above includes incidents currently under investigation, excludes inactive records (declassification approved) and is correct as of 19 April 2024.

Hospital services include non-admitted, outpatient, community, and ambulatory services.

Hospitals with no SAC1 clinical incidents notified during the requested period are not included in this table.

(3)

Hospital	Jan 2024	Feb 2024	Mar 2024
Armadale Health Service	0	<5	0
Bentley Health Service	0	0	0
Fiona Stanley Hospital	5	<5	<5
Fremantle Hospital and Health Service	<5	<5	0
Joondalup Health Campus (Public Patients)	0	0	0
Osborne Park Hospital	0	0	0
Rockingham Hospital	<5	0	0
Peel Health Campus (Public Patients)	0	0	0
Perth Children's Hospital	0	<5	0
Royal Perth Hospital	<5	0	0
Sir Charles Gairdner Hospital	0	0	0
St John of God Midland Public Hospital (Public Patients)	<5	0	0
St John of God Mt Lawley Hospital (Public Patients)	0	0	0
Women and Newborn Health Service	0	0	0
Total	12	<5	<5

Data provided in the table above includes incidents currently under investigation, excludes inactive records (declassification approved) and is correct as of 18 April 2024.

Hospital services include non-admitted, outpatient, community, and ambulatory services.

(4)

Hospital	Jan 2024	Feb 2024	Mar 2024
Albany Health Campus	0	0	0
Bridgetown Hospital	0	0	0

Bunbury Hospital	<5	0	0
Busselton Hospital	0	0	<5
Halls Creek Health Service	0	0	0
Hedland Health Campus	0	<5	0
Kalgoorlie Hospital	0	<5	0
Karratha Health Campus	0	<5	0
Katanning Hospital	<5	0	0
Margaret River Hospital	<5	0	0
Merredin Hospital	0	0	0
Northam Hospital	0	0	<5
Total	<5	<5	<5

Data provided in the table above includes incidents currently under investigation, excludes inactive records (declassification approved) and is correct as of 19 April 2024.

Hospital services include non-admitted, outpatient, community, and ambulatory services.

