



# Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT  
FIRST SESSION  
2022

LEGISLATIVE COUNCIL

Thursday, 11 August 2022



# Legislative Council

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

## SELECT COMMITTEE INTO CANNABIS AND HEMP

*Membership Change — Statement by President*

**THE PRESIDENT (Hon Alanna Clohesy)** [10.02 am]: I have received some correspondence from Hon James Hayward, MLC. It states —

Dear President

I wish to advise you of my resignation from the ‘Select Committee into Cannabis and Hemp’, effective immediately.

Best regards

Hon James Hayward MLC

## BLACK COCKATOOS

*Petition*

**HON STEPHEN PRATT (South Metropolitan)** [10.02 am]: I present a petition containing 789 signatures, couched in the following terms —

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

We the undersigned are concerned that the ongoing destruction and degradation of feeding, roosting and nesting habitat, and other threatening processes, are pushing the three species of South West Black Cockatoos towards extinction, and recommendations for their protection, including Habitat Protection Plans and Recovery Plans, are not being sufficiently implemented. If this continues, it will lead to the extinction of the Ngolyenok/Carnaby’s Cockatoo; the Ngolak/Baudin’s Cockatoo; and the Karak/Forest Red-tail Black Cockatoo.

[Interruption from the gallery.]

**The PRESIDENT:** Order, member. Welcome to the Legislative Council, guests. Could I please request that you be seated. I am sorry for the interruption.

**Hon STEPHEN PRATT:** The petition continues —

We therefore call on the Legislative Council to recommend that the Government initiate an immediate moratorium on the clearing of habitat, including clearing of the Jarrah Forests for mining bauxite and other minerals; and the clearing of the Gngangara pines which the Ngolyenok/Carnaby’s Cockatoo depend on, until such time as their natural food habitat can be restored; and conduct an inquiry into the population decline for all three species which will consider:

1. The need for an emergency plan to save the South West Black Cockatoos by stopping the clearing of habitat; increasing restoration; improving fire management to reduce health and habitat impacts; and intervening to stop the shooting of Ngolak/Baudin’s Cockatoo, particularly by orchardists.
2. An assessment of the efficacy of current plans to deal with threats to the South West Black Cockatoos.
3. An assessment of the obstacles which have prevented progress in implementing critical recommendations in Habitat Protection Plans and Recovery Plans.

And your petitioners as in duty bound, will ever pray

[See paper 1476.]

## ABORTION — ACCESS

*Petition*

**HON DR BRAD PETTITT (South Metropolitan)** [10.05 am]: I present an e-petition containing 2 573 signatures, couched in the following terms —

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

support free and accessible abortions on demand, regulated by the Public Health Act rather than the Criminal Code.

We therefore ask the Legislative Council to support amending WA legislation to:

1. Remove abortion from the Criminal Code (Acts Amendment (Abortion) Act 1998) and regulate abortion via the Public Health Act or other suitable health-related legislation
2. Commit to ensuring that abortion costs are 100% free and guarantee medical and surgical abortion access for all women and people who can give birth, regardless of citizenship, residential status or postcode.
3. Remove any requirement for people seeking an abortion to receive mandatory counselling or seek multiple approvals for abortion procedures, allowing any decision regarding abortion to be made by the patient at any point during pregnancy
4. Adopt legislation that removes barriers to abortion access based on the conscientious objection of medical practitioners by requiring the provision of a referral, or, in the case of no other accessible providers available within a reasonable distance, the provision of the abortion service itself.

And your petitioners as in duty bound, will ever pray

[See paper 1477.]

### **FOOT-AND-MOUTH DISEASE AND LUMPY SKIN DISEASE**

*Statement by Minister for Agriculture and Food*

**HON ALANNAH MacTIERNAN (South West — Minister for Agriculture and Food)** [10.06 am]: I want to update the house on the most recent actions in the fight against foot-and-mouth disease and lumpy skin disease. We are all buoyed by the encouraging news in regard to the FMD response in Indonesia. Our advice is that there have been no new cases in Bali since 1 August, and all previously infected animals in Bali have been culled. However, I understand FMD remains active in 17 other provinces, and we steadfastly remain on high alert. We continue to ramp up our efforts locally, with the Department of Primary Industries and Regional Development activating a team of around 80 officers to work on FMD and LSD preparedness.

In the first week of August, DPIRD participated in 10 industry and community briefings across Western Australia and is committed to eight more in this second week of August. Further, DPIRD is also hosting open community forums in Manjimup, Cunderdin, Katanning and Dandaragan in the coming weeks. Biosecurity information and signage has been deployed to domestic and regional airports, saleyards and abattoirs. Work is underway to plan for the introduction of electronic identification for sheep and goats. Other recent activity includes formal engagement of the State Emergency Management Committee and Public Sector Leadership Council; weekly updates to the more than 14 000 WA registered livestock owners; enhancing diagnostic capability for FMD at a state level; provision of biosecurity advice to international students and travel industry stakeholders; and updates to the information available on the DPIRD website.

DPIRD vets will also be present at all field days to engage on biosecurity and emerging animal diseases like FMD and LSD with producers and the public. DPIRD officers will also be on hand so that livestock owners can check that their registration details are correct and up to date. Free biosecurity signage is also being made available at these events. This is a tense time for producers and we are throwing all our resources at managing this risk.

### **PAPER TABLED**

A paper was tabled and ordered to lie upon the table of the house.

### **PUBLIC SECTOR WAGES POLICY**

*Notice of Motion*

**Hon Dr Brad Pettitt** gave notice that at the next sitting of the house he would move —

In recognition of their long contribution to state budget repair and dedication to the service of the Western Australian community, this house supports a public sector workers wages policy that does not see real wages going backwards year on year.

### **RESIDENTIAL GAS SUPPLY**

*Notice of Motion*

**Hon Dr Brad Pettitt** gave notice that at the next sitting of the house he would move —

That this house calls on the McGowan government to —

- (a) bring forward legislation that will end gas connections in all new residential buildings as soon as possible;
- (b) create and fund a plan to eliminate gas from houses entirely; and
- (c) develop and fund a range of incentives that will help households and businesses change over from gas to renewable, electric houses.

**MINISTER FOR AGRICULTURE AND FOOD — PERFORMANCE***Motion*

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [10.11 am] — without notice: I move —

That this house —

- (a) notes that the Minister for Agriculture and Food has lost the confidence of the agricultural sector in Western Australia, including its representative bodies and farmers themselves;
- (b) notes that this loss of confidence is due to the minister's inability to adequately perform the role of Minister for Agriculture and Food and her inability to be across the issues impacting the industry; and
- (c) calls on the Minister for Agriculture and Food to resign that position, and if she refuses to do so, calls on the Premier to remove her.

Several members interjected.

**The PRESIDENT:** Order!

**Hon Dr STEVE THOMAS:** I suspect it might be a fiery debate today, but I am quite looking forward to it. It was not that long ago that we had a debate in this house in which I asked members to consider the three worst-performing ministers in the McGowan government. At the time I had to raise the Minister for Agriculture and Food, who started at number three position—she was the third worst after number two—to jump above the now Minister for Forestry, who is out to destroy the timber industry. I would have thought that the minister —

Several members interjected.

**The PRESIDENT:** Order!

**Hon Dr STEVE THOMAS:** I would have thought that the minister might have taken a bit of notice of that. It is not actually a competition to the bottom. I do not think she has jumped over the Attorney General yet, but it is not a competition to get the gold medal position in this. It is not a competition.

Several members interjected.

**The PRESIDENT:** Order!

**Hon Dr STEVE THOMAS:** Members should take notice that the motion before the house today does not specifically refer to the Minister for Agriculture and Food's performance around foot-and-mouth disease; I noted the minister's comments earlier. This motion expresses a long-term discontent with the performance of the minister. Members might remember previous debates—there have been several previous debates —

Several members interjected.

**The PRESIDENT:** Order!

**Hon Dr STEVE THOMAS:** There have been a number of debates about the performance of the Minister for Agriculture and Food, and we will get to some more detail, but I want to take this opportunity to address some of the issues around foot-and-mouth disease, just because it is topical. As we did yesterday, when we found something positive to say about the motion moved by the Labor Party on fisheries, we are going to find something positive to say about the minister before we get to some of the other issues in which significant performance would have to be demonstrated.

On the issue of foot-and-mouth disease, I agree with the Minister for Agriculture and Food that part of the role we need to play is to calm the debate and have a sensible, scientific debate around foot-and-mouth disease. I make this point because I have said that publicly and privately. I said so at the Liberal Party conference, if members want to read my comments. Obviously, one of the problems is that when one makes sensible comments on things like this, they do not necessarily run in the media, but I am sure that the ABC, which recorded those comments, would be happy to share them with any government members who want to ask for them.

It is the case that a little calm is required, and the minister initially went down the correct path in calling for calm, but then once again allowed the social engineering component of her portfolio to lose control of the debate. This is what comes out consistently with the Minister for Agriculture and Food. What do I say around foot-and-mouth disease? As the person probably most qualified to comment on this issue in the entire Parliament, I say this: we need a little calm around this issue. I have been in this industry for 30-something years and I have been preparing for foot-and-mouth disease for that entire time. I started my training in this disease in about 1985. We have been preparing for this for a very long time; it is not as though we have not been preparing. I remember Operation Apollo, which was based in Bunbury and was a foot-and-mouth disease preparedness operation that ran, from memory, in about 2016. It involved state and federal departmental officers, private vets and a whole range of other people. We have been preparing. An action plan for foot-and-mouth disease has been in place for a very long time. We have teams in place involving multiple departments that will step up when that plan is required.

The best thing we can do in relation to foot-and-mouth disease is to assist Indonesia to, firstly, reduce the spread; and secondly, ultimately eliminate the disease, if that is possible. Every dollar that we invest in supporting Indonesia will save \$1 000 in Western Australia, should that happen. I agree that it is the federal government's job to invest that money. It has invested some; I suspect it could invest more. During that time, we need to keep everyone a little calm. The minister, in the first part of this debate, was correct in trying to call for calm. The minister—who has developed a number of critics in the agricultural industry—and I both attended the Western Australian Farmers Federation's dairy conference a few weeks ago in Busselton, as did my good friend and colleague Hon Colin de Grussa. I had some interesting conversations with some of the minister's fiercest critics, including the president of the Western Australian Farmers Federation, John Hassell, who I used to know as "Alby". The CEO—who, like me, is a regular arguer with the minister—discussed the issue as well. We all agreed that calm was required; everyone agreed that we needed some calm in the process.

There is some support, as we go forward, with the minister's position on calm. I have said this publicly and privately, and other people have said the same thing. The minister said it also, for a while. That was great until she made some very inopportune comments in the media. These comments demonstrated not that the minister was wrong in calling for calm, but that her inability to connect with the agricultural industry was once again on display. That is why this motion is phrased as it is. It is not the minister's specific comments around foot-and-mouth disease that have led her astray; this is a minister with a history —

**Hon Martin Pritchard:** Will you take an interjection?

**Hon Dr STEVE THOMAS:** From you, Hon Martin Pritchard, I will.

**Hon Martin Pritchard:** Would this motion add to that calm?

**Hon Dr STEVE THOMAS:** It will, but it will also —

Several members interjected.

**Hon Dr STEVE THOMAS:** No, stop and listen. Just before members shout out, stop and listen. It will, because the Leader of the Opposition in the Legislative Council also called for calm. It will not make the media or the press, as it did not previously, but members of the Liberal Party who were at the conference can tell members that the comments I made at the conference are exactly the same comments that I made in the party room and in public. They might not run publicly, but the minister's words will help calm the farm, and we agree that calm is required. What we do not need is the minister once again alienating the agricultural sector by making the sorts of comments that she made. The minister will argue that she was quoted out of context and that she did not mean to make those comments and that a journalist used them. Perhaps they were even made off the record. What did the minister say? I suspect that the minister was briefed that there are a set of circumstances in which if foot-and-mouth disease did arrive in Western Australia, meat and milk might become cheaper. That briefing probably was correct, because there are a set of circumstances to which that would apply. We can discuss that in detail if members want. But that set of circumstances would also mean major devastation for farmers as part of the process. This is the issue that the opposition has with this Minister for Agriculture and Food: her focus, which was given away by her comments, is her social engineering agenda to purely look after consumers and not the agriculture industry. That has again come to the fore. It was the minister not looking after the agriculture industry that caused a huge backlash.

Several members interjected.

**Hon Dr STEVE THOMAS:** They do not like it. They do not like the truth coming out.

**The PRESIDENT:** Order! I do not intend to provide guidance to the house this morning because I doubt that it will be listened to. I am simply going to call order.

**Hon Dr STEVE THOMAS:** The screams are loudest when you kick a bruise, President. This is a minister who has history.

Several members interjected.

**The PRESIDENT:** Order! Similarly, I will not be providing guidance to you either, Leader of the Opposition, but I do invite you to stay on topic.

**Hon Dr STEVE THOMAS:** Thank you, President. This is a minister who has history. We have had this debate before.

Several members interjected.

**The PRESIDENT:** Order!

**Hon Dr STEVE THOMAS:** They do not like it. When the minister says to the community that one of the bonuses of foot-and-mouth disease is that meat and milk might become cheaper, even though it is right, it shows a contempt for the agricultural industries.

Several members interjected.

**The PRESIDENT:** Order!

**Hon Dr STEVE THOMAS:** That contempt leaked out, despite the fact that some of the comments the minister made in the lead-up to that point were correct. Even the comment that she made that it might become cheaper in certain circumstances would be correct, but that does not help. Most importantly, that reflects the contempt for the producers and the industry for which the minister has now become famous, and what was the result of that? It was outrage across the board. Even the people who agreed with her position on foot-and-mouth disease were suddenly outraged that she would treat the agricultural sector with such contempt. This is a minister with form in this regard. This is a minister who is so focused on managing her agenda that she has forgotten to look after the agricultural sector in particular. We have debated this before and we debated it in the last Parliament. This minister is so focused on imposing her direction on agriculture that she has forgotten to look after the industry, particularly the traditional, more mainstream section of the industry. These are the sectors that the minister has shown contempt for, and meat and milk production is just the latest example of that. Foot-and-mouth disease was not suddenly a trigger that demonstrated that this minister has an issue. Foot-and-mouth disease is simply the last step and the latest example. The panic out there was not helped by having a minister who suddenly was seen to be derisive of the industry. Until that point, she had actually shown some intention to protect that industry. She had actually shown that she was trying to do the right thing until that point. But, once again, this agenda came out. Foot-and-mouth disease is a very frightening thing. I spent almost every day last week—a bit less—getting phone calls from farmers panicking about what is going on it. It takes half an hour to calm people down, and I spent a lot of time calming people down. That takes a long time.

**Hon Darren West:** Give us some names.

**Hon Dr STEVE THOMAS:** Settle down. Oh my goodness! Does the member seriously want me to name the farmers who phoned me? The standard of debate has not improved from some government members.

Several members interjected.

**The PRESIDENT:** Order!

**Hon Dr STEVE THOMAS:** I have said before that this minister is happy to be derisive towards mainstream agriculture. This is the minister for biodynamic quinoa, not the Minister for Agriculture and Food! The social engineering component just once again leaked out.

Several members interjected.

**The PRESIDENT:** Order!

**Hon Dr STEVE THOMAS:** We want a demonstration from this minister of support for agriculture across the board, but we have not seen that. We have given this minister years to do that. It is not as though this is the first debate on the issue of the performance of this minister in this area.

Several members interjected.

**The PRESIDENT:** Order!

**Hon Dr STEVE THOMAS:** We keep coming back to the same issue because the minister does not change her approach. It is not as though this is the first time we have debated the minister's performance and her commitment. Like I said, I had to bump her from third worst to the second worst minister during the last debate, based on the fact that the Leader of the House had to jump up and defend her at one point. It is not as though this is a new debate. This is a minister who has history in this area but who does not want to change. The astounding thing, of course, is that the minister's first offence when people started calling for either her resignation or to be sacked was to say that she was going in a couple of years' time so it does not matter. That was the defence: I am going anyway. It was not that she was going to change her approach.

I am pleased to see that the minister apologised for her comments because that was recognition that her comments were unwise. I think that if the minister had her time again, she would not say those comments a second time. I am sure that is the case. But we have to remember that the minister's comments in this area reflect a far bigger issue than simply the debate about foot-and-mouth disease and the panic involved with it. It is nice to see a response; the federal government has responded. I have outlined a position on foot-and-mouth disease that I think is accurate and legitimate, and I do not think anyone in the Parliament has more knowledge of the issue than me. This is a long-term trend with this minister. We would like to see a change, but we have no confidence that the minister will change. We would like to see this minister dedicated to agriculture rather than to the social engineering for which she has become renowned.

**Hon Stephen Dawson:** Horse ship.

**Hon Dr STEVE THOMAS:** I am not sure whether some of these words are parliamentary, minister, but anyway. Several members interjected.

**Hon Dr STEVE THOMAS:** I think some of the words might be testing the limits of parliamentary protocols.

**Hon Stephen Dawson:** I said "horse ship". You cannot use the word with a "t" in our house with a seven-year-old, and so you say horse ship—with a "p".

**The PRESIDENT:** Thank you, members. I will probably do my best to give some indication if I hear any offensive language.

**Hon Dr STEVE THOMAS:** They like to torment me, President. We will see how they go in the debate. We are going to run out of time very quickly.

**Hon Kyle McGinn:** What a shame!

**Hon Dr STEVE THOMAS:** The opposition —

**Hon Stephen Dawson:** You can't talk quickly enough!

**Hon Dr STEVE THOMAS:** I am sure government members do not like the debate and would like it to end; I am sure that is the case. What is the opposition asking for? The opposition is asking for the minister to do her job—to look after the interests of agriculture. What would that look like? Here is a positive suggestion—I like to start and finish on a positive note. Obviously, the initial response to foot-and-mouth disease, lumpy skin disease and ultimately rinderpest and a whole pile of other exotic diseases are based on the response by the federal government. The government is doing some things. Let us not get too excited about things like footbaths in airports, because that will have a limited impact. If foot-and-mouth disease comes in, it is 90-something per cent likely to come in through uncooked or undercooked meat products, for which there are rules and laws in place. A bit of an education campaign would not hurt. The federal government is going down that path and it is its job to do that. All those things are important. But what could this minister do? I have banged on in this house for years about biosecurity and the control of feral animals in particular. I know that the minister and I agree on things like arum lilies and bits and pieces, but having a genuine attack on feral animals, particularly feral ungulates that would spread not just foot-and-mouth—we should not get overly excited about that—but other diseases as well is where this minister could dedicate her time.

We took a policy to the last election to beef up biosecurity, which the government has abandoned ship on. It has taken the work of biosecurity from government and outsourced it to very well-meaning but highly under-resourced recognised biosecurity groups. Before we go back in history and decide who determined that, it actually came in through a piece of legislation under Hon Kim Chance, who was a good fellow and agriculture minister but a member of the Labor Party. The Biosecurity and Agriculture Management Act introduced the abandoning of biosecurity by government. But the attacks on the Agriculture Protection Board go back further than that. If this minister wanted to demonstrate a genuine commitment to agriculture in this state, she would be throwing resources at the removal and control of feral animals, pests and diseases and weed plants. That would be a positive contribution. I like to start positive and finish positive, President. That is something this minister should be taking up. Instead of continually demonstrating a level of contempt for agricultural industries, be it live shipping, transport —

Several members interjected.

**Hon Dr STEVE THOMAS:** Listen to this: I understand that the government will reintroduce the combined animal welfare farm trespass laws—the ones it tried to introduce and had thrown out last time. Now that Labor has control, it will once again demonstrate its contempt for farmers, landholders and agricultural industries, and that will be driven in part by this minister. Let us have this minister protect and support agriculture and look after farmers. She should be seen to do so or she should go.

Government members: President!

**Hon Tjorn Sibma:** Look at all these loyal foot soldiers!

**The PRESIDENT:** Order!

Several members interjected.

**The PRESIDENT:** Thank you, members.

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [10.33 am]: President, it will be no surprise to you or any member of this house that I will not support this scandalous and outrageous motion this morning. What a farce!

**Hon Dr Steve Thomas:** Are you the lead speaker?

**Hon STEPHEN DAWSON:** No, I am not the lead speaker, but I am standing up to point out the fallacies and inaccuracies in the contribution made by Hon Dr Steve Thomas this morning. I am reminded of some of the events that I have been to over the last few days, whether with the Minister for Agriculture and Food or without. I refer to people like Carnarvon's Danny Kuzmicich from Vegetables WA, who stood up at the Gascoyne food event last Friday night in front of a crowd of hundreds of people and said thank you to this minister for the great work she has done with Vegetables WA and in Carnarvon. That is one part of the sector. I was reminded of an event earlier this week when Co-operative Bulk Handling Ltd, the grain mob, was upstairs in this place. Again, a representative of CBH stood up in front of a collected gathering—some of the members of this place were there—and thanked this minister for the work she has done with that sector over the past few years. She is a great minister. If ever someone wants a minister in their corner fighting for them, she is the minister to have, because she rolls up her sleeves and

gets things done. She is incredible. Hon Dr Steve Thomas should be ashamed of his motion this morning. It is my understanding that Ian Noakes, whom the member spoke about in his contribution a few minutes ago, thanked the minister at the dairy conference. That industry had tried to work with the previous Liberal–National government. Guess what? They got nowhere! But with this minister, they have a good relationship with government and they are getting things done.

Let me remind members of what she took over from: she took over from a government that had absolutely failed the farming sector in Western Australia. I will quote from an article that appeared in *The Weekend West*. Let me read this out, because this is really important stuff. It states —

The Pastoralists and Graziers Association and WAFarmers said that, well into its second term, the Government —

The Barnett government —

had increased the costs of production and delivered virtually nothing in return.

The PGA, a breeding ground for Liberal Party MPs, rated the Government’s performance in agriculture a four out of 10. WAFarmers, which is more closely aligned with the Nationals, rated it two out of 10.

The article goes on —

Their long-list of Government failures included:

- The debacle over management of grain freight rail lines in the Wheatbelt.
- Big cuts at the Department of Agriculture and Food WA.

I will come back to that —

- The refusal to reactivate the Police Department’s stock squad to crack down on livestock theft.

The list goes on! The article also states —

PGA president Tony Seabrook said the Government was hiding on the rail issue, was guilty of an “absolute belly flop” on James Point and was trying to fob off tenure reform for pastoralists.

That was your government! You should be ashamed of it!

Several members interjected.

**The PRESIDENT:** Order! Two calls to order is enough; on the third order, you are out of bounds.

**Hon Kyle McGinn** interjected.

**The PRESIDENT:** Order! When I call order, the house should calm down. Before the member speaks, it is not a good idea to interject.

**Hon STEPHEN DAWSON:** This side of the house respects the agriculture portfolio. We gave the agricultural sector a wonderful minister in Kim Chance and we have given it an exceptional minister in Hon Alannah MacTiernan. The honourable Leader of the Opposition said that the minister does not change her approach. She does not change her approach because she remains committed to delivering for this sector! Every hour of the day, she remains focused on delivering. Let me talk about some of the things she has done in her time as Minister for Agriculture and Food; these are things we should be proud about. She fought for and delivered \$131 million extra in the 2019–20 budget for the Department of Primary Industries and Regional Development. That was to deal with the fiscal cliff the department was about to fall off thanks to the mismanagement and massive cuts of the last Liberal–National government. Hundreds of workers from that department lost their jobs or were due to lose their jobs as a result of the previous government’s leadership, mismanagement and lack of care for this sector. You gutted the department! I remember talking to an agricultural scientist when I was in opposition who was devastated at the fact that your government was gutting the department. You did not care about the sector. You certainly did not care about supporting the sector. You were gutting the department. This minister delivered a record investment. Since that time, the department has continued to grow. The latest figures I have are that it has gone from a staff of 1 664 in 2018 up to 1 737 in 2023, whereas it would have gone down to about 750 or 800 staff if the previous Liberal–National government had remained in office. That is what you should be ashamed about. You say that you represent the agricultural sector. Horse ship is what I say to that.

What else has the minister done? She has delivered for the grains sector in Western Australia. We have had a \$48 million grain research partnership with the Grains Research and Development Corporation. The minister has put money in to kickstart Western Australia’s agricultural research collaboration to futureproof the state’s primary industries. She has reinvigorated our research stations, whether that is the Carnarvon research station that got a boost or the world-class sheep research facility in Katanning, with an \$8 million investment. That is world-leading stuff. The Merredin Dryland Research Institute also received funding. The Frank Wise Institute of Tropical Agriculture in Kununurra has been revitalised; we have recruited new scientists and innovation is occurring there. Quinoa grows in Kununurra, Western Australia, in my electorate. Farmers grow quinoa and I eat it.

Members opposite should be ashamed of themselves. This minister delivers for the whole agricultural sector, not just a few. She restored and re-established the Soil and Land Conservation Council after a 16-year hiatus. She has modernised it and modernised the legislation. She has put money into agricultural climate resilience to support farmers to respond to climate change because, like ministers on this side, she believes that climate change is real and it is happening. We are going to work to try to fix it. It is great that a federal Labor government is in now because when the mob opposite was in government, they did not care about it and we went backwards.

The minister has boosted natural resource management funding. It was my pleasure as the Minister for Environment to work with this minister collaboratively over the last few years. She is an exceptional minister. She keeps delivering. She supports growth in the industry. She has provided funding towards a processed oats industry growth partnership that aims to double the value of the oat grain industry in Western Australia over the next 20 years. The wine industry, too, has had an investment, building international demand for our high-quality wines.

To manage the impact of wild dogs, \$30 million has been put forward, which includes funds for the repair and maintenance of the state barrier fence, the Esperance extension and cell fences in Kalgoorlie, Carnarvon and the Murchison.

The minister is driving new industries. We have the Peel food technology centre in the Peel region. Again, right across the agricultural sector, this minister keeps delivering. She has passion and enthusiasm and she does not shy away from hard work. Day in, day out, this minister delivers.

I could speak for hours this morning, but noting that everyone on this side wants to speak and they have good things to say, I will leave my comments there. I remind you, President, that I will not be supporting this motion this morning and I dare say my colleagues will not either because this minister is sensational. She continues to achieve for the agricultural region in Western Australia. She will not be resigning. She will not be sacked. What is more, she will continue to do the great job that she has been doing for the last five years.

**HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition)** [10.42 am]: The debate has been fantastic so far this morning. The red wave on the other side continues to crash, of course. But we need to acknowledge that this motion has not come out of anything recent; it has come out of the five years and five months during which the Minister for Agriculture and Food has mismanaged that portfolio. It is a consequence of not just those most recent gaffes on foot-and-mouth disease but also a failure that is manifest in the dysfunction of her own department—a department that has been beset by poor morale, high staffing attrition rates and questionable administrative and financial management practices.

Several members interjected.

**Hon COLIN de GRUSSA:** Hang on a sec! We want to go and look in the rear-view mirror. These events that occurred in 2020–21 were identified in the Auditor General’s qualified audit opinions. They are significant because they point to the agency’s inability to effectively manage its administrative processes. I will quote from that audit opinion. It states —

The audit identified there were deficiencies in the Department’s controls over restricted cash. This resulted in restricted cash being used inappropriately throughout the year to fund shortfalls in operational cash.

...

The audit identified significant weaknesses in the payroll controls implemented by the Department. These weaknesses could result in salary errors such as overpayments and payments to individuals who are not entitled to receive payment. Consequently, controls to prevent invalid and inaccurate payroll payments were inadequate.

...

In 2019–20, the audit opinion on controls was qualified because there were significant weaknesses in general computer controls implemented by the Department.

That is the department of which this minister has oversight. It continues —

These weaknesses could result in unauthorised access to sensitive information and increased risk of information loss.

Five years in, this government has no control over its department. The minister’s authority and oversight of that department is failing.

Several members interjected.

**The PRESIDENT:** Order!

**Hon COLIN de GRUSSA:** Thank you, President. I repeat —

These weaknesses could result in unauthorised access to sensitive information and increased risk of information loss.

The combined weaknesses expose the Department to vulnerabilities which can undermine the integrity of information in the Department's finance, human resources and other business systems. The Department has made insufficient progress to address these weaknesses in 2020–21. Therefore, general computer controls were not adequate throughout 2020–21.

Several members interjected.

**The PRESIDENT:** Order!

**Hon COLIN de GRUSSA:** Thank you, President. It is equally significant that the Department of Primary Industries and Regional Development failed to remedy the issues raised by the Auditor General in 2019 and 2020 and was subject to further qualifications in 2021.

Ordinarily, agencies have to act on those qualified audits as a matter of urgency but the department's failure, under the watch of this minister, is a clear indication of the dysfunction and chaos that exists in that agency. It also points to a lack of oversight by the minister of how her agency is being run, and that is the key here because that is her job as minister—not just to stand up and release media statements and look good in front of the camera; it is to be in complete control of the department over which she has oversight.

**Hon Dr Steve Thomas:** To take responsibility.

**Hon COLIN de GRUSSA:** Yes, to take responsibility. That is something that those on the other side seem to fail to understand. As my colleague Hon Tjorn Sibma said, they look in the rear-view mirror and look back in time all the time because they cannot look forward. They want to look back in history all the time. They never want to accept responsibility.

Several members interjected.

**The PRESIDENT:** Order!

**Hon COLIN de GRUSSA:** Thank you, President. It is clear to me that government members keep wanting to look in the rear-view mirror and blame their mistakes on someone else but they never accept responsibility for what is happening today. In fact, the minister actually fessed up to the issues and the lack of oversight in Parliament, in this very place, on 18 November 2021, when she stated —

... it is one that has certainly concerned me and that is the qualified audit in the annual report of the Department of Primary Industries and Regional Development. It is a concern I share. I just want to make it very clear to the member that there seems to have been some inference that some funds may have been misspent. I do not believe that that is what the audit is saying. It is certainly referring to some less than satisfactory processes that are at play in the department and the financial management within the department ...

Members may laugh at that but if that is how the Labor Party wants to manage its departments, it is a long way down there. I repeat —

It is certainly referring to some less than satisfactory processes that are at play ...

Several members interjected.

**The PRESIDENT:** Order!

**Hon COLIN de GRUSSA:** I repeat again —

It is certainly referring to some less than satisfactory processes that are at play in the department and the financial management within the department, and I do not think we can gloss over it. These matters have been the subject of a number of reports. I am reasonably confident, with the team currently looking at this now, that we will get on top of it. There are a number of problems.

The minister admitted that there are problems. Basically, the minister's statements were made after numerous adverse audit findings on an agency for which she had responsibility for over four and a half years by that time. Four and a half years into the job, she only just discovered these problems; she had not twigged to them until an issue was raised by the opposition in Parliament. Over five years after being created, DPIRD is finally now investing in the skills and systems needed to run the agency in compliance with its financial and administrative obligations. What does that say about oversight by this minister and the people appointed to manage that department? The same might also be said about the \$15 million investment in biodiversity used to fund 22 new FTEs, 17 of whom are based in Perth. The opposition, agriculture industry groups and primary producers have all signalled very significant issues with DPIRD's inability to proactively manage the threat of pest and disease incursions into Western Australia. For five years we have been telling the minister that there are issues in the department, with skilled and experienced officers leaving in droves—the red wave.

Several members interjected.

**The PRESIDENT:** Order!

**Hon COLIN de GRUSSA:** Thank you, President. I do like a good interjection from the Parliamentary Secretary to the Minister for Fisheries. They are quite amusing. He should find another career, one in comedy, unlike myself. For five years now we have been telling this minister that there are issues in the department, with skilled and experienced officers leaving in droves, dysfunctional management, and a lack of regional on-the-ground resources. Nothing has changed. This government has not been listening for five and a half years. The agriculture industry and the opposition raised very specific issues surrounding DPIRD's ability to respond to an outbreak such as FMD way before it happened. I am not going to go on in detail about FMD. My colleague Hon Dr Steve Thomas —

**Hon Dr Steve Thomas:** You've had an expert. You should listen.

**Hon COLIN de GRUSSA:** They have had an expert. Enough has been said about that unfortunate gaffe, but it unfortunately says more than anything. Those comments crystallise, in the most brutal way possible, this minister's disdain of, disrespect for and absence of understanding about the industry over which she presides. This is an agriculture minister who stood in support with protesters against live export, stacked the animal welfare review panel, failed to deliver upgrades to our biosecurity laws and never came to grips with the fundamental requirements of one of the most critical portfolios in government. She has chosen to lecture an industry that has been at the forefront of cutting-edge technology, land management practices, advances in animal welfare and husbandry and the development of drought and disease-resistant crops. All of these things have been happening, and this minister wants to lecture farmers on how they go about their business. Clearly, this minister has failed to understand the extreme difficulties in managing sophisticated farming enterprises with the uncertainty of climate, the volatility of global commodity prices and an ever-increasing rise in input costs.

There has been a failure to do anything constructive about addressing the workforce shortages that occurred during COVID-19, aside from the infamous "linen and boat shoes skipping through the vineyard" advertisements that were meant to attract people to agriculture—not a great, raging success, and the members will support that.

Several members interjected.

**The PRESIDENT:** Order!

**Hon COLIN de GRUSSA:** The fact that this minister can sit here now and tout that same initiative, which reappears in the current budget, is a reflection of where this party is at and where this minister is at. It is clear that this minister had preconceived ideas about agriculture when she came into office.

Several members interjected.

**The PRESIDENT:** Order! I advise members not to call on other members to sit down. Hon Martin Aldridge.

**HON MARTIN ALDRIDGE (Agricultural)** [10.53 am]: I thank the honourable members opposite for their encouragement and their confidence in me, even if they do not have confidence in their own minister.

Several members interjected.

**The PRESIDENT:** Order.

**Hon Dr Steve Thomas:** You're protesting too much. It gives the game away.

**The PRESIDENT:** Order! It is probably not a good idea to interject on your own side.

**Hon MARTIN ALDRIDGE:** What do you have to do to be sacked from Mark McGowan's cabinet? That is the question that opened the opinion piece by state political reporter Peter Law on 5 August 2022: "What do you have to do to be sacked from Mark McGowan's cabinet?" It has been a very interesting debate today. It is interesting to see how excited members opposite have become on this topic. I think they actually have some defending to do, and that is made quite obvious by the performances this morning. We received a very passionate response from the Deputy Leader of the House—surprisingly, not the government response. It is a little unusual for another minister to respond before the minister does. Nevertheless, I took it as a job application to become the Minister for Agriculture and Food. He gave such a strong and passionate performance that I think there could be change on the way.

It is interesting that a lot of the submissions that have been made this morning, mostly by interjections, have been about how capable the Minister for Agriculture and Food is. Amongst others, I think she has proven herself over many years in terms of her capability. Leadership is much more than being capable, though, and this is where I think a distinction ought to be made. In this portfolio, there is overwhelmingly a lack of confidence in this minister to continue as the leader of and advocate for agriculture in the government of Western Australia.

This minister has a record of being provocative, and I think there have been a number of instances, not least the most recent one, which the Leader of the Opposition and the Deputy Leader of the Opposition have highlighted, in which being provocative has gone too far. That is why we find ourselves in a position today where we have people standing up and saying, "Did anyone go to the CBH cocktail party on Tuesday night? They love this minister." I say to government members: do not mistake politeness for support or for confidence. I think you need to get out more, out into our regions, and speak to industry if you believe that this government has the support and confidence of industry. It does not—far from it.

In the course of this debate, particularly over the last few weeks, there has been a moment that I like to refer to as the relief-valve moment, when the minister said, “The pressure is building. I am going to leave in a couple of years, so just let me see out my term. Let’s open the relief valve and let a bit of pressure out, and then maybe I’ll survive another little bump in the road.” If I were my good friend Hon Matthew Swinbourn, I would be asking to swap with Hon Darren West on the front bench. We are starting to get a bit of a line-up of a retirement bench over there. I think Hon Matthew Swinbourn has a long career in this place, in stations much higher than he is permitted at the moment. If I were Hon Matthew Swinbourn, I would be starting to distance myself from the retirement bench opposite.

The interjections this morning have often reflected, as I think Hon Colin de Grussa has said, in the rear-view mirror. Back in 2014 there was article titled, “Kim Hames ‘not fussed’ about move to backbench ahead of retirement at next WA election”. This was in November, shortly after Dr Hames, who was then the Deputy Premier, had had heart surgery. He was reflecting on his approaching 60<sup>th</sup> birthday and his intention to retire at the next election. The article reports what the then opposition leader said —

Opposition Leader Mark McGowan said all the talk of leadership and Cabinet posts was evidence of the disarray within Government ranks.

“Kim Hames is clearly cruising to retirement,” he said.

“I think it would be best if he moved to the backbench now and gave someone else a go.

That was the now Premier on the ABC news back in November 2014. We know this is not the only minister who has announced their impending retirement, and it will be interesting to see whether Hon Mark McGowan will put pressure on those members to step aside and “give someone else to go”. There is no shortage of mouths to feed in the Labor Party. In fact, I think it has more mouths than any other government in history.

**Hon Darren West:** Which means you have fewer.

**Hon MARTIN ALDRIDGE:** It has lots of mouths to feed.

Several members interjected.

**Hon MARTIN ALDRIDGE:** There is certainly support on this side for someone else to have a go, as the Premier insisted when he was opposition leader, not just with Dr Hames, but with a number of cabinet ministers who were retiring, particularly ahead of the 2017 election. That was the precedent that was established by Hon Mark McGowan when he was opposition leader. He now appears to be applying a very different standard to his own government.

I have great faith in the long-serving Parliamentary Secretary to the Minister for Agriculture and Food. He has served the longest traineeship in parliamentary history to become the minister. He may well have lost his Twitter licence from the Premier, but he still has his Facebook licence. After serving a very long traineeship in the role, and as the self-professed only farmer in the WA Parliament, I think he will be well equipped and more than capable of stepping in and taking on —

*Point of Order*

**Hon KATE DOUST:** I do not understand the relevance of the comments that the member is making about Hon Darren West. I do not see the connection to this motion and I think it is inappropriate. He should refer his comments to whatever he is trying to say on this motion.

**The PRESIDENT:** Thank you, honourable member. This motion has three parts. It is therefore wide ranging. The last part is particularly wide ranging, but I understand that the honourable member was coming back to make his point about that. There is no point of order.

*Debate Resumed*

**Hon MARTIN ALDRIDGE:** I thank the member opposite for the opportunity to catch my breath.

Obviously, this motion calls for the replacement of the Minister for Agriculture and Food, so of course it is relevant that we canvass who ought to replace her. If this motion could be improved, it probably could have also reflected on her performance as the Minister for Regional Development. On many occasions, I have talked about the money laundering-like exercise that is occurring with royalties for regions, and there is no better example than this state budget, through which the government is reducing its money laundering because it has to fit more slush into the slush bucket!

Several members interjected.

**The PRESIDENT:** Order!

**Hon MARTIN ALDRIDGE:** Unfortunately, this is a very time-limited debate and the opposition leader was right; we have to focus on the portfolio of agriculture and food. We could not, surely, include regional development as well; otherwise, this minister would have well and truly been gone long before now.

There has been a lot of support from members opposite for their minister. It would be very interesting if members would support a suspension of standing orders today to allow this motion to be put to a vote. Then they could put on the record their support for their minister and they could go out to their electorates.

Several members interjected.

**The PRESIDENT:** Order!

**Hon MARTIN ALDRIDGE:** If members think that their minister maintains confidence in this portfolio, they can keep thinking that because that will only be to our benefit at the next election. Good luck!

**HON DARREN WEST (Agricultural — Parliamentary Secretary)** [11.03 am]: I appreciate the opportunity to speak on this motion today. I totally and unreservedly reject this motion.

*Point of Order*

**Hon Dr STEVE THOMAS:** President, can I just check: if the minister is intending to give a reply, tradition has obviously been that private members' business is the government's time and non-government members' business is the opposition's time. I note that almost every member in the chamber has stood to seek the call. The Minister for Emergency Services got the call first. There is potentially the chance that more government speakers might get time to speak in this debate than opposition members in the opposition's time.

**The PRESIDENT:** I take your point, honourable member. That is not the potential. I have a very thorough list that notes every single member who has stood and sought the call. Currently, non-government members certainly have the numbers in terms of how many have spoken. There are definitely a lot more on the government side who are seeking to speak. As usual, I am trying to seek the views of the government in the non-government business debate, as is the practice. I assumed, perhaps incorrectly, that the deputy leader was going to provide the government response. The honourable member has the call and I will continue to try to provide balance, as I always do during non-government business.

*Debate Resumed*

**Hon DARREN WEST:** Thank you, President, for your fairness. I take the Leader of the Opposition's point, and I will be as brief as possible. If there are no interjections, it will speed things up a little.

I totally and unreservedly reject the motion. I think it needs to be called out for what it is: it is a cheap political, personal attack and it is disgusting. It has not even come from the opposition. As usual, what happens is that opposition members read the paper and come in here and attack a minister over something they have read in the paper. They do not even do their own research and work.

**Hon Dr Steve Thomas:** Are you saying that other people have attacked the minister in the paper?

**Hon DARREN WEST:** There has been an ongoing attack, which the member knows full well about, by Trevor Whittington and John Hassell from the Western Australian Farmers Federation. It is a disgraceful personal slur against our minister, and I am going to call that out today. I note that Hon Colin de Grussa regularly referred to notes, and I have a bit of an idea who might have written those notes. This is a cheap and nasty political attack that demeans non-government business and the business of the house. Debates should not degenerate to a point at which members go after one person, and the person, not their performance. They at least deserve some respect for being a minister, a member of this house, a human being and a woman. I think members should show a little bit more respect and decorum when they bring in motions.

Several members interjected.

**The PRESIDENT:** Order!

Several members interjected.

**The PRESIDENT:** Order!

Several members interjected.

**The PRESIDENT:** Order!

**Hon Donna Faragher** interjected.

**The PRESIDENT:** Order!

**Hon Tjorn Sibma** interjected.

**The PRESIDENT:** Order! That was five "orders"! I do not expect that to happen again, particularly when I call it the first time.

**Hon DARREN WEST:** I just make that point early in the piece. We all know where this is coming from. We all know why it is happening. The public hates this. The public hates that members opposite go after the person. That is what we are seeing here. I think they might have just put their woman problem on display for everyone to see.

I go back to the motion brought on by the opposition, which is so bad that it cannot even run a decent fear campaign about foot-and-mouth disease, and fuelled by the media. As we have pointed out, the Barnett government was the worst in Western Australian history. Its carcass is the worst opposition. It is absolutely hopeless.

I would like to give a shout-out to Ashley Wiese from Wagin and Three Farmers quinoa. It is a wonderful business that we have supported. It is a great supporter of this minister. We have provided a regional economic development grant to assist this new industry in Western Australia. Hon Alannah MacTiernan is a very dear and close friend of mine. She is a wonderful minister. She has made a great contribution to Western Australia. There are some amazing infrastructure projects, some amazing new agricultural initiatives and some amazing regional development-funded opportunities around this state that we can attribute to this minister. Nobody on the other side can make such claims. In fact, we have a bunch of people over there no-one has ever heard of criticising a legend of Western Australia and a legend of Western Australian politics, and I think it is pretty ordinary.

I am going to stand by the minister. This minister is the best Minister for Agriculture and Food we have had. I always said that about Hon Kim Chance but I think Hon Alannah MacTiernan might have just eclipsed my great friend and mentor Kim. Alannah challenges the status quo. She challenges and thinks about what is not. Nobody on the other side is capable of doing that so it is really important that somebody does. I wish this little campaign would end. The minister is staying in the job. She is the best person for the job. She has clout in cabinet. She is incredibly hardworking. She is incredibly smart. She is one of the best people I know. She is a genuine person who cares about her industry and the people in it. A cheap political pointscore exercise on the floor of the Parliament is really not the way members opposite are going to undo the minister. They have not landed a glove on the government in five years and they have still not landed a glove this morning. I am going to heap praise on the minister because she deserves it. I am quite flattered by the comments made by Hon Martin Aldridge, but Alannah MacTiernan can do a much better job of this portfolio than anybody else. She is a great minister and she is going to stay a great minister.

**HON DR BRIAN WALKER (East Metropolitan)** [11.10 am]: I have to say that I am unable to agree with the motion. I think Hon Dr Steve Thomas has genuine feelings about this—I will ascribe that to him. He notes that the Minister for Agriculture and Food has lost the confidence of the agricultural sector; I would reword that to include “a portion”. The question is how big a portion? For that reason alone, I cannot support the motion. However, there are other points to bring out. We absolutely know, and Hon Darren West pointed out, that there is a split. I personally have information from people in the agricultural sector who give their full support to the minister. Steve Birkbeck is well known here. He was a guest here last year, talking to members of this house about incremental change, especially in the hemp industry. This gentleman has 450 head of cattle. I must give a bit of a preamble to this. My family has been personally affected by foot-and-mouth disease. My sister and her husband were sheep farmers in the borders of Scotland when foot-and-mouth disease rampaged through. The amount of distress and number of animals lost and livelihoods lost were major issues. It is not expected to be any different here. The fact that the minister’s words were perhaps taken out of context is entirely attributable to the media’s desire to sell copy. We have all been affected by that. Mr Birkbeck has 450 head of cattle and would absolutely be affected by foot-and-mouth disease. This gentleman has spent time and energy, and a lot of money, to develop his business over 35 years. He is a man with impeccable credentials who has given praise to the minister. I will quote from the *Albany Advertiser* —

“I think there has got to be perspective on this, I think there has got to be calm,” he said.

He said the minister had —

... been a “great ambassador” for the region and he felt her comments had been “distorted”.

I fully agree with that. The article continues to quote him directly —

“Yes she put her foot in her mouth on this touchy subject, and should not have offered an honest opinion—a rare quality in a politician these days ...

“I believe the point she was trying to make that has been selectively quoted and distorted was to put a reality check on the fear and anxiety running through our community.

“Due to our ... biosecurity systems climate and scale we will be able to contain the disease, that was the point, we are not the UK and will not be burning millions of cattle.

“She has been put through the wringer and I say enough is enough.”

He went on to say —

“As a large cattle farmer I call for a short pause in our visitation to the Bali hotspot while we support the Balinese to stamp this out.”

That puts the onus on ourselves to look after our own state by not travelling to a place where it is rampant and then bring it back through our airport. We would take responsibility for looking after our state as individuals rather than blaming another individual. He said —

“If we want to express our stress in a productive way, then let’s aim our frustration at those who ... have control of our State’s borders, the Federal Parliament, an area Minister MacTiernan has no control over ...

I thought those were very clear and fair comments. Steve Birkbeck is a major hemp producer. He is known as a serious farmer in the south west. He has spoken to me many times about the qualities of our minister—a serious minister doing a serious job—saying that she has done her utmost to serve the state for a maximum potential. I think we all know Steve; if members do not, they should because he has a wonderful place in Denmark. He has just made a dam and I highly recommend we all take a trip down there, if nothing else but to relieve our own stress. This is a man who does not pull his punches. This is a man who knows what to do. He has made a lot of money by doing the hard thing, flying against the usual paths, swimming upstream and achieving that which other people would find impossible. Members may disagree with him and he would disagree with the minister from time to time. This is a man who tells the government what he thinks and he says when he disagrees with the government. To give his support to our minister I think is a mark of respect. I have to say that with my limited experience in Parliament, I have a great deal of respect for all members in the chamber, but for Minister MacTiernan I have absolute respect as a person I would not want to cross in a fight. Is that not true, minister?

**Hon Alannah MacTiernan:** I wouldn't fight you, member.

**Hon Dr BRIAN WALKER:** Steve would also never take a cheap shot. He has many things in his favour here including these three: he is truthful, constructive and thoughtful. He has urged for calm. He notes the media spin, which is always a danger for us in politics. The minister has not lost support. There are people who do not support her. I can think of farmers who think that deep ripping is a good way of treating our land and other farmers who think permaculture is a far better way of looking after it. I personally think that having hemp as an agricultural product is a great way of transforming the topsoil. I was speaking to a soil scientist just this morning who pointed out that every kilogram of wheat costs eight kilograms of topsoil. Losing our topsoil to produce our wheat is a great way of making our state unproductive in the future. We must focus on fixing this problem. That is something I hope that the Department of Primary Industries and Regional Development is dealing with. With a hardworking minister, who is very knowledgeable with genuine concern, I would stand behind her in a heartbeat. I would not perhaps stand behind the leadership. Hon Martin Aldridge mentioned the leadership. What we really need here is to have strong leadership. This is where I will criticise the government, but I will criticise every government. I fully remember my incandescent anger about the disrespect with which Hon Colin Barnett treated the people of Western Australia. I am sure that was not his intention. I will ascribe good intentions to every politician here, but this is what happens. Our current Premier ought to be more aware of the needs of people in the state and give clear leadership. I am not just talking about COVID, but also agriculture. For example, we ought to do something about the barriers to having hemp as a product on every farm in every part of our state. We need a Premier who will lead by example and encourage his hardworking minister to do the same. I could certainly criticise DPIRD. There is not a single government organisation that is not open to some form of criticism. We are all fallible. Every single one of us will make a misstep, will misspeak. None of us are perfect beings but the main thing is that we try our best. I would put my full support by the current minister, but maybe not behind the Premier. That is to be expected; I am not in power. Thank you for your service, minister.

**HON ALANNAH MacTIERNAN (South West — Minister for Agriculture and Food)** [11.17 am]: The other night in this Parliament, we had an event celebrating 24 million tonnes of agricultural grain crop for 2021. It really was an extraordinary record crop. Of course, that was an absolute testament to the energy, hard work, commitment and adoption of innovation by our farmers right across our grain belt. Standing behind that incredible achievement, members need to understand that it was during a period of constant growth in the size of the harvest that we have been able to get in this state but it is against a backdrop of climate change. In the south west land division, we have seen a steady decline in rainfall and a steady increase in temperatures. This great work that farmers have been able to achieve, this great prosperity that they have driven into the regions, has behind it a whole infrastructure of research and development and biosecurity that comes from investment by government. This is an absolutely integral part of the success of our farming sector; it is a precondition.

When I was given this job—somewhat to my surprise—in 2017, I was very, very conscious from my time in federal Parliament and from watching what was going on in this state that this was an area of government in crisis. I say this not to be backward-looking but so that members understand what we have been able to achieve in this portfolio. When we left government in 2008, the then Department of Agriculture had a staff of over 1 500. By the time we got back into government, that number had been cut to 997, with further cuts planned to take it down to 750. When someone asked Mr Barnett why he kept cutting agriculture, he replied, “Because no-one complained.” Well, there were some complaints, but they certainly were not coming from members opposite.

We were facing a department that had undergone this great contraction; person had been set upon person, and there had been a deliberate government policy to wind back research and development—that long-term, disinterested scientific study that has been at the heart of the success of our grain and livestock sectors. The previous government deliberately walked away from research and development. It was chaos; the leadership was in conflict, and we had to rebuild it. I am very proud that this government has absolutely been able and prepared to invest in research and development. We have done the hard yards in rebuilding this agency, and it has taken time. It has not been perfect, but that is understandable, given the magnitude of the task. There was no plan for grains; there had been talk of a grains institute, but it had not been put in. The Grains Research and Development Corporation, the major industry

body that collects all the resources and industry contributions across the country, was giving Western Australia a negligible percentage because, it argued, we had lost capacity. We had to fight to rebuild that and to get GRDC to come back and invest in Western Australia.

I am very pleased with what we have been able to produce. The first deal we did was to get a \$48 million grains research partnership with GRDC. We wanted it to be more, but that was a real step forward. Since then, we have more successfully engaged with GRDC. Just the other day we signed another \$25 million project with it, the Western Australian agricultural research collaboration. That has been fought for; scientists in the department have wanted that for years, so we put \$25 million on the table for the first three years, and if it works, we will do more. That will mean we will be able to leverage up with all the industry bodies across the agricultural sector to get that investment.

We visited all the research stations around the state, and I was appalled, whether it was the Carnarvon Research Facility, the Frank Wise Institute in the Kimberley or the Merredin Research Station. They had not been able to call themselves research institutes anymore, and we saw a decline in all these facilities. There had been no investment in their infrastructure, but this government has turned that around. I am really proud that, when we visit those facilities now, we see vibrant research centres full of scientists and technical advisers.

We allocated \$15 million in the budget last year for biosecurity, and that has given us a high level of preparedness. When I first became Minister for Agriculture and Food, the very first phone call I had was from the South Australian agriculture minister who said, “Do you know how hopeless your department is on biosecurity?” I had not yet even been sworn in. He said, “Its biosecurity capability is very limited.” We have rebuilt that.

It is true that I have ruffled some feathers through my support for farmers who want to build biological systems, particularly pastoralists who have been hankering for investment in carbon farming; we fought for that and delivered it for those pastoralists. That is making the southern rangelands far more economically viable. I understand that there are farmers who do not want us to go down that path. I say to them: we are doing two things. We are doing the traditional stuff, and we are doing it better, because we are putting money into research and development and biosecurity, but at the same time we are setting up new capabilities in the agency through our climate resilience fund and land restoration fund. We can see the challenges that are coming across the horizon, and that is my job. My job is not just going out there and wanting to be loved; my job is to try to identify what the future threats and challenges are in this industry, and to work to offer opportunities and ways to build that resilience. I am very proud of that work.

**The PRESIDENT:** Order, minister. I just want an indication of how much longer you will take. We have five minutes left, and a non-government member wishes to speak.

**Hon ALANNAH MacTIERNAN:** Okay. I just want to say that I have worked incredibly hard in this area, I am proud of what we have achieved, and I want to take this work forward and make sure that we finish the job.

**HON STEVE MARTIN (Agricultural) [11.27 am]:** I rise to support the intent of the motion moved by my colleague. I go back to the gestation of this motion in recent weeks. There has been a lot of back and forth this morning, and that is fine, but I guess if the livestock industry had been listening in this morning, it would not be too thrilled with what it heard and the level of debate, to be honest. Let us go back to where this came from. The minister did not say much at all for a while after foot-and-mouth disease arrived in Indonesia, and the livestock sector was very uncertain about what that meant. How likely is it to get here? What is the most likely way it will get here? The industry did not know. What would happen if it did get here? Again, we were not sure. Are the state and federal governments prepared to keep it out? There is uncertainty. Are the state and federal governments prepared for an outbreak?

**Hon Darren West:** It’s a federal responsibility.

**Hon STEVE MARTIN:** A federal responsibility, really? Okay. That is interesting. It is a shared responsibility, and the member should know better.

There was a lot of uncertainty in the livestock sector about what this meant. It had been aware that FMD was a real threat, but now it was closer; it was on our doorstep, in Indonesia and Bali. There are thousands and thousands of people travelling back and forth from Bali to Western Australia per month. FMD is real, and it is on our doorstep. We did not hear much from the minister. Then, what did she say? I refer to an article that appeared in *The West Australian* on 22 July in which she is quoted as saying —

“I know this isn’t the line that newspapers want to hear but we’ve got to keep this in perspective,”

This is one of the first public comments we heard from the minister. The article continues —

“We’re not going to see all of our cattle industry decimated. We will still have a domestic industry.

The vast bulk of it is gone, but that is okay; we will still have a domestic industry.

**Hon Darren West:** Are you saying that is wrong?

**Hon STEVE MARTIN:** I would not say to a newspaper that it would not be catastrophic. That means “not much to see here”. We will lose the export trade, but that is okay. Members can imagine the response —

Several members interjected.

**Hon STEVE MARTIN:** I have a minute and a half left. I am not taking interjections.

Several members interjected.

**The PRESIDENT:** Order, members! The member has indicated that he is not taking interjections. I trust that you will respect that.

**Hon STEVE MARTIN:** Members can imagine the response from the livestock sector—the abattoir workers and the truck drivers. It shut down immediately. I would not have said it would not be catastrophic. That is what the minister said. That was one of her first comments. She reeled that back quickly, but that is what she said. The livestock sector knew that most of that was nonsense, and that is okay. They were nervous and they were under threat, but they knew that most of what the minister said in that instance was wrong. But there was another audience who heard what the minister said. They were the people who go back and forth from Perth to Bali. They heard the minister say, “Not much to see here. Food will be cheaper.” The people in the suburbs flying back and forth from Bali were bringing back a sausage roll and other food in their backpack. They heard the Minister for Agriculture and Food say, “Nothing much to see here. It is okay.” That was the message. That is the audience that heard that message from the minister. It was inappropriate. By the way, if that was the minister’s first effort, she would not have had the same response, but it was on the back of all the other times the minister clearly has not had the agriculture industry’s back. I will turn back to livestock trade.

**Hon Kyle McGinn:** Here we go.

**Hon STEVE MARTIN:** It is important. If the member wants to downplay it, knock yourself out, but this is a serious \$200 million industry for the truck drivers and the livestock farmers in Western Australia, and this minister has never had the industry’s back.

Several members interjected.

**The PRESIDENT:** Order!

**Hon STEVE MARTIN:** Several years ago, a huge crowd attended a forum at Katanning about the live sheep trade. The minister gave the benefit of her wisdom and told the livestock farmers where they were going wrong. The live sheep trade was failing and diminishing and she was telling us where it was going wrong. It is time for her to go.

Motion lapsed, pursuant to standing orders.

## PLAN FOR PLASTICS AND CONTAINERS FOR CHANGE

### *Motion*

**HON LORNA HARPER (East Metropolitan)** [11.32 am] — without notice: I move —

That the Legislative Council acknowledges the McGowan government’s strong, consistent environmental protection stance and policies such as Western Australia’s Plan for Plastics and the Containers for Change initiative.

**The PRESIDENT:** Order! Could members hold the movement around the chamber while the member moves her motion. Thank you.

**Hon LORNA HARPER:** I will pause for breath while people leave.

**The PRESIDENT:** Order! Could the member on her feet be treated with respect and allowed to continue her motion and could members move around the chamber as quietly as possible.

**Hon LORNA HARPER:** It has been an interesting morning. I am very happy and proud to stand and move this motion to talk about the McGowan government’s strong and consistent environmental protection stance and policies and to talk about Plan for Plastics and Containers for Change. When I was researching and thinking about this topic, I was reading through all the plans and the papers and I thought about my childhood and the things we did when we were younger.

I am sure that Hon Dr Steve Thomas will remember the 1970s a lot better than I do, but I remember that when we went to the shops, my parents never ever brought back a plastic bag. I remember putting food in a trolley that we dragged up a hill. I swear that I got the same piece of wrapping paper for about 10 years in a row because when my grandmother unwrapped something, she would fold it and put it under the cushions on her couch. Back then I thought it was just because we were poor; I did not realise we were environmentally forward-thinking people. We grew our own vegetables and we did not have a tumble dryer. We did all sorts of things. Again, I thought it was because we were poor, which it probably was, but it was also partly a result of the times. People of that era would use and re-use items. Then the 80s came along, the years of Thatcher and Reagan, the years of greed is

good and of disposables. From then on, as a nation—it is a cultural thing—we seem to use something once and then put it in the bin. As part of my research I also looked back over a few former governments, particularly the Barnett government, to see what proactive environmental policies it came up with. I am still looking.

**Hon Dr Steve Thomas:** It put a lot of reserves in place.

**Hon LORNA HARPER:** Having reserves is great. They are wonderful places. However, we are talking in particular about the use and re-use of objects from an environmental aspect and about Plans for Plastics and Containers for Change.

In the last few years, the McGowan government has put forward many proactive policies to ensure that we are re-using plastics et cetera when possible. I am referring to my notes that I have not printed out from my computer because since I am talking about the environment, I did not think it was a good idea to print my notes. I have written some of them on a notepad, but have not printed them all on paper. These are my notes, by the way. We all know that plastic is very useful. I will not deny it. I quite enjoy it. I am drinking out of a plastic bottle, but that is more because of COVID-19 and hygiene than anything else. I used to enjoy going to the fair and getting a helium balloon. I would walk with it thinking it was lovely, but then we realised over the years that plastic cups, straws, plates, and knives and forks get used once and then thrown out and put into landfill.

As of June 2021, the Labor government brought in stage 1 of the regulations to reduce the use of plastics. That means that we are now all getting used to having wooden, bamboo or some other biodegradable, compostable material as disposable cutlery. That has been really good. I have been in some areas of WA that still use plastic cutlery. I hope they are just using the old stock, but we will get there. With these actions, Western Australia is leading the whole of Australia when it comes to planning for the future with its Plans for Plastics initiative. It is quite extraordinary how far we have come and how far forward we have brought those actions. We fast-tracked this initiative by more than four years because it is so important to act now. Every child in high school will tell members that we need to be proactive now to protect the future. The Plan for Plastics initiative is one of those initiatives. It is very difficult to keep saying Plan for Plastics, by the way! We are trying to prioritise avoiding the use of single-use plastics such as straws and bags et cetera. People who require them for life needs can still get plastic straws. The government will replace single-use items with re-usable alternatives wherever possible and promote non-plastic single-use alternatives that can be recovered, recycled or composted. I have two dogs; we are responsible dog owners who pick up our dog poo, and we use compostable bags that can go into the compost. We try not to put them into landfill, which the people who pick up our bins are very happy about it. We also want to minimise the litter and contamination that goes across our land and into the sea. I am sure that many members worry about sharks when swimming in the ocean. We do not want to worry about the floating debris coming towards our faces because none of us have ever enjoyed that. I only swim in very shallow water because the sharks scare me every time.

Stage 2 of these regulations will be coming in next year and then we will start to look at the cotton balls with the plastic stems. I am sure some people use them to clean out their ears but some people do not because they have a problem with listening at times. I am always surprised when I get a parcel and the item is tiny but the box is huge because it is filled with moulded plastic and those bubble bags, and things like that. We need to stop using that; there is no need for it. There is no need to have parcels that big for items that small. If the item is that fragile, we can use other alternatives. There are all sorts of things: there are papers et cetera we can use.

**Hon Dr Steve Thomas:** What will people pop if they can't do all the little bubble popping all the way through?

**Hon LORNA HARPER:** Thank you for the interjection. I will point out that there are fidget things people can get to pop. They are made of plastic but they are re-usable. They are very good for that.

Takeaway coffee—I am not really a big fan of takeaway coffee. It is not an environmental stance; I generally do not like it. I prefer to make my own coffee. I am not a coffee connoisseur; I just prefer to make my own coffee the way I like it. Takeaway coffee is something that is a part of WA life. When my friend first came here 10 years ago, I took her to a drive-through coffee place and she was so loud she just about deafened the poor person behind the counter. She was screaming about how wonderful it is to drive through and get coffee. I said, “If you think that is good, wait until we get to the bottle shop.” It is a way of life here in WA that people drive through to pick up coffees. Many a person walks around with a coffee cup. The majority of these end up in landfill. Unless coffee cups, plastics and re-usables are washed, they cannot be recycled. There is no point putting a tin in the yellow-lidded bin for recycling unless it is clean because it contaminates it. That is part of the problem with re-using and recycling; people are not quite aware of some of the rules. That is part of the reason this WA government has invested lots of money in educating people in what they can and cannot do.

The government has not forgotten about the businesses. Although we are getting rid of single use or disposable cutlery and cups et cetera, we have to keep in mind that a lot of businesses require those implements to carry on. The WA Labor government has had lots of consultation to get input from businesses on the best way to bring out these re-usable, recyclable or compostable items for them to use. We see a lot of these now, wherever we go, but there is a lot more still to come with takeaway. Supermarkets have these little bags that nobody can open. We cannot lick our fingers to open them because of COVID. We still have things like that to go.

It is amazing to see how much time, effort and money this WA Labor government has put in to be proactive and to listen to the community of WA about how we can move forward on this plan for plastics, together with businesses and communities to implement this to ensure that WA continues to be the leader in Australia. We also have a waste avoidance resource recovery strategy for 2030. This sets out the vision and framework for addressing waste issues in Western Australia. It is not just setting WA up for the next couple of years; it is forward-thinking and plans for the future. It considers how we can get better each and every year to reduce the waste going to landfill, the use of single-use plastics and the reliance on throwaway items in our society to, hopefully, protect our environment, waterways and marine life, and move forward in the future.

With that, I would just like to again say that I am very honoured to be standing here with my colleagues, as part of the McGowan Labor government and part of its plan for the future and the environment, and its plan to protect our children and their children. We are listening to the younger people in WA about what they want to see, because we are doing it for them. Let us be honest: our generation has made a bit of a mess of the environment and we need to move forward. The Plan for Plastics is one of the ways we can do it.

**HON KLARA ANDRIC (South Metropolitan)** [11.45 am]: I thank Hon Lorna Harper for her motion that is before the house today. She is right in saying that. As she was talking about the future generations, I noticed a school group walk into the gallery of the house. It is very poignant; they are, in fact, who we need to do this for, and it is why the McGowan government has led the way for future generations and children like those in the gallery today.

I am pleased to have the opportunity to speak about some of the amazing work the McGowan Labor government has done to protect our environment. We are in fact very lucky to be living in Western Australia and to have such amazing native plants, wildlife and diversity. The diversity of our state is pretty remarkable. As such, it is our duty to protect the environment that we live in. It is quite simple. Without taking care of the environment, we risk making our home uninhabitable. Members before me have mentioned that our Plan for Plastics has been a massive step forward in our environmental policy. As we all know, plastic is terrible for the environment, from its creation out of oil to the way it pollutes our environment. Studies have shown that we eat about a credit card of microplastics a week. I am definitely not a medical expert but I do not think that can be good for our health. I am sure Hon Dr Brian Walker will nod his head—yes.

Water is the largest source of plastic ingestion—something that we all know we cannot live without. Some of the other sources of plastic through which we consume the highest levels of plastic are shellfish, beer and salt, which are also things that are quite commonly consumed, pretty much every day. The McGowan government's Plan for Plastics is to eliminate the single-use plastics we previously used on an everyday basis. I am sure we all recall the times when we first introduced it and we would forget our bags in the boot when we got to the shops and have to go back but, over time, it has just become something of the norm. As mentioned by Hon Lorna Harper, the plan was fast-tracked by four years from the original time line. I am sure members will agree that this shows the priority of the McGowan government and the priority of environmental protection.

Stage 1 of the plan came into effect on 1 July and included a ban on single-use plastics such as plates, bowls, cutlery, drinking straws, cups and thick plastic bags. Stage 2 of the plan will commence on 1 January next year and will include the banning of produce bags, polystyrene packaging, microbeads and coffee cups. The ban will be enforceable by 1 July 2023. If I am being honest, a nice KeepCup is much more stylish than a plastic coffee cup. I also agree with Hon Lorna Harper: I am a coffee enthusiast. I like to have my Turkish coffee every morning at home, but I also enjoy a coffee out. Something I try to do in my everyday life is not do takeaway, because life is already so rushed, and take twenty minutes to sit at my coffee shop and enjoy my coffee. If people are not a fan of takeaway, I highly recommend them to stop and sit in their coffee shop and enjoy that cup of coffee.

The Containers for Change scheme started on 1 October 2020. Western Australians can now get a 10¢ refund on containers, which are then recycled into new containers. Since October, the scheme has generated more than 800 local jobs, with many of these positions being filled by people with disabilities, long-term unemployed people as well as Aboriginal and Torres Strait Islander people. By the end of June this year, 1.4 billion containers had been recycled and over \$4.6 million has been donated to 4 900 community groups and charities across our state. We can also be proud that WA is leading the country in ensuring that plastic and metal container lids are also being recycled. The program has made a real and positive impact on our community; for example, Beaconsfield Primary School used the funds raised through Containers for Change for some of its green initiatives, such as native seedlings, a nature play area and a food organics and garden organics pick-up to reduce the school's waste. The school has raised almost \$3 000, equating to nearly 30 000 containers being recycled. This is an amazing effort that will benefit the environment immensely.

I would also like to give a shout-out to 10-year-old Hudson in Baldivis who had saved 10 000 containers to collect money for his goal of buying a boat! When Containers for Change started back in 2020, Hudson reached out to his friends and family as well as local small businesses to see whether he could collect and return the containers on their behalf. Hudson is also passionate about sustainability, the environment and taking care of our marine life in particular. Even while on holiday, he always makes sure to pick up rubbish on the beach to ensure it does not end up in the ocean.

Many locations across the south metropolitan area are participating in the Containers for Change program, and I will mention a few. Containers for Change facilities are in Fremantle, Coogee, O'Connor, Shoalwater and Rottne Island.

A number of Good Sammy stores in the South Metropolitan Region have partnered with Containers for Change, as has Ability WA in Bibra Lake, Scouts WA in Cockburn Central as well as many, many more.

I will take a brief opportunity to speak about something that is close to my heart. It is a little bit off-topic but still related to the environment and the multifaceted approach of the McGowan government, and that is the McGowan government's commitment to protecting the Beelii wetlands. I am delighted and proud to be part of a government that saved those precious wetlands. As a local, I know that this means a lot to the community, not just in the South Metropolitan Region. These wetlands are important for so many reasons. It is empowering to have a government that cares about protecting our environment. As I said, and as noted in the honourable member's motion, we have a multifaceted approach to protecting the environment in which we live. I look forward to seeing the McGowan government's continued commitment to environmental protection. It is an area that many people in our community, including me, are very passionate about. Once again, I thank Hon Lorna Harper for bringing this motion to the house.

In closing, I would like to add that the new federal government is also committed to environmental protection, and I am very excited to see how our state and federal governments will work together so that we can reach our shared goal on this very important issue, which will have an immense impact on future generations.

**HON DR BRIAN WALKER (East Metropolitan)** [11.55 am]: I am delighted to stand to support the motion moved by Hon Lorna Harper, and I would support this motion from whichever part of the house it came. What we are looking at is man-made destruction of the environment. I was researching the North Pacific gyre, which has about 1.6 million square kilometres of rubbish, mostly plastic, which is circulating to the North and South Pacific. It is composed entirely of the rubbish—the plastic detritus—that we have thrown willy-nilly into rivers, which end up in seas, which end up in all parts of the world. If we were to sail a boat through that, we would find ourselves bumping against nautical mile after nautical mile of rubbish. This is in the middle of one of the most important oceans—they are all important—and one of the greatest oceans of our world. Microplastics are present in every single fish that we eat; therefore, we have microplastics in our system and not one single piece of microplastic belongs in our physical system, so we are in fact poisoning ourselves.

We have an attitude that needs to be defeated—not simply through the political activity of one government or another, but in every single individual in our world. The attitude that we need to get through our minds is that we are unwise to destroy nature. We can use nature, but destroying it is just not a good idea. The result of continuing to do what we are now doing so efficiently is that we will not have a place for our grandchildren to live. I would resent, to all eternity, being responsible for making that happen, as would every individual, sensible thinking person.

One of the major things that we need to combat is the desire to make things easy. Rather than washing up, people just get plastic plates, then throw them out. We have metal spoons that need to be washed, but if we are having a party, we will just get plastic spoons and use those instead. Using plastic bags to carry our shopping, which is of course no longer normal here, was a great way of misusing plastics.

Where do plastics come from? Plastics come from petroleum products, which is an abuse of our environment as well. Taking petroleum out of the ground, where it has been for millions of years, and using it to make disposables that end up in our environment serves no good purpose, apart from damaging our health.

What about the other activities that we do? If we are going to be active in managing our ability to pollute our environment, maybe we ought to look at everything that is happening. For example, if we were to go to a supermarket right now, we would see that most of the aisles are stocked with packets. I often recommend to my patients that if they want to get healthy, when they go shopping, they should go to the fresh meat, fish and vegetables, and, apart from the cleaning products, do not go to any of the aisles in between, because those products are usually processed foods. One of the things that we can say with absolute certainty is that the comfort that we seek—the easiness—is actually associated with death and destruction. Our processed foods are associated with magnificently worsened gut health, which is a source of most of our chronic disease. If we were to revert to cooking the way our great-grandparents cooked, we would have a lot less inflammatory disease and inflammatory bowel disease and the disorders associated with that, such as heart disease, strokes and probably autoimmune disease as well.

Once we take it to its conclusion, the motion that Hon Lorna Harper moved should be a method of changing our whole social attitude to one of recovering from what has been a destructive approach to our environment, to our lives, to our health and to our children. I support this motion to the utmost because we all need to play our part, whether in government or on the crossbench. We are here to help our nation and our state, avoiding the pitfalls of making things easy and comfortable, but to do what is right is certainly one step that we ought to be taking and looking at very seriously.

To put my point of view as the leader of the Legalise Cannabis Party, I say that one of the best sources for alternative plastics is hemp. We can get it. The hemp plastics that we can make are natural, they are able to be destroyed naturally so they will not accumulate in the environment and they will also encourage local businesses that produce these from natural grown hemp in our fields.

I support this motion and put the additional words there that we ought to look for alternatives that are sustainable and helpful for us and encourage business. Hon Lorna Harper, I thank you for that.

**HON ROSIE SAHANNA (Mining and Pastoral)** [12.01 pm]: I support the motion moved by my colleague Hon Lorna Harper. I want to talk about the Containers for Change program and an organisation that delivers that program as the refund point operator for the township of Broome. Nirrumbuk Environmental Health and Services delivers that program. For the 2021–22 financial year, eight million containers were processed through the depot. This resulted in \$800 000 being distributed back into Broome. The refund point is open six days a week and has benefited many schools, P&Cs, individuals, families, sporting organisations and many other community-based organisations, along with the unemployed and pensioners. These organisations and individuals target the litter spots in the town, of which there are quite a few in the township of Broome. They go out and take the time to pick up a lot of these cans. Government statistics indicate that 43 per cent of all litter is refundable containers.

Nirrumbuk Environmental Health and Services employs six to seven people in the program, including one full-time supervisor, two full-time employees who were promoted from being casual staff who were on long-term unemployment benefits, and four to five casual workers averaging between 14 to 20 hours a week. Eighty-five per cent of the workers are Aboriginal and most of these workers have come from long-term unemployment and face several challenges and barriers. They were recruited from Jobactive, now Workforce Australia, and Disability Employment Services. The staff really enjoy working for Nirrumbuk Environmental Health and Services, which has built its capacity, including customer interaction, around work ethics and skills, occupational health and safety and forklift training. This program has also enabled work experience placement opportunities through Broome High School. The employment provides a service that has been well accepted by the wider community of Broome. The important part of this program is that it has really provided a financial benefit for those who engage in Containers for Change, as well as the added benefit of keeping the community clean and impacting the environment.

Over the past 12 months, I have seen families that have done a lot of work to collect the cans and plastics to help support their families. A young nine-year-old girl was happy to have made \$45, so she went to a shop and bought accessories for her hair, and books because she loves reading. This is a really good benefit. It is also educational; children get a lot of benefit from the program. It is a really good program and really well deserved for anywhere. I think Klara made reference to the same thing happening in the metropolitan area. The same program operates in the Kalumburu community in the north east Kimberley. Having said that, as a mother—I raised four kids—I never thought about the environment at that time. Then we have grandchildren and they teach you; they actually educate us on what is important for them and the environment in the future. That is a big thing that I have learnt since becoming a grandmother 17 years ago. I am really happy. I commend the government for this program and I thank my colleague Hon Lorna Harper for moving this motion.

**HON DAN CADDY (North Metropolitan)** [12.06 pm]: The environment and good environmental policy has always been a cornerstone of Labor and Labor governments, not just in this state but all over the country. The McGowan Labor government has made its priorities fairly clear; in fact, it has made it very clear that good environmental policy is incredibly important, whether that is through our policies on climate change, electric vehicles, electric vehicle networks or things as “simple”—I use that word advisedly—as bushland protection. On a personal level, the hydrogen industry is something that I have spoken about at length a couple of times in this chamber. I have also spoken about wind farms, but particularly hydrogen. I note that the outstanding minister, Minister MacTiernan, the Minister for Hydrogen Industry, is in the chamber.

**Hon Dr Steve Thomas:** I hope you bowed when you said that.

**Hon DAN CADDY:** She is an outstanding minister. The member has absolutely said in this chamber many times what a fantastic job she has done. I have the quotes in front of me if he wants me to read them, but I may run out of time. If we were to talk about how magnificent this minister is, we would be here all day.

Several members interjected.

**The ACTING PRESIDENT:** Members.

**Hon DAN CADDY:** Thank you, Acting President.

Where was I? This very good motion—brought to the house by my friend and colleague Hon Lorna Harper—that the Legislative Council acknowledge the McGowan government’s strong, consistent environmental protection stance. “Consistent” is a critical word in this motion because it underscores how importantly the McGowan government takes environmental protection and environmental policies. My colleagues have spoken previously about plastics and Containers for Change and how that program is a fantastic example of policy implemented by this government. I will try to go somewhere else so we do not repeat ourselves. I will probably talk about hydrogen because it is one of my favourite things to talk about.

**Hon Jackie Jarvis** interjected.

**Hon DAN CADDY:** Thank you. I also want to raise something that Hon Klara Andric touched on very briefly—that is, the protection of the Beeliar wetlands. In fact, the Metropolitan Region Scheme (Beeliar Wetlands) Act 2021, which has taken what was a flawed and very environmentally damaging and aggressive policy of the previous government, has, for want of a better term, sorted that out. The legislation that this government passed in 2021

will mean that that area of wetlands is permanently protected. This is a forever solution and a very good solution for that area. It rezones approximately 34 or 35 hectares of wetlands from primary regional road reserve to a parks and recreation reserve.

This goes to something else that is at the heart of the McGowan government, which is listening to the people of Western Australia. We listened to the community, we heard what the community wanted, and we looked at the opposition's flawed plan. When the opposition was in government, it started its plan at the absolute eleventh hour—at five minutes to midnight—when it was a dying government. It sent in the bulldozers, and they started wrecking what was pristine wetland. We have listened. It is not what the community wanted, and it is certainly not what the community expected. We put through that act last year. I note that even when we were looking at putting that bill forward, and a lot of money was attached to it, the opposition leader—elect, Libby Mettam, was still saying that we needed the road network, we needed the jobs, and we needed the project to happen. The McGowan government has an unparalleled record of creating jobs in this state. I have spoken about that before, and in my inaugural speech. The number of jobs we have created in this state—despite the COVID pandemic that has wreaked havoc across the world—is unsurpassed, but Libby Mettam continued to fight. It is interesting, because this is an issue that saw every lower house seat in that area—admittedly, we already held some of them—come to Labor in that election. Roe 8 was one of the biggest issues for the people of that part of the southern metropolitan corridor. The one member of the Liberal Party who continued the fight—he still had his seat—was the federal member Ben Morton. He continued the fight for some time and was wholeheartedly opposed to the state government taking that action and enshrining in legislation the Beeliar wetlands as a park, but at the last federal election, he found himself out of a job, too.

The McGowan government has followed up on this, and just two months ago in May, we launched a new native vegetation policy for Western Australia. The policy aims for a net gain in native vegetation; an improvement in native vegetation is vital in combating climate change. Once again, there were more than 1 000 participants throughout the state. This government is a government that listens. It is a government that hears what the people of the state want, and it is a government that then acts on what it hears. This policy is the next step in the McGowan government's commitment to protecting and enhancing native vegetation in the state. We recognise that climate change poses a major risk to the health of our native vegetation, but we also recognise that native vegetation can help mitigate global climate change by sequestering carbon. For that reason, the new policy aims for a net gain in native vegetation. The policy sets out a road map and the actions that the Western Australia government will take over the next four years. Actions include regional planning for native vegetation and a new mapping and monitoring system to track changes in native vegetation cover around the state. To support a net gain, we are also identifying reform opportunities, including around the delivery of offsets. Again, consultation will play a key and ongoing role. Native vegetation will be managed and protected, and we will get enhanced biodiversity. To support and implement this policy, \$3.3 million has been allocated in the first two years. The progress, learning and achievements of those first two years will then inform where we go for the following two years.

In summing up, this is a great motion because the environment and good environmental policies are critically important to this government—whether it is the Beeliar wetlands, which I have spoken about; native vegetation; low-carbon transition; the clean energy future fund; electric vehicle strategies; or emissions reduction strategies. All the decisions that the state McGowan government is currently doing are provisions—whether through regulation, legislation or simple decisions—to ensure that Western Australia stays at the leading edge of good environmental policy.

**HON ALANNAH MacTIERNAN (South West — Minister for Regional Development)** [12.15 pm]: I very much thank the members for their contributions, and I want to acknowledge Hon Lorna Harper for bringing this motion forward, because I think this is something that will speak to members across the chamber. The need for us to manage our waste and to control plastic in the environment has massive community support across the board, and it is great to have an opportunity to highlight that in Parliament today.

Like Hon Lorna Harper, I can remember my first money-earning exercises as a kid were to roll up the newspapers and sell them at the greengrocer. We also used to collect all the beer bottles and go around to the bottle-o. Before I started my part-time job at Coles, that was my first source of income for a number of years. I think that sort of thing really helps to create a culture of recycling. In South Australia, which took the step of a container deposit scheme some 30 years ago, we really saw a very different culture—not only about the items that were subject to the container deposit scheme but also about a greater focus on waste minimisation and recycling. It was dramatically noticeable that the South Australian coast and inland on the Nullarbor Plain always had far less litter than the Western Australian side of the border.

I would like to pay tribute to my good friend and colleague Hon Stephen Dawson, who, as Minister for Environment, really drove our policies in our first term of government. I recall him explaining to us that, in fact, Western Australia was leading all the wrong lists. When we came into government, Western Australia had the highest rate of waste generation per capita in the nation, and we had the equal second lowest rate of resource recovery, which was 13 points below the national average. That was the context in which it became obvious that we really needed to take action, and the steps we have taken—such as the introduction of the container deposit scheme—have been incredibly

positive. If we look at the results that have been created from that, the amount of avoided waste is really quite spectacular. There have also been the other opportunities that Hon Rosie Sahanna spoke about in her community up in Broome. There has been an important social benefit in the creation of a new type of job that many of the Aboriginal communities across the state have got involved in, and I note Hon Klara Andric talked about similar things. Looking at the return rate on the container deposit scheme, one of the really positive things is that we are getting a return rate of up to 70 per cent, and I think we can all see the difference that is creating in our environment.

Then there are the plans for plastics, starting off with plastic bags and then going to stage 1, with plastic plates and forks et cetera, and then the planned stage 2. All of these things have been a great success. I remember driving down Tonkin Highway past the airport and seeing plastic bags all over the gates. That is markedly reduced, so we are already seeing a pollution reduction in our environment.

I note Hon Dr Brian Walker and many other members spoke about the impact of plastics in our oceans. The impact of microplastics will be one of the new developments in stage 2 of our Plan for Plastics. There was the picture the other day of a turtle that had come into Sydney Harbour, and the baby turtle excreted plastic for five days. That is telling of the prevalence of this problem. We all remember seeing pictures of one of the most remote beaches on Christmas Island, Dolly Beach—a perfect place—absolutely littered with washed up thongs, bottles and syringes, not just locally but from around the world.

I am really proud of what we have been able to do as a government. It is really fantastic, and I am very pleased with the broad bipartisan support we have been able to build for these measures.

**HON TJORN SIBMA (North Metropolitan)** [12.22 pm]: I rise on behalf of the opposition to address the motion. I think it is probably unnecessary for me to congratulate the McGowan government, but I will concentrate on the substance of the motion and the issues that it raises. The motion makes the claim that the government has been strong and consistent in the area of environmental protection. That is a claim that I would disagree with for the following reason. I think it is true that the government in some areas is strong. It is strong in the sense that it has brought a unique focus to dealing with certain aspects of environmental protection, but there is an opportunity cost with that focus. That means that sometimes, often, invariably, the government does not direct effort to addressing other matters, matters which are equally as pressing or even more so. For that reason, with the greatest of respect I do not think that the McGowan government's environmental policies—or “protection stances”, as it is put—have been consistent.

To illustrate this inconsistency, I will use the case example cited by Hon Dan Caddy. The matter of Roe 8 and the Beeliiar wetlands has been settled legislatively, but I would put it this way. If the government earnestly believes that the environmental threat that Roe 8 posed to the Beeliiar wetlands was of such great consequence, why do I not see the same attention and focus being devoted to preserving the seabed grassland in Cockburn Sound? If the government is going to cherry-pick particular issues for the purposes of political campaigning, that is fine and necessary. That is part of the business that we are in, but no one side can claim a puritanical approach to environmental stewardship when there is a greater environmental cost, potentially, that needs to be mitigated. I know a lot of funding has been directed through the Western Australian Marine Science Institution, but the government cannot have it both ways. This invites someone like me to make very guarded claims to the degree that perhaps the government is being a little bit hypocritical when it pats itself on the back for its environmental management.

When environmental protection measures are introduced, particularly when they hit the individual, the family or the household, there can be an almost allergic reaction, as with anything new. To its credit, the government has brought in, very early, a ban on single-use plastic bags. There was a hue and cry from some parts of the community, saying, “That would be a terrible impost on us”, but people got over it; people adapted to the new situation. I think that is indicative of the fact that, at all levels—the individual, the household, the community, the state and the globe—there is an interest in doing the right thing, preserving the environment and handing to our children and grandchildren an environment that is in a better state than we inherited. I think there is a unanimity of focus there, and that is a constructive starting point.

There are aspects I will not address now, as they are best held over for the Conservation and Land Management Amendment Bill 2021, which will be debated later on in the day. That bill deals with, among other things, the joint vesting of the marine estate between the government and Aboriginal business corporations. In the course of that debate I will focus more generally on environmental management statewide.

It is very well and good for the government to establish policies or areas of action and focus, but it must follow the logic through. I will reflect on this very briefly because this has become more of a wideranging debate on environmental policy in general. The government's plan for parks is to effectively increase the overall state conservation estate by 20 per cent, or five million hectares—I think the extant estate is something like 20 million hectares already. It sounds like a laudable goal, and I think the government has added about one million of the five million to date, so 20 per cent or thereabouts. Following the logic through, if the government wants to claim the mantle of the superior environmental custodian, then, in addition to gazetting parks, marine reserves and the like, it also has to substantially increase the management capacity of those parks. There has not been a commensurate increase, in recent budgets or across the forward estimates, that would fund the appropriate service lines within the Department of Biodiversity, Conservation and Attractions to fulfil its responsibility. I have not seen a five, 10,

15 or 20 per cent uplift in recurrent funding to ensure that those parks and estates are appropriately managed. This is a problem area, and I put it to you thus: accountability for environmental management across the state and within the parks themselves—the areas vested within DBCA and other government instrumentalities—is very, very opaque. We do not know whether we are achieving any superior ecological outcomes within the existing estate that would otherwise not be addressed, and we therefore cannot be guaranteed that the mere inclusion or incorporation of more land and marine country within the auspices of government control is going to do anything to preserve or remediate the environment in a way that would seem to be indicated or alluded to by the policy intent.

I also make this observation: through the estimates period, we were advised that in the order of—I am going off memory—600 endangered species or threatened ecological communities in Western Australia have been identified. In the budget papers, the Department of Biodiversity, Conservation and Attractions threshold for achievement is to ensure that there are management plans for about 75 per cent of those species. Where we all encounter a problem—I think this is a problem for government because it has the responsibility at the moment—is working out whether any of the plans for the 75 per cent of those 600 species or communities are working, whether they are individually funded, what are the key performance indicators of those individual plans and who reviews them. Working out who is the single point of accountability for environmental stewardship is very difficult to determine. This is a rule of life: it is very easy to say wonderful things at the macro level, but when we drill down into the detail—I put it that environmental management detail does count—it is very difficult to determine who is responsible for doing what.

If there is an environmental challenge that the state needs to address, it is in biodiversity management—land management—which I do not think is being addressed in the way it should be. To be fair, much of what the government purports to be responsible for is burdened onto other landowners, be they pastoralists or mining companies. A lot of people take responsibility for land management in this state and they report and perform at a level that I think is superior to that at which the government is performing. That is not to detract from the government when it achieves results. It is achieving some results and it should be congratulated for it, but I caution it not to indulge in early congratulations, because, frankly, there is an enormous field of work that it is blind to. I will use this opportunity very briefly, because we have touched on recycling, circular economy issues and the like. Waste management infrastructure and the future of landfill on the Swan coastal plain are serious issues that are going unaddressed and, I am sorry to say, have been unaddressed in a substantial way by the three environment ministers who have held this portfolio in the last five years. If there is a small but important aspect that the government should address, it is the gaming of waste levy fees and the illegal and organised dumping of construction and demolition waste outside of the metropolitan area.

**HON LORNA HARPER (East Metropolitan)** [12.32 pm] — in reply: In the very short time I have left, I would like to thank my colleagues on this side of the house for their comments. I would add more, but we are quite short of time. It is very sad that Hon Tjorn Sibma was out of the chamber on urgent parliamentary business when I was speaking. I can tell him that nobody has ever used the word “puritanical” about anything I have ever said in my life! I am still trying to work out whether he heard the part when we talked about the Plan for Plastics and Containers for Change—two extremely important aspects of our environmental policy that have done amazing things so far. Yes, I am very proud to stand and talk about this motion.

Motion lapsed, pursuant to standing orders.

## DISALLOWANCE MOTIONS

### *Discharge of Order*

**Hon Lorna Harper** reported that the concerns of the Joint Standing Committee on Delegated Legislation had been addressed on the following disallowance motions, and on her motions without notice it was resolved —

That the following orders of the day be discharged from the notice paper —

1. Shire of Leonora Dog Local Law 2022.
2. Shire of Dowerin Fencing Local Law 2022.
3. Shire of Dowerin Repeal Local Law 2022.

## ESTIMATES OF REVENUE AND EXPENDITURE

### *Consideration of Tabled Papers*

Resumed from 10 August on the following motion moved by Hon Stephen Dawson (Minister for Emergency Services) —

That pursuant to standing order 69(1), the Legislative Council take note of tabled papers 1270A–D (2022–23 budget papers) laid upon the table of the house on Thursday, 12 May 2022.

**HON MARTIN ALDRIDGE (Agricultural)** [12.37 pm]: I rise to make a contribution to the motion that the budget papers be noted. Confused and confusing is a theme that the government has adopted. It is a label that not only was applied to the Attorney General of this state by Justice Lee of the Federal Court, but also can be applied

to this confused and confusing budget that we are noting today. I draw members' attention to some remarks made on budget day by the Leader of the Opposition in the other place and by the Leader of the Opposition in this place and shadow Treasurer. I think these really go to the nub of the issues that have arisen with the budget papers. The Leader of the Opposition in the other place said —

Having a \$5.7 billion surplus means nothing to West Australians who are ramped at their local hospital, choosing between power or food, or struggling to pay their rent.

The shadow Treasurer, Hon Dr Steve Thomas, said —

... the state budget was a missed opportunity by the McGowan Labor government to pay down debt, as suggested by the Opposition.

“The Premier has an obligation to pay down debt but instead, we're seeing a rise in debt under his Government over the forward estimates,” ...

It is interesting that a number of the speeches on the budget that I have heard have gone to this theme of missed opportunity by the government. I think the government's backslapping about the \$5.7 billion surplus has not got it very far when we consider some of the very significant issues that our community faces. We have seen some of these significant challenges before. I recall when the Liberal and National Parties came to government circa 2008 and some of the economic conditions at that time, particularly the labour market conditions. I think we are approaching a very similar period again, which I will come to later in my contribution.

Budget paper No 3 is the first thing that I turn to on budget day when we receive the wad of paper on our desk—I am not sure what other members do—when the minister representing the Treasurer in this place is delivering the budget speech. There are two tables that initially take my interest: the “key budget assumptions” on page 3 of budget paper No 3 and the “key budget aggregates” on page 4. When we look at the key budget assumptions that were presented in budget paper No 3, wage price index growth was forecast to be 2.75 per cent this financial year and three per cent over the forward estimates. It will be interesting to see where the wage price index growth goes in Western Australia because there is a view that can be supported that we will see wage price growth much more significant than this budget assumes.

Another issue is the Perth consumer price index growth is forecast to be 2.75 per cent this financial year and 2.5 per cent over the forward estimates. There would not be anybody who argues that is not plainly wrong and is already wrong regarding where CPI is heading, not just in Western Australia but in Australia moreover. Keep in mind that this budget was presented in mid-May and we are still contemplating the budget papers now in mid-August. It has not been a significant amount of time that has elapsed but there are already some significant changes afoot in economic conditions. I talked about the “Key Budget Aggregates” table. The first line I look at is the total public sector net debt at 30 June. As the shadow Treasurer pointed out in his budget day media statement, debt continues to be on the rise. Notwithstanding significant revenue flows into the state and significant budget surpluses, debt continues to rise under a government that, quite successfully in opposition, prosecuted an argument around public sector net debt. We had the debt monster. Every year when I make my contribution to the budget debate, I recall Hon Ken Travers and Hon Rita Saffioti as the protectors in chief of the debt monster. Each year, I say I should give my old mate Hon Ken Travers a call and ask him where the debt monster costume is because I think it is time to dust it off again—I am not sure whether it is a him or a her. I think we should dust it off again and remind government members of some of the things that they said for many years in opposition about paying down debt being like paying off a mortgage.

The debt continues to rise. The estimated actual last year was \$29.9 billion and we are heading towards \$34 billion in the forward estimates. In the midyear review, which is not all that far away in the scheme of things, it will be interesting to see the influence of key budget assumptions particularly around revenue flows to government and whether there is any significant change to the public sector net debt profile across the forward estimates.

**Hon Dr Steve Thomas:** *The Annual report on state finances* will be first.

**Hon MARTIN ALDRIDGE:** That is a very good point.

In my introductory remarks, I need to talk about a couple of structural issues in this budget. One is the state wages policy. Again, I talk about this every time I make a contribution to the budget debate and, unfortunately, I will make only one this year. Government members are going to be very unfortunate not to hear two from me this year. I remember this because I sat through significant debate in this place when we were in government by members opposite when our government talked about introducing a state wages policy that ensured that public sector wages increased in line with the consumer price index. At the time, that was abhorrent to the then Labor opposition. It was abhorrent to the Labor movement generally. There were significant rallies against our government's move to have the Western Australian Industrial Relations Commission have regard for the wages policy which, at the time and throughout our time in government, was a direct linkage to the consumer price index. It will be interesting to see how strongly particular unions in this state will prosecute the argument around the state wages policy and the need for improvement. I understand there will be a rally here next Wednesday. It will be interesting to see how

strongly they put their case to government on the steps to Parliament House and in other ways and forums because I still recall the significant action when the then Liberal–National government introduced a state wages policy that linked wage growth to CPI.

One of the things I do not think gets reflected on enough is the structural imbalance that the current state wages policy has created in public sector salaries. Over a number of years, until fairly recently, we have had a \$1 000 cap. That is obviously moving away from a percentage-based increase system that applies across the public sector or across an industrial agreement. We have gone to this \$1 000 freeze, which the government has implemented for about five years. It has been particularly beneficial to some of our lowest paid public servants because \$1 000 in the context of their base salary has probably been higher than the consumer price index or wage growth in this state. Obviously, at the other end, it has been significantly lower. What we have seen over a number of years, and I do not think there has been enough recognition of it, is the flattening the public sector wage structure in Western Australia. This is going to particularly become a problem and is not going to assist the state in retaining some of the more senior, more experienced, most qualified public servants in the current labour conditions. That is certainly what we saw in 2008 and I think we are going to see that again, if we are not seeing it already. In fact, later in my contribution I will talk about some of the impacts this has at a portfolio level in some of our agencies being able to attract and, more importantly, retain, some of our best and brightest public servants in Western Australia.

The other issue is the impact that cost-of-living payments will have. We saw a \$600 payment in the 2021 and a \$400 payment in the current 2022–23 budget. I will now turn my consideration of the budget to the table on page 327, which is the estimated impact on a representative household. This is where Treasury models the impacts the more common budget decisions will have on a representative household. It is not an exact science, but it gives us a comparison from year to year of the influence of motor vehicle charges and utility tariffs and the like. On the one hand, the government has been increasing fees and charges, sometimes significantly faster than the growth of the consumer price index or any other index, while on the other hand it is saying that it is softening the blow by providing a cost-of-living payment and telling people that they are better off. That may ring true in that financial year. However, the problem is that at the end of that budget year, people incur not only that financial year's increase in fees and charges, but also the next year's. People will get a double whammy the next financial year unless the government's policy is to provide a cost-of-living payment each financial year to offset the increases in fees and charges. Keeping in mind that I just read out the budget assumption for this year was that the CPI would increase by 2.75 per cent, some of the items I mentioned are well in excess of that figure. For example, the emergency services levy, according to this table on page 327, is estimated to be five per cent. Obviously, that has been calculated based on a representative household. The ESL is actually increasing by 6.6 per cent this financial year. That is more than double the budget's assumption for CPI growth. For the most vulnerable people in our community who are on fixed incomes with the least ability to pay, we are creating a cliff face that will become a financial problem for them in future budget years and may require a further response from government to soften the blow as that impact washes through.

**Hon Dr Steve Thomas:** When the revenues are corrected, too, and there is not a lot of money floating around.

**Hon MARTIN ALDRIDGE:** Yes, that is a very good point. They have the least capacity to act.

I hope we will not see from any government member any criticism of local governments responding to the increased costs that they see in their jurisdictions, particularly as local governments are going through their rate-setting process at the moment, because, clearly, the state recognises those increases given the significant increases to its own fees and charges. In previous years we have seen significant pressure placed on the local government sector to freeze rate increases, particularly during the early stages of the pandemic. I think some of those decisions may have been well intentioned at the time, but they have now created issues for those who are sitting around council tables working out how to not only play catch-up to make sure they keep delivering good services to their community, but also dealing with the significant increase in the cost of doing business, particularly in some of the more regional and remote parts of our state.

It will be interesting, as I just said, when we see the midyear review in December how some of these things will influence some of the state's financial position indicators, particularly when looking at the financial targets set out on page 52 of budget paper No 3. The first target is to maintain a net operating surplus for the general government sector on average over the forward estimates period. The second is to maintain disciplined general government expense management by delivering public sector wages outcomes in line with the government's wages policy. Remember, this budget was handed down in May. In December last year we saw a change to the state wages policy, announced by the Premier and the Minister for Industrial Relations. On 31 July, only weeks after the presentation of the state budget, we saw another change to the state's position on the wages policy. Rather than just change it to reflect the cost-of-living increases, we again have one-off payments coming into the mix. That goes to the same arguments that I presented earlier. It will create a big headache for the government down the track. In the world of Treasury, it is not recurrent expenditure so therefore it is easier to manage through the budget process. It is a one-off payment and a one-year financial hit, but it will create problems down the track, particularly as we see our agencies increasingly unable to attract and retain our public servants as we see significant pressure in the labour market.

I want to talk a little bit now about the budget estimates. As I said earlier, I usually take the opportunity to note and speak on the budget papers prior to the winter recess. Some members took the opportunity to do that on Tuesday this week, and some gave a second presentation to the Council on some of the things that came out of the budget estimates process.

The first thing I would like to do is thank the members of the Standing Committee on Estimates and Financial Operations. I think they do a good job on behalf of us all. As non-members, we like to gatecrash their committee once a year and make the best of the opportunity, but the members of that committee keep the wheels turning every other week of the year and do that good work on behalf of all members of the Council. I served on the estimate committee in my first term when I was a government backbencher. It is a really valuable committee to serve on, particularly in the early days of service to Parliament, because it gives members a deep insight into not only the finances of the state, but also the operation of the agencies. It exposes members to quite a steep learning process, which I think is a good one for new members. I think that the estimates process of this house is always improving. In the last year or two, and this year in particular, it has been a very good process. Obviously, we never have enough time. I have always pondered whether there might be a better way of engaging more agencies for longer and engaging more members in the scrutiny of the budget, but that is probably best considered when we receive the report from the standing committee, as we normally do, after each of its inquiries into the budget when we consider the work that has been done during that process.

The estimates committee is increasingly important in the context of a government that is so secretive. It is very difficult on a daily and weekly basis to extract even the most basic information through the processes that we have available to us. I think that is where the Standing Committee on Estimates and Financial Operations really comes into its own in terms of not accepting the nonsense that comes from ministers and their agencies, and it holds them accountable to provide the correct information to the Council. Sometimes that takes a few goes. When we receive answers through that process that are either non-answers or are inadequate, my experience, generally, has been quite positive in terms of getting to the bottom of what I am seeking.

The aspect that I still think is probably under-utilised in this process is the opportunity for members to ask questions prior to hearings and after hearings. I still encourage members to do that, as I think I did last year. Often the written question and answer is more valuable than the two or three minutes we get to cross-examine the witnesses. If members have asked questions prior to the hearing, that is often the basis for then cross-examining the veracity of what the witnesses have told us. In my experience, that is generally most valuable. We still see members turn up and ask for significant detail at the hearings. At one hearing I went to, not this year but in a previous year, a member asked for every document relating to the leased property that was under an agency's control. Clearly, witnesses do not turn up to a budget estimates hearing with dossiers of papers anticipating questions like that, which are much better suited to other mechanisms.

*Sitting suspended from 1.00 to 2.00 pm*

**Hon MARTIN ALDRIDGE:** Before we were rudely interrupted by the brief adjournment, I was thanking the Standing Committee on Estimates and Financial Operations for the valuable work it does and making some early reflections on its process, noting that it will in time present a report to the Legislative Council, and that will give us an opportunity during the consideration of committee reports to consider that report, probably in considerable detail, over four one-hour sessions, when we thank everybody and do the customary processes of the consideration of committee reports.

In this house we do not see very routinely the usage of Dorothy Dixier questions. Certainly, we do not see them during question time, although it has happened from time to time, but it concerns me that in the estimates process we are starting to see more government questions falling into the category of what would be considered Dorothy Dixier questions. I recall that when I was a first-term member and a government backbencher, the government certainly never handed me a question to ask during the estimates hearings. It concerns me. When members use estimates as an opportunity to ask about the progress of an election commitment or what the government is doing to address ambulance ramping at hospitals, I think it reflects poorly on those members that they have such a relationship with their own government that they have to use the estimates committee time to ask such basic questions on the budget. Obviously, it is their right, but it has not been the precedent applied to this place.

If these types of government questions are to continue, I think one or two things need to happen. Not only does the government need to improve the quality of the questions, but also we need to consider perhaps extending the time allocated to examining agencies if we are now allocating time for these government members to ask the government for answers. I will leave that observation there, but it is certainly something that I can reflect on later when we consider the report of the committee. It is probably more obvious when we have an agency. Keep in mind that, unlike the Assembly, we do not call every agency to our hearings; we have a select list of agencies. Now we have these mega-departments, which presents issues in the estimates hearings because, unlike the Assembly, where members go through the budget division by division, we call these mega-departments and, from time to time, there are issues in examining witnesses because of the construct of the public service. In time, we may need to contemplate a different model of conducting estimates if that continues to be a problem.

The last thing I will comment on is that I participated in the estimates hearings entirely virtually, because I had COVID the week that the hearings took place. Initially, when I received the diagnosis, I thought that would rule me out of participating in my favourite week of the year, but on the encouragement of the chair of the committee and indeed the committee staff, I engaged virtually in at least two of the hearings. It actually worked quite well. Apparently, the size of the screens in the chamber were a little bit confronting for those members assembled in the chamber.

**Hon Jackie Jarvis:** Your big head was right there!

**Hon Dr Sally Talbot:** But you were behind us.

**Hon MARTIN ALDRIDGE:** Okay, but I think the technology held up. There has probably been more usage of virtual engagement in the Assembly, but I thought it was quite a positive experience, albeit I would prefer to engage in future estimates hearings face to face.

I said earlier that I want to reflect on some portfolio-based matters. One thing that I have spent quite a bit of time trying to understand—there is still much more work to be done, and I am hoping that my friends on the Standing Committee on Estimates and Financial Operations might even take an interest in this in time, as well—is the great RAT giveaway in Western Australia.

**Hon Darren West:** You love those RATs, don't you?

**Hon MARTIN ALDRIDGE:** I am pretty good at exterminating RATs!

**The ACTING PRESIDENT (Hon Peter Foster):** Order! Hon Martin Aldridge has the call.

**Hon MARTIN ALDRIDGE:** Thank you, Acting President. Members will be aware of what I am referring to when I talk about a RAT, being a rapid antigen test. As members of Parliament, we have obviously played a role in the distribution of rapid antigen tests. It has quite an interesting history, and I will try to outline some of it in my contribution and then express where some of my concerns lie.

We know that we were one of the last jurisdictions in Australia to remove our prohibition on the use of rapid antigen testing. Up until January this year, very limited usage of rapid antigen testing was authorised by the Chief Health Officer in his directions, and it generally related to industry. Industries such as the transport industry in particular were using rapid antigen testing well before the general population, or, indeed, other jurisdictions. Until January this year, it was prohibited to engage in the sale or procurement of rapid antigen tests in this state, with some exceptions. Towards the end of last year—in fact, I think it was very late in December last year—we had an expedited procurement process that procured some 110.7 million rapid antigen tests at a cost of \$578.9 million. That is a pretty big number. To try to put it into context for people, it is roughly half the cost of Perth Children's Hospital, which was a \$1.2 billion investment. I think it is our newest hospital in Western Australia. We have spent roughly half the cost of the Perth Children's Hospital in procuring these 110 million tests. Obviously, in Western Australia, we had very late community transmission of COVID. We had the opportunity to learn from other jurisdictions, particularly our interstate colleagues. One thing we saw happening in other states was the collapse of particularly their PCR testing systems. It was very difficult—there were long lines, PCR testing was not easily available, and I think we would have seen similar issues play out here in Western Australia. To the extent that we have alleviated the collapse of our PCR testing system, I think that rapid antigen testing has been a success. What does concern me is the procurement that has occurred and that the emergency provisions of the procurement act have been utilised to spend nearly \$600 million of taxpayers' money. At the hearing, I asked Ms Angela Kelly, deputy director general of the Department of Health —

In terms of the quantum, how was it determined that the 110 million tests for a state like Western Australia was an appropriate number?

Ms Kelly said, "There was no methodology behind it." That is a concerning admission that we have effectively spent almost \$600 million of taxpayers' money on a process that bypassed normal procurement processes based on a decision with no methodology. I cannot remember the exact calculation of the quantum, but based on the state's population—I did not update it with the latest census figures—it was something like 40 tests for every man, woman and child in Western Australia. There may be some people in some settings and industries—for example, health—who might contemplate using that many tests. But I would think that on anyone's assessment the number of tests that were ordered were excessive, and I will go to the reason why I think that is playing out and is possibly true.

A media statement from yesterday, 10 August, stated that the state released another 21.4 million tests to the public. The distribution to date is interesting, and if I find the question, I will provide it to members because the distribution of rapid antigen tests came up during the hearing. A process was engaged by not only the Department of Health, but also the Department of Finance, so we had two agencies involved in the procurement of rapid antigen tests in Western Australia, which I thought was probably a little odd. I have not got to the bottom of why the Department of Finance and the Department of Health would be engaged in the procurement process, but I will come to that shortly.

One of the things that we learnt from the estimates process, in answers to additional questions of the minister, which have only recently been received—I think they were published in only the last week or so—was that as of

11 July only 19.3 million rapid antigen tests have been distributed. That data is about a month old. That does not necessarily mean that the tests have been used; it means that they have been distributed. I do not know how other members feel but I have tried to play an active role in distributing tests to my community—to the point where people are telling me that they cannot stuff anymore in their cupboards. We may well have distributed 19.3 million tests, but it does not mean that we have utilised 19.3 million tests. Keep in mind that yesterday's media statement stated that we released another 21.4 million tests, so we released more rapid antigen tests yesterday than we have actually distributed to date.

The other thing is that that needs to be put in the context of the order size, which was 110 million tests. The state of Western Australia bought 110 million tests, and it used two agencies, with no procurement process, to spend that amount of money. I have written to the Auditor General about this. We have a wonderful Auditor General, as I have mentioned in previous debates, in Western Australia. I asked her to consider the facts, as we know them, about this procurement. Obviously, any procurement that bypasses normal procurement processes presents risks, which are exacerbated when we consider the circumstances of procurement and the size of the order of rapid antigen tests.

The government's concern is or should be increasing that it may, in time, become highly embarrassed about the amount of money it has spent on procuring such a sizeable quantity of rapid antigen tests. The government should rethink its strategy about what to do with its remaining supplies as they have a limited life. We do not know how individual tests will respond to future variants of concern. We will see in time whether they remain effective or whether we end up dumping them into landfill. There may well be other jurisdictions or neighbouring countries that we could play a role in supporting their COVID-19 response using some of the significant stockpile that we have hoarded in Western Australia, which we are unlikely to use. Those are things that the government should contemplate, and it will certainly be something that I keep my eye on in the weeks and months ahead.

One of the issues I also want to raise is about the quality of the rapid antigen tests, and I raised this issue virtually at the hearings. My concern is specifically about the saliva tests. It was interesting to note that we had two agencies procuring RATs. The Department of Finance was responsible for ordering roughly 25 million RATs, of which 20 million were saliva-based tests. Interestingly, the Department of Health did not procure a single saliva-based test in its order of 85 million tests. I do not know whether there is an explanation for that or whether it may be circumstantial. I can speak only from my personal experience in that I had great difficulty—not in using the test because the test is quite attractive to use, particularly on children and young people and that was a point that the Chief Health Officer made at the hearing, which was that they had utility in those environments. In my experience again, the school that my children go to did not provide them with saliva-based tests; they provided them with nasal-swab tests. Therefore, it is not as though the saliva-based tests were prioritised, as far as I can tell, to schools for the utility that the Chief Health Officer spoke about.

Returning to the issue of quality, my personal experience was that my entire family got COVID-19, all five of us at once. We were all positive on the PCR test or a nasal-swab rapid antigen test and we were all, bar my youngest son, symptomatic. Every morning, for four days, every one of us, when we woke up, took one of these COVID-19 rapid antigen saliva tests, which is the lollipop version. Every day for least three or four days, we could not get a positive result from any of us. I know from the advice that I have received that asymptomatic patients do present challenges in positive rapid antigen tests, but four out of five of my household were positive. I wrote to the Minister for Health and asked her to review this issue and to temporarily suspend the issuing of saliva-based tests. I received the response that I expected, which was that the Therapeutic Goods Administration is the organisation responsible for approving the use of such tests in Australia. Nevertheless, I think the state had some involvement. Given that we bought these things, we actively distributed them, we told people to use them in place of PCR testing and to comply with directions from the state, I think we had a role to play in ensuring that what we provided to the community was not only safe but worked. In my experience—I must say “in my experience”—they do not work. I suspended distributing these. I have two boxes in my office that will probably end up in a rubbish bin at some point because I will not distribute those tests to the community.

**Hon Alannah MacTiernan:** Which ones are these, member?

**Hon MARTIN ALDRIDGE:** These are the saliva-based lollipop tests. It is interesting that around the time of the budgets estimates hearings, we also saw the Therapeutic Goods Administration announce a post-market review of antigen and rapid antigen tests. I did not realise until this announcement that the registration of these tests in Australia was based solely upon information that was provided by the manufacturers to the TGA. They provided some data and some assurances that those tests did the things they said they did and, on that basis, they were registered. That is very much simplifying the process, but it was a surprise to me that none of the tests registered by the TGA were independently verified, and now the TGA is going through a process of independently verifying each of these tests. The Peter Doherty Institute for Infection and Immunity is independently assessing their sensitivity, but also their relevance to the various COVID variants that we now have in the community. That process is ongoing. The TGA is updating, as it goes, a very long table of the independent assessment of these tests on its website, if members have an interest in it. I saw an article in *The West Australian* just recently that said the state has already had to dump, I think, around two million tests. I think in that case they were recalled or withdrawn from market by the supplier or the manufacturer. I think there is probably more to play out with the quality issues that we have seen in this space.

In the time that I have, I also want to comment on the emergency services portfolio. Unlike last year, it was good to have the Department of Fire and Emergency Services appear before the Standing Committee on Estimates and Financial Operations. I think it was only a one-hour hearing, so obviously it was significantly constrained. Nevertheless, it presented a good opportunity for us to examine the department, which we had not been able to examine in person in previous years. It is not a criticism of the committee or the process. It is just a reality of the need to prioritise agencies that we hear from. One of the comments that I will make from the outset is that some of the information I received—I will go through some relevant aspects now—showed that when we analyse the last 11 financial years, in 2012–13 the department received total funding from the state of \$289.5 million and in this current budget year it received \$478.9 million. That is a significant increase in the total funding to the department; it is an increase of almost \$190 million over that 11-year period or a 65 per cent increase in its base funding. When I talk about total funding, the two primary sources of funding, unlike other agencies that would be predominantly consolidated account-funded, are the emergency services levy and a relatively minor funding stream from the consolidated fund.

There are three points I want to make here. This is one of those issues for which the government makes decisions, like it did during the pandemic to freeze fees and charges. The impact on the agency was that in that budget year, which I think was two budget years ago, it needed to increase the CF funding to offset the freeze in the emergency services levy. We have got to the end of the freeze and as this washes out, we have seen, effectively, an increase in the emergency services levy that is a factor of more than two times Perth's consumer price index. We said to the people of Western Australia two years ago that we needed to freeze all their fees and charges but now we can charge them double and then some, playing catch-up, as we wash out consolidated fund revenue. Obviously, other agencies would not have been impacted as much as DFES because of the way in which DFES is funded primarily through the property owners of Western Australia. I asked some questions about the 6.6 per cent increase this year and what sorts of additional benefits or community safety outcomes would be received from this significant—it is not insignificant—increase in ESL revenue. Of course, there was not much to be offered because most of it was allowing the consolidated fund contribution to start returning to those long-term averages. That is the first point I wanted to make about the DFES budget overall.

The second point is about the 65 per cent increase in base funding. I have not had a chance to compare it with other agencies and we probably would not want to compare it with the Department of Health, but in my mind that is a pretty significant increase across that decade. The Department of Fire and Emergency Services went from an agency whose funding was less than \$300 million to one that is approaching half a billion dollars. It begs the question: has the outcomes from the agency and community safety improved? Remember that the vision of the agency is "a safer state". Are we a safer state as a result of the 65 per cent increase in funding over the last decade? I think that question is worthy of more significant examination. I pause there and say there used to be—I am probably going back some time now—an annual assessment that was conducted by a Legislative Assembly standing committee. I think the Community Development and Justice Standing Committee used to do an annual assessment, effectively, which inquired into the preparedness of the agency ahead of each fire season or each southern fire season. That has not been done for some time. I offer that as perhaps an opportunity; whether it be an Assembly committee or the Standing Committee on Estimates and Financial Operations or perhaps in time some other mechanism, I think that question would be worthy of greater examination.

I am not going to get anywhere near through all of them today, but a number of issues were pursued in the hearing with the agency and we did not get to the bottom of particular answers. For example, in this financial year, we are going to spend \$6.5 million on a volunteer fire and rescue services and volunteer fire and emergency services upgrade and replacement program. That is effectively facility movements. When we asked about this last year, we got quite a list of the location, the service, the scope of works and the estimate of cost. In that year, I think it was a \$7 million investment; this year, it is \$6.5 million.

This year when I asked the same question in the Standing Committee on Estimates and Financial Operations, we were told by the minister that that information is cabinet-in-confidence. It will be interesting to see whether the standing committee sustains that argument. If that argument is sustained, and we cannot ask about a line item in the budget on which the state government is spending \$6.5 million of taxpayers' money because that is cabinet-in-confidence, it will be very difficult to ask any question about the budget. When we compare that with the committee's examination of agencies such as Health, as clumsy and as significantly delayed its responses to questions might have been, because we received those responses literally as the hearing started, at least it did provide information. If we ask Health routine questions, such as about a capital upgrade at a particular hospital, and the time frame, scope of work and estimated budget, we get answers. We are not told that is cabinet-in-confidence. These are the types of questions that the estimates committee should be pursuing.

One of the missed opportunities that I talked about in my introductory remarks was that even with the state Labor government's \$5.7 billion budget surplus, it could not find \$1 million to reverse its cut to the Emergency Services Volunteer Fuel Card. As legislators and elected members, we all like to travel around our electorate and thank volunteers and have photographs taken and do all sorts of things in that space. However, in the context of a five thousand, seven hundred million-dollar budget surplus, the Labor government could not find a lazy \$1 million to reverse the

cut that it made in its first budget to just return the value of the volunteer fuel card to \$2 000, let alone have an argument around indexing it because of the doubling of fuel prices. That sum of \$1 million was not available in the budget to enable it to do that.

I will mention one other thing that concerns me. This is probably one of the highest priorities for the government to consider. That is the use of the emergency services levy to support the emergency management functions of local government. It is interesting to note that despite the 6.6 per cent growth in the ESL this year, a stagnated level of funding is flowing to the local government sector. That is in both capital grants and operating grants. It is interesting in the context of that significant increase in the ESL that the level of funding to local government is not going anywhere fast.

The other thing that is worthy of consideration is the important work of bushfire mitigation. We have talked about this quite a lot in this place. I want to note two things about the funding across the forward estimates. One is the significant delay in the allocation of funds for the bushfire mitigation activity fund. For example, in the 2020–21 actual, \$1.8 million in ESL money and \$3.6 million in royalties for regions money was spent from this fund. This year, in the 2021–22 budget, the money from the ESL was \$13.4 million, of which only \$7.4 million was spent, and from royalties for regions was \$1.2 million, of which \$1.3 million was spent. The second is that the royalties for regions contribution to the bushfire mitigation activity fund is ceasing. There is no contribution from royalties for regions beyond 2023–24, and it will then return to a level of about \$5.8 million, so there is a reduction in funding. The answer to some of that—not all of it—is carryovers. It concerns me that not only are there significant delays in delivering mitigation activities, but also there is a reduction in funding across the forward estimates.

Beyond the ESL, I want to talk about a couple of other things, although my time is rapidly escaping. There has been quite a lot of talk about the value of the state government securing Western Australia's first dedicated large air tanker. I will not be able to do this justice in three and a half minutes. One of the concerns that I have, at least from a financial budget perspective, is that last year, we had the use of a sovereign asset. That asset was deployed by the National Aerial Firefighting Centre, and it was based in Western Australia but worked throughout Australia. That asset was in Western Australia for 120 days, and it cost the state about \$100 000. Under the new four-year arrangement for a dedicated Western Australian large air tanker, we are moving to a 90-day period, so less than 120 days. I think 90 days will be grossly insufficient to provide adequate coverage during the southern high fire threat period. That arrangement will cost the state \$11 million over four years. We have gone from 120 days at a cost of \$100 000 to 90 days at a cost of \$2.75 million. Obviously, large air tankers play a role. However, sometimes the romantic fascination with such aircraft does not enable sensible arguments to be made about not only cost, but also efficiency. Large air tankers are not always available to be used in all circumstances. There is also the mistaken belief that as necessary as an aerial firefighting resource is, aircraft actually do not put out fires; firefighters put out fires. It is important that we sometimes moderate these discussions. I have asked many questions about whether there have been any independent reviews of the efficiency of these large aircraft, and any cost–benefit analyses. It appears to me that none of that has been completed. I question the value of moving away from the arrangement that was in place last year to an arrangement this year that will serve the state of Western Australia for 30 days less and at significantly greater cost.

One question that was asked by a government member at estimates was about the \$15.9 million investment in the Emergency WA website. I do not know about other members, but spending nearly \$16 million on a website is a number that I find difficult to compute, pardon the pun. Emergency WA is a very important website, and I will be interested to see how good that new website will be with the significant level of investment that is contained in this budget.

I have insufficient time to canvass many of the other issues in this portfolio. There is certainly a case for greater examination of this department in future estimates committee hearings. Indeed, as I suggested earlier in the course of this debate, this state would be better served, and would be a safer state, if Parliament were of a mind to consider every now and again what this significant investment is delivering for our community, particularly with respect to local government, which plays such an important role in the delivery of emergency management in Western Australia.

Debate adjourned, on motion by **Hon Pierre Yang**.

## PARLIAMENTARY COMMISSIONER AMENDMENT (REPORTABLE CONDUCT) BILL 2021

### *Second Reading*

Resumed from 7 April.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [2.38 pm]: I am hoping that somebody might let the shadow Attorney General know that the Parliamentary Commissioner Amendment (Reportable Conduct) Bill is in the house, because I would hate to deny the Parliament the opportunity to have the sort of fulsome debate on this particular piece of legislation that it deserves. Obviously, we have had a good day in the Parliament thus far with a frank exchange of views —

**Hon Dan Caddy**: I haven't.

**Hon Dr STEVE THOMAS:** I am not sure you had a good day. I think you guys are a bit flat today, to be honest. I expected more, but as it turns out this is a particularly important piece of legislation and I very much look forward to the contribution of the shadow Attorney General, my good friend Hon Nick Goiran, so I will not hold up the house's great anticipation any more.

**HON NICK GOIRAN (South Metropolitan) [2.40 pm]:** I rise as the shadow Minister for Child Protection on behalf of the opposition as we consider the Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021. At the outset, I thank the Leader of the Opposition for assisting the smooth transition of this bill and indicate to members that I was away from the chamber on urgent parliamentary business listening intently to the very interesting decision in the Federal Court on another matter I spoke of earlier this week. I am sure this will attract the attention of members.

**The ACTING PRESIDENT (Hon Peter Foster):** Can I clarify whether you are the lead speaker?

**Hon NICK GOIRAN:** Indeed, I am.

I speedily note that, regrettably, on that matter that had taken my attention on urgent parliamentary business, it appears that the taxpayers of Western Australia will be significantly out of pocket, but we will take that up on another occasion.

In contrast to that matter, we have before us a bill that I am pleased to indicate has the support of the opposition. It is the type of matter that warrants bipartisan support. The bill before us seeks to implement four recommendations from the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse. The four recommendations are 7.9, 7.10, 7.11 and 7.12. Specifically, I note that the royal commission recommended that state and territory governments should establish nationally consistent legislative schemes—reportable conduct schemes based on the approach adopted in New South Wales, which obliged heads of institutions to notify any oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees. As I said, it is indeed the case that the opposition supports not only this bill but the broadening of the scope and net of responsibility around child protection. Our analysis is that this bill will improve our child protection framework, which members will know I have for an extended period of time been indicating needs all the help it can get. It is regrettably, in our own context here in Western Australia, a system that is broken and in much need of not only repair but also support. This cannot be done in a top-down approach; it needs to be done in conjunction with a grassroots approach. I note that the Royal Commission into Institutional Responses to Child Sexual Abuse made a number of findings from the historical sexual abuse cases that it considered, and as a result of those findings developed a number of recommendations. That was both good and appropriate.

As we turn to the bill before us, specifically, the bill will amend the Parliamentary Commissioner Act 1971 to confer this new oversight duty on reportable conduct to the Ombudsman of Western Australia. The scheme will provide for independent oversight by the Ombudsman on how organisations handle allegations of, and convictions for, child abuse. Members will see, if they have an opportunity to consider the bill, that it compels heads of certain institutions, both government and non-government, to notify the commissioner, that is, the Ombudsman, of reportable conduct abuse involving children within their organisation. That might be employees, volunteers or contractors. The purpose of doing this is that the commissioner, being the Ombudsman, can review the findings and undertake investigations of their own. This particular scheme will apply to organisations that exercise what has been described as a high degree of responsibility for children and where there is a heightened risk of child abuse. The organisations that meet those threshold indicators will need to notify the Ombudsman of allegations and convictions of child abuse involving their employees. The bill will also provide mechanisms to minimise duplication of interviews and investigations, and provide for consultation and sharing of information between the Ombudsman and some other investigative-type bodies, for example, the Western Australia Police Force. The Ombudsman can exempt any organisation from an investigation if they are of the view that the matter is being or has been investigated by another appropriate person or body. I note that this point was specifically raised by the opposition in the briefing it had. We were briefed on this bill on Thursday, 27 January this year. The briefing was primarily conducted by the Ombudsman of Western Australia, who, as per usual, was very conscientious and fulsome in his explanation to the opposition on the matters contained in the bill that is before us. I further note at this point that during the briefing, it was the view of the opposition that it would be helpful to have a proper appreciation as to the level of consultation that had occurred on this bill. We were subsequently informed by the Ombudsman, through the channels of government, that indeed there had been consultation with 132 stakeholders on the bill before us. We were notionally told that all the stakeholder feedback that had been provided on the bill was accommodated. That is something I intend to examine a little more when we go into Committee of the Whole House on this bill, but as a preliminary comment I note, firstly, the extensive stakeholder consultation undertaken by the Ombudsman; and, secondly, it was said that all the feedback provided was accommodated.

In due course I will highlight some issues associated with the bill before us, but before doing so it is appropriate that we consider this bill in the overall context of what is happening in our state, as this is a bill that implements the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. For example, the revelations that were made more than five years ago on the prevalence of child sexual abuse in the west Pilbara region, particularly in the Town of Roebourne. Members who were here at that time, and perhaps members who

were not, will be aware that this led to an operation by WA police named Operation Fledermaus. This has been discussed on multiple occasions both in this chamber and the other place. I note that on 11 April 2018, a matter of public interest was raised in the other place and the Minister for Child Protection, who remains the Minister for Child Protection at this time, stated —

I wish that I could say that every child in Roebourne will be protected against sex abuse. I wish I could say that about over 600 000 children in Western Australia, but we need a more sophisticated understanding about child safety. If the royal commission taught us anything, it is to understand that we need laws, systematic response and a deep community buy-in to understand where children are unsafe and how to instil protective behaviours within our everyday life.

Around the time of that operation and the remarks made by the minister in the other place, the opposition uncovered the distressing situation, which I have raised on multiple occasions, of victims of sexual abuse being forced to face their attackers at school every day. Those two matters are linked. In response to those revelations, on 27 November 2018 the Leader of the House—I note that the minister is away on urgent parliamentary business—in her capacity as minister representing the Minister for Child Protection said —

In any community, it is difficult to be able to ensure that offenders and victims never come into contact with each other. The important response is to create safety by developing trust, increasing the networks around the child and protective behaviours education.

What we have there is two senior ministers in the same calendar year heavily underscoring the importance of protective behaviours education. As will become clear in a moment, I do not quibble with either of those senior ministers when they highlight the importance of instilling protective behaviours in our children and, in particular, students at school. For reasons that will become obvious in a moment, the question becomes: is that actually happening in our schools in Western Australia? It is one thing for governments and senior ministers to mention this aspiration; it is another thing for it to be delivered.

On the following day, 28 November 2018, the same point was reiterated by the Leader of the House representing the Minister for Child Protection in response to my question without notice 1242. She stated —

In any community, it is difficult to ensure that offenders and victims never come into contact with each other. The primary response is to create safety by maintaining engagement and developing trust, increasing the networks around the child and through the provision of protective behaviours education.

This was repeated on 20 February the following year when, in response to my question without notice 66, the Leader of the House stated —

The important response is to create safety by developing trust, increasing the networks around the child and protective behaviours education.

We were further reassured on this point on 11 June 2019 when the Leader of the House in her capacity as Minister for Education and Training answered question without notice 2118 from Hon Alison Xamon, the former Greens member of this place. She stated —

In addition, schools deliver protective behaviours and respectful relationships education.

Once again, on 3 December 2019, the Leader of the House representing the Minister for Child Protection responded to my question on notice 2647 as follows —

The Department of Education provides funding for the delivery of face-to-face protective behaviours professional learning for school staff. The decision to access this professional learning is made at the school level. Principals also have the option to request a workshop for the parents of their students to assist them to support the protective behaviours education being provided by the school.

Those are six examples of either the Minister for Child Protection or the Leader of the House in her capacities as Minister for Education and Training and minister representing the Minister for Child Protection reiterating and repeating the importance of the delivery of protective behaviours education. This has also drawn the support of other honourable members in this place. On 27 May 2021, Hon Dr Sally Talbot stated —

What transpired from that visit was not just the Blaxell inquiry, but one of Blaxell's recommendations was that we should begin to teach protective behaviours in every Western Australian school. That is now the case. Protective behaviours is now on the curriculum.

Again, I do not quibble with the honourable member quoting that. In fact, the honourable member has my support because what she said is quite true: protective behaviours is now on the curriculum. We are of one mind on that point. The issue, once again, is: is it happening? It is one thing for protective behaviours education to be on the curriculum, but is it being delivered in the fashion that has been promised?

Further to that, on 15 December 2021, I raised this matter once again with the Minister for Education and Training in question without notice 1202. My question was —

In the current calendar year, how many schools have delivered the protective behaviours program?

The response was —

All public schools are required to implement protective behaviours education.

We can see that we are getting to the heart of this matter. Although there is bipartisan support for protective behaviours education, bipartisan aspiration for that education to be delivered, and bipartisan recognition that protective behaviours education is in the Western Australia curriculum, when the opposition asks the government the next reasonable question that follows on from that—whether it is being delivered, and specifically, how many schools have delivered the protective behaviours program—it is telling that the Minister for Education and Training’s response on 15 December last year was —

All public schools are required to implement protective behaviours education.

We know that; that is our bipartisan aspiration—that all public schools implement protective behaviours education—but are they doing so, and how many have done it? It is really an evasive non-response to that question.

This was reiterated on 23 February 2022 when I followed up on the matter and asked —

Is the Department of Education’s protective behaviours program being implemented across K–12 year groups in every public school?

The response was —

All public schools are required to provide protective behaviours education to all year levels.

The point has been missed either accidentally or on purpose by the Minister for Education and Training when the opposition has once again asked whether it is being implemented. The response is simply that it is required to be done. This calls into question whether the government has satisfied itself in its own mind that this is indeed occurring or not. I note that the Standing Committee on Estimates and Financial Operations had the opportunity to have an annual report hearing with the Department of Education on 31 March this year. The pertinent point in the *Department of Education: Annual report 2020–21* is found on page 24, where it states —

For the 2020 school year, 100% of schools indicated that protective behaviours education was being fully implemented. Schools will continue to be supported to ensure full implementation during 2021 and beyond.

On the surface, one might be satisfied by taking comfort in the fact that 100 per cent of schools have indicated that the protective behaviours education was being fully implemented. One would say that that indeed sounds wonderful. The government and the opposition share an aspiration with this matter, and then we have the government’s report indicating that it has been fully implemented. The question remains: is it true? That was the subject of some examination in the annual report hearing on 31 March. On 31 March I extensively questioned the Minister for Education and Training and her staff on this matter. I might say that essentially, in summary, I did not take the matter any further because what became apparent is that the government is not really sure or cannot really be said to be satisfied that this is actually occurring. Briefly, by way of further explanation, I asked on 31 March in this annual report hearing —

Well, before the director general adds to that, can I just ask about the kindergarten program, which is the one that I am interested in, because we are all clear now that it begins in kindergarten—through the health curriculum? What is provided to those students? Is that a program or a document that is capable of being tabled?

The response from the Minister for Education and Training was —

No. We can give you descriptors of the curriculum, but each school will deliver that curriculum in the way that they deliver the curriculum in their school.

A little later I asked —

It does not exist. Yes; that is fine. Minister, how do we then know that every kindergarten student is receiving protective behaviours education?

**Hon SUE ELLERY:** Because schools have to report and because schools are required to implement the curriculum. What we do not mandate is how they deliver the curriculum.

I pause there to note that that is true in the sense that the government does not mandate how schools might deliver the curriculum. Again, this is the point. On what basis is the government able to satisfy its mind that every school, every kindergarten class, every year 3 and year 7 class is indeed implementing the protective behaviours education program or curriculum, however they might be doing it? Further in that session, I pursued this a little further by saying —

I am just wanting to get an assurance that there is some data, or some audit has been undertaken, that gives the department sufficient confidence to say that 100 per cent of schools indicated that protective behaviours education was being fully implemented.

The Deputy President might recall this was an annual report hearing and earlier this afternoon I quoted an extract from page 24 of the relevant annual report that specifically declared or asserted that 100 per cent of schools had indicated that this protective behaviours education was being fully implemented, yet, as is apparent from the

ongoing transcript of this particular matter, it becomes clear that there is no basis for having that level of satisfaction. Later in the hearing, I asked about the reviews that had been conducted in schools. It was said, in accordance with that annual report, to be some 217 public school reviews that had been undertaken. The minister indicated that this was a quality assurance exercise. I asked —

So with the school reviews—the 217—would part of that be an assessment as to whether a school is undertaking or implementing the Protective Behaviours education?

**Hon SUE ELLERY:** It would be around the curriculum. I can get the director general to set out the things that a school review—it is a formalised process, the things that are set out.

**Hon NICK GOIRAN:** I do not want to know all the bells and whistles about school reviews; I just want to know whether a school review is going to be specifically looking at Protective Behaviours education.

**Hon SUE ELLERY:** Well, I can answer that question now. No, it will not be specifically looking at that. It will be looking at a range of things, and Protective Behaviours goes to the culture of the school, it goes to the curriculum, it goes to seeking feedback from the school board, the parent group et cetera, and they may pick up that there are issues around Protective Behaviours.

I then further responded by saying —

... I appreciate that the school review is going to be broad and is not a review specifically to do with Protective Behaviours.

I followed on later in that session by asking —

It is definitely not something on their, for example, reviewer's checklist. They do not go into a school and say, "How are we going with Protective Behaviours?"

**Hon SUE ELLERY:** No, they do not.

**Hon NICK GOIRAN:** Right. Might be an idea, because it might then support this notion that 100 per cent of schools are fully implementing Protective Behaviours if someone is actually checking.

That is ultimately the point. It is no good us having this bipartisan shared aspiration that protective behaviours education is being delivered at all year levels in all schools if nobody is checking. To simply just leave it as a survey that might be provided is inadequate. Some type of audit needs to be conducted to ensure that what we are wanting is actually happening, rather than this self-reporting, self-checking system that appears to be in place.

*A Safer WA for children and young people: 2020 progress report* refers to the national strategy. This is the progress report by our government in Western Australia about its progress in implementing the royal commission's recommendations. Recommendation 6.2, paragraph (b) of the royal commission states —

prevention education delivered through preschool, school and other community institutional settings that aims to increase children's knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. The education should be integrated into existing school curricula and link with related areas such as respectful relationships education and sexuality education. It should be mandatory for all preschools and schools.

I note that, in contrast to the Department of Education, it appears that the Department of Justice is able to quantify and qualify its delivery. The same cannot be said about the Department of Education. On 15 December 2021, I posed the question —

What are the names of the current programs, endorsed by the department, that are delivering a protective behaviours preventive curriculum to schoolchildren?

The Minister for Education and Training responded —

The Department of Education provides its own protective behaviours education program for schools.

It appears that every time we ask a question about this matter we either get the response that there is a requirement for these things to be done or we get, what is in effect, a non-answer or a non-response. When we ask for the names of the current programs that are endorsed by the department, we are told that the Department of Education provides its own protective behaviours education program for schools. One might think that program that the Department of Education, by its own word, provides to schools could be named, but that is not the case. In fact, when I asked about the so-called program in the annual report hearings on 31 March 2022, one of the minister's staff, Ms Rodgers said —

Thank you, minister. You are right. Protective Behaviours education is mandated in the curriculum, so schools are required to deliver that. It is a curriculum, not a plug-and-play program. It is not a kind of unique specific program that is delivered to every child through every teacher.

That seems to fly in the face of the response provided by the minister on 15 December 2021, some three months earlier, when she said —

The Department of Education provides its own protective behaviours education program for schools.

I have concerns that this is a missed opportunity to safeguard our children and teach them the schools that may protect them from abuse, particularly when one considers the deep traumatic impact that even one incident or one instance of child sexual abuse can have, for many decades. I do not want to be satisfied and I do not intend to be satisfied by a response from the government, no matter who provides it, that simply reiterates the line that this is a requirement. The requirement is acknowledged, conceded and supported by the opposition, but we want more than the mere requirement; we want delivery on the requirement. We want to be satisfied that the protective behaviours program is being implemented in every classroom in Western Australia. At this point in time, the minister and the government have not provided that information to the satisfaction of the opposition and I invite them to take the opportunity that this particular bill provides, or some other mechanism available through the house, to provide that information.

With those contextual remarks made, I return to the particular provisions or issues associated with the bill that is before us. As I say, this bill has 27 clauses. There are seven issues that I want to bring to the government's attention and I welcome a response from the minister, who is away on urgent parliamentary business. I understand the government intends to adjourn this debate until the next sitting of the house, at which time the minister responsible for this particular bill will have had the opportunity to consider these matters and provide a reply on behalf of the government. That being so, I encourage a fulsome response to these particular issues.

The seven issues that the opposition has identified in the bill that is currently before us are as follows. The first is the issue of resourcing. This was raised with the Ombudsman at the briefing that we received on 27 January because there is going to be a significant extra workload imposed upon the Ombudsman's office by virtue of the bill that is before us. As I recall, the government intends to bring in a requirement for groups to be added in different time frames. That is, perhaps, something that can be conveniently explored when we consider, for example, clause 2 in the bill before us. From that briefing, my recollection is that the government indicated that certain groups would be captured by the legislation earlier than others. That is a point worth noting because it demonstrates that there will be a substantial workload on the part of the Ombudsman. When the opposition queried the level of resourcing, it was, at one level, pleasing to hear from the Ombudsman that he was satisfied with the appropriated amount for resourcing in the budget. Nevertheless, it is our view—we intend to look at this a little more closely when we examine the various provisions of the bill—that the resourcing concerns need to be assessed given the extra work required for the Ombudsman's office.

The second issue that was raised or that we have identified is about training. It is the view of the opposition that long-term training and resourcing for organisations will be needed beyond the initial funding and training and it would be pleasing to hear what the government plans for the training and resourcing of organisations. It would help if that could be put into some kind of framework that includes some time lines and expectations for when the training resourcing will be undertaken.

The third issue that has been identified is what we would probably describe as an unrealistic time frame. By way of explanation there, I draw the minister's attention specifically to proposed section 19U(2)(i). That particular provision of the bill, which is found in clause 7, requires the head of a relevant entity to advise the commissioner—that is the Ombudsman—in writing, on how they intend to proceed with the matter, within seven working days of being notified of the reportable allegation or conviction. The observation we have made about this is that this time frame of seven working days will make it difficult for an entity to obtain industrial and/or legal advice. Although it is conceded that it is the intention of the government that not all organisations are captured by this particular scheme—it is intended to capture those organisations that exercise a high degree of responsibility for children and within which there is a heightened risk of child abuse—those threshold levels are not indicative of the structures and supports that might assist an organisation in fulfilling its responsibilities. An organisation might be small and yet exercise a high degree of responsibility for children and be operating in circumstances of a heightened risk of child abuse. Under this proposed section, that organisation would need to comply within seven working days. The question becomes: to what extent will that be reasonable for an entity if it needs to obtain industrial and/or legal advice? We would welcome a response from the government on this issue, perhaps an indication of the basis upon which seven working days was considered to be a reasonable time frame, and whether any of the stakeholders—remembering that some 132 stakeholders have already been consulted on this bill—have raised any issues about this particular clause of the bill.

The fourth issue associated with this legislation is the definition of an investigator. To understand this, one must turn to clause 5 of the bill, which seeks to amend section 4 of the Parliamentary Commissioner Act 1971. Indeed, clause 5 of the bill deals with the insertion of certain definitions in alphabetical order and gives the new or amended definition of an investigator. The definition of "investigator" is going to be broad, and specifically I note that it will read —

*investigator*, conducting an investigation under Part III Division 3B, means a person or body conducting the investigation under that Division on behalf of the head of a relevant entity for the purposes of the reportable conduct scheme;

It seems to me that there will be many CEOs who lack the expertise and capacity to investigate allegations or convictions of child abuse involving an employee adequately and appropriately. A person might be an effective and efficient chief executive officer, but that does not in and of itself make them an effective investigator, least of all having any expertise or experience in that respect.

I note that proposed section 19W(1)(a)(ii) provides that an employee of a relevant entity may investigate the reportable allegation or conviction and proposed subparagraph (iii) permits the engagement of an external investigator. The question that we would like the government to answer is: what does it intend will be the level of skill and qualification required by an employee to undertake one of these investigations, given the potential nature of the allegations? Although it is again acknowledged that there is provision for the engagement of an external investigator, that, of course, will come at some cost. One can very quickly see how a CEO might make the decision for fiscal reasons to entrust an employee to undertake the investigation rather than engage an external investigator. If it is going to be the case that it will be done in-house for the sake of potentially saving money, is there an expectation by government or—indeed, perhaps the best person to respond to this is, in fact, the Ombudsman—an intention by the Ombudsman to set out any guidelines for organisations? If they choose not to use an external investigator and instead intend to use one of their own employees, is it expected that that employee will have this level of experience, expertise or education when it comes to undertaking these sensitive investigations into child abuse?

The fifth issue that the opposition has identified in the bill before us is one that I would ask the government to give serious consideration to and to consider amending the legislation. During the short break that we will have over the next few days before the next opportunity to consider this bill, I ask the government to turn its mind to clause 7 of the bill. I raise this now in the spirit of hoping to expedite this part of the debate when we get to it, hopefully next week.

Clause 7 of the bill will insert a large number of sections in the form of part III, division 3B. It is, if you like, the primary division that will insert the reportable conduct scheme into the Ombudsman's legislation. But the particular proposed section that I draw the government's attention to is 19ZH(3), which deals with the disclosure of information and specifically the disclosure of information to a child, parent, guardian or other person with parental responsibility. Members will see that this proposed section begins at page 37 and carries over to page 38, but it is the existence of proposed subsection (3)(b) and (c) that causes some query or concern. Members will see there that when one considers the whole of proposed section 19ZH, the commissioner or the head of a relevant entity are permitted under proposed subsection (1) to disclose information to the child who is the subject of the reportable conviction or reportable allegation, or to a parent or guardian of the child who is the subject of this matter. They may disclose that information. They do not have to, but they may. This gives the Ombudsman or the head of the relevant entity the power—the authorisation of Parliament under force of law in Western Australia—to have the discretion to disclose that information. However, later in this section, proposed subsection (3)(b) indicates that the commissioner or the head of the entity must not disclose information if the disclosure would be to a parent, guardian or other person, and the commissioner or the head of the relevant entity is satisfied that the child has sufficient maturity and understanding to consent to the disclosure and the child does not consent to the disclosure. I ask the government and the Ombudsman to give consideration to this.

In proposed section 19ZH, there is a distinction between the Ombudsman or the head of an entity being expressly given the discretionary power to disclose information to a parent on the one hand and then, on the other hand, saying that they must not disclose that information if they are of the view that the child essentially has capacity, or what is described in the bill as a child who has sufficient maturity and understanding to consent to the disclosure and they do not consent to it. It does not take much to understand why that provision might exist. Despite the goodwill and meaning that is no doubt attached and behind this provision, we might be creating a problem. Might it have been drafted without a complete understanding of the trauma that is experienced by a child in this particular instance? As easy as it is to understand why this provision might be in place, it should not be too difficult to think of a situation in which the provision is not meeting the intended goal. If a victim of child sexual abuse does not want to have that information disclosed to a parent, it may be because they have some misconceived concerns rather than some well-held concerns. Rather than having a situation in which the Ombudsman is forced not to provide the information to the parent, who may well be best placed to journey alongside their child at that time, it seems to me that it would be far preferable to leave it at the discretion of the Ombudsman rather than forcing the Ombudsman into a situation in which he must not disclose that information. I ask the government to give that some serious consideration.

It does not appear to me that the bill and this entire proposed section would lose anything if paragraphs (b) and (c) were deleted. The commissioner would still have the discretion to disclose the information, but, importantly, the commissioner would be restrained in the exercise of that discretion by proposed subsection (3)(a)(i), which indicates that the commissioner must not disclose that information if the disclosure would put the wellbeing of the child or the safety of any other person at risk. That seems to me to be the overarching consideration, and quite appropriately so, in the exercise of the discretion that has been provided in paragraph (i). I think it is a hindrance to then include proposed subsection (3)(b). I ask the government to give due consideration to the possibility of deleting proposed section 19ZH(3)(b). With respect to proposed subsection (3)(c), if the government is unable to indicate those circumstances that it intends to prescribe by regulations, I would ask it to delete that provision. It does not seem to be appropriate to leave a restriction on the Ombudsman's use of the discretionary power to disclose information to regulation. That is something that should be in the primary legislation. If it has simply been included as a catch-all, this is one of those circumstances in which a catch-all is not appropriate.

The sixth matter that I draw to the government's attention on behalf of the opposition is what can be described as the protection for whistleblowers. In particular, I ask the government to consider proposed section 19T(2)(b) and to consider what protection is being offered to a person who makes a report to the Ombudsman about a head of an entity under that provision. I would welcome a response to that question either in reply or, alternatively, when we head to that particular provision of the bill that I previously identified commences at clause 7.

The seventh issue that has been identified in the bill before us is what can be described as a protection for the entity. We simply ask: What protections are in place to protect the entity from industrial or legal claims from the employee who is being reported in circumstances in which that report is a mandatory report pursuant to this legislation? Is the entity adequately protected from any claims by virtue of the report that is being made, given that it will almost always be a report that has not yet been substantiated—it is subject to investigation?

In conclusion, I indicate again that this is the type of bill that the opposition believes warrants bipartisan support. We will be giving that bipartisan support. For the reasons that I indicated earlier, this matter will still require close scrutiny. It is important that we have what I would describe as truth in legislating—that is, to ensure that what the government says is going to be done in a piece of legislation is actually being done. That will necessitate the asking of a number of questions in Committee of the Whole House as we consider this 27-clause bill, with the large bulk of those questions to be addressed at clause 7 when we deal with the reportable conduct scheme.

I thank the government for giving the opposition advanced notice of its intention that the debate on this particular matter will be adjourned subject to any further speeches that might be made on the second reading today so that the minister who is away on urgent parliamentary business, in this case the Leader of the House, who is representing the Minister for Child Protection, will have the opportunity to return to the chamber next week, consider the comments made by the opposition and other members and then provide a comprehensive reply to the second reading before we then embark upon the important task of considering each of the clauses in the bill. With those remarks, I indicate that the opposition will be supporting the second reading.

Debate adjourned, on motion by **Hon Pierre Yang**.

## CONSERVATION AND LAND MANAGEMENT BILL 2021

### *Second Reading*

Resumed from 24 June 2021.

**HON TJORN SIBMA (North Metropolitan)** [3.37 pm]: Upon being notified, through the customary manner, that this bill would be brought on for debate this week, I ran to my filing cabinet and tried to blow the dust off the file just to remind myself of the origins of this legislation, its intent and its likely practical implications. For the benefit of those in the chamber, an original version of this bill, which the opposition is in no way opposed to but stands ready to scrutinise in the appropriate way, passed the Legislative Assembly in November 2020 prior to the prorogation of Parliament—an exceedingly early initiation of that particular instrument, it must be said—to be effectively then reintroduced on the composition of the Parliament elected following the 2021 election in the middle part of last year.

The only substantial change between the bill that we are discussing now and the version of the bill that was agreed to in the other place in November 2020 is the time stamp on the bill. The long title and the short title have changed to reflect the fact that this is the not 2020 version of the bill, but the 2021 version of the bill. It must be said because with some degree of inevitability we will get to the remaining sitting weeks of this year and there will be discussions behind the chair about government legislative priorities. If I recall correctly, strangely, this one was not elevated to the top 10 of that list when we were discussing these matters around October and November last year. I found that particularly curious because the opposition had no entrenched opposition to the bill, and the issues as they appeared in the bill in the main were well ventilated and understood even if the implications of the legislation were still murky.

This bill has effectively been adjourned or marooned at the second reading stage for 14 months or around 400 days. It is with some measure of satisfaction that the circle of life as it relates to legislation is coming around the full arc of the compass. Why is this lethargy in legislation particularly interesting? It is because the government was quite clear about its election priorities insofar as they related to the management or the expansion of the conservation estate in its broadest possible way and its laudable intent to protect the rights of traditional owners. I quote from an election commitment given at an earlier election —

At its heart, A McGowan Labor Government will protect the rights of Traditional Owners to their land and sea Country. We will recognise rights through improved consultation, recognition of indigenous leadership in land management, supporting participation in economic activities on Country, and the joint vesting of marine parks.

This is what this bill is about. It is about the joint vesting of marine parks. This is to be read obviously in conjunction with the policy position that I think has been a longstanding disposition of the government to expand the conservation estate by around an order of five million hectares. Effectively, in this bill we have the operationalisation, if not the implementation, of those twin policy objectives, and in no way do we dissociate ourselves from the good intent behind those policy implications. But what is curious is that it has taken 14 months since this was second read into

this place to deal with the bill. I find it extraordinary. What is an impact of that? One potential impact is that issues that have been settled throughout the consultation of this bill with likely to be affected user groups in the marine environment may not be as settled now as they previously were. Perhaps there is not that degree of understanding or comprehension about the implications of this legislation among groups such as the commercial fishing groups, because consultation on this bill effectively ceased nearly two years ago.

Without embarrassing anybody, I was in an uncomfortable position recently when I advised a significant representative group that this bill would be brought on for debate today. I thought it would be a customary courtesy for either the staff or the ministers, particularly insofar as the Minister for Environment; Climate Action or the Minister for Fisheries are concerned, to go back to the industry groups that are likely to be affected by the implications of this bill as they relate to the construction of marine parks, both in the Buccaneer Archipelago and then later through the Southern Ocean, and tell them that this bill was on for debate. They could have asked whether they had any issues. I just find that an extraordinary oversight of consultation. I will leave it there.

I will get on to the matter of the desirability of joint vesting. I think it is a very sound principle. I will just remind members in this chamber that it was the Barnett government that initiated the concept of joint vesting of the conservation of aspects, of parts and parcels, of the conservation estate, especially the terrestrial reserves with Aboriginal body corporates. That was done by way of a 2015 or 2016 amendment to the Conservation and Land Management Act, which is effectively what this bill seeks to do. That was done under the stewardship of Hon Albert Jacob, who was then Minister for Environment and whom, incidentally, I just bumped into in the hall about half an hour ago.

**Hon Alannah MacTiernan:** Is he coming back to the Liberal Party?

**Hon TJORN SIBMA:** Who knows? We have lots of openings. We are hiring, minister.

**Hon Alannah MacTiernan:** You have certainly lots of vacancies.

**Hon TJORN SIBMA:** I think we might be luckier filling some of our gaps than the government is filling labour shortages in the delivery of its housing program, for example. I am more optimistic on that score.

This is a very sound and noble principle, but it must work properly. The actual legislation must work. It must be applicable. There is an obvious challenge here not so much with the legislation but there is a change to the object of the legislation, which I will get to later. I will hearken back to previous Parliaments. I propose that in the last composition of this chamber, in which a greater degree of political plurality was represented, legislation was better stress tested, that assertions and claims were tested and scrutinised more appropriately through both the committee process and the process of referring bills to the Standing Committee on Legislation. If this bill had come up for debate in this chamber in the previous Parliament, I know that if I were the handling shadow minister, I would have recommended and moved that the bill be referred to the Standing Committee on Legislation for a short time. There are obvious issues insofar as property rights, fishing licences and extant commercial operations that are lawful and presently viable, which will be made not so much illegal but unlawful or inappropriate, incommensurate with the objects of the marine park plans. There will be businesses today that are viable that will not be viable or will be less viable, potentially, on the passage of the bill. I thought an issue as significant as that might be worthwhile of the attention of a Standing Committee on Legislation.

For all my many flaws and many sins that people here will remind me about ad nauseam, and I have plenty of them, I try not to be unrealistic.

**Hon Dr Steve Thomas** interjected.

**Hon TJORN SIBMA:** Do not divide on that!

I do attempt to be pragmatic. If I could be so bold to suggest and put on the supplementary notice paper or move as an adjunct before the termination of this second reading address that this bill be referred to that committee, I know exactly what will happen. It will not go there.

The minister representing has told me that he has an obligation and cannot be in the chamber for this segment. Perhaps at the adjournment of the house tonight, the minister representing could speak to his successor who now occupies the space that he once held as Minister for Environment and say, “You know what, Hon Reece Whitby, perhaps there is something in this. Perhaps we might want to forestall the potential for legal action or damages claims. That might help us better construct a compensation package or the like. Therefore, perhaps it would not be such a bad idea if I moved a motion that we refer this legislation to the legislation committee ourselves for its view and report.” This government is a pragmatic government. I was told earlier this morning that it listens. Perhaps if sensible amendments came out of that process, it would adopt them. You know what? I would probably support them. We would probably think that was sensible. But we know that is not going to happen.

What does this mean in a practical sense for the mechanics of dealing with legislation and regulation in this place? All that means is that we will spend a lot more time at that committee table, and the poor long-suffering excellent Minister for Emergency Services, who will be representing the Minister for Environment, will have to answer question after question, clause by clause, and we will not be doing that for our health.

There are some interesting dimensions to this bill. One of the interesting dimensions is that it effectively seeks to broaden not only the conservation purpose under the Conservation and Land Management Amendment Act, but also the extant and longstanding purpose of marine parks generally. There are three criteria, objects or purposes by which a marine park is established. Marine parks used to be managed by the former Conservation and Land Management Authority and are now managed by the Department of Biodiversity, Conservation and Attractions. The three dimensions were the proper conservation of the natural environment; the protection of flora and fauna; and the preservation of archaeological, historic or scientific interests. That is how we had done it in the past. There will now be a new addition, which I think is there to satisfy the government's other policy commitment to protect the rights of traditional owners, and that is the protection and conservation of the value of marine parks to the culture and heritage of Aboriginal people.

There are two ways of looking at that. One is to say that is fine. Another way is to concentrate on the obvious cumbersome pros. It is not there necessarily to protect Aboriginal culture and heritage, which I think is what the government is attempting to do. There is a cumbersome invocation to include "the protection and conservation of the value of marine parks to the culture and heritage of Aboriginal people". Good legislation is clear legislation. A fundamental legal principle is that we attempt, insofar as possible, to mitigate opportunities for misinterpretation or widely divergent interpretations of a piece of law. I suppose this is an early indication that at the committee stage, I will be seeking a rationalisation or an explanation of that phrase. I think this is a far more complicated phrase than what I am suggesting. If the government were to adopt the very simple-minded proposition that I have just put, please advise me what the problems would be, in a serious way.

The reason I find that phrase a bit worrying is how would we potentially be able to mediate differences of value and differences of importance held by adjacent traditional owner groups within the boundary of the same park? For example, in Recherche Archipelago—I hope I have pronounced that correctly; close enough—there are four adjacent groups. In the interpretation of this bill, are we assuming that each of those groups values that marine park and values its contribution to the preservation of their culture and heritage in the same way as their neighbouring groups? That is a genuine question. I do not know enough about the individual groups, their custom and lore, and their heritage and what they value, to make a determination, but I assume, being a generalised student of human history and interaction, that the people we dislike the most are our neighbours, and that competing claims or values might be applied to similar territory. I am seeking to understand how the government might navigate that process. That process potentially is more problematic because of the introduction of that cumbersome, in my humble opinion, phrase.

Although the boundaries of the marine parks in Buccaneer Archipelago have pretty much been drawn, gazettal has not been enacted, and I do not think it will be enacted for 12 months. Therefore, it will also be interesting to know what we are specifically attempting to preserve for future generations. I think we will get to that in the committee stage when we talk about the inevitable operationalisation of this bill.

I turn now to a matter to which I think I made passing reference in the debate on the Aboriginal Cultural Heritage Bill, which was very ably managed at the end of last year by the Minister for Emergency Services. This is probably another reason that would speak to the wisdom of referring this bill to the legislation committee. I note that at that time, we genuinely asked: Is this an appropriate area to be dealt with under this particular bill? Are we potentially duplicating the intent and objects in the Aboriginal Cultural Heritage Bill? Are we creating some policy divergence and potential legislative divergence between the two, or is there not even daylight between the two? We need a serious assessment of that matter at the very least.

I had the opportunity to speak to what I thought was the very good motion moved earlier today by Hon Lorna Harper in private members' business. I want to talk about the management generally of the conservation estate by the state government, particularly through its principal agency, the Department of Biodiversity, Conservation and Attractions. Forgive me as I am putting my file together while I extemporise. The overall conservation estate in Western Australia is enormously large.

For the benefit of members, I want to read part of an answer that I received from Hon Stephen Dawson in a representative capacity almost a year ago, on Tuesday, 10 August 2021, when I thought we might be approaching the event horizon of debating this bill. That did not happen—it was a year early. I asked what was the current size of the conservation state by individual category. It might interest members to know that as at 30 June last year, there was almost 6.5 million hectares of national parks, 1.2 million hectares of conservation parks, and about 10 million hectares of nature reserves. Of interest here is that nearly 4.4 million hectares of marine parks, 132 000 hectares of marine nature reserves and 143 000-odd hectares of marine management areas, as well as some other spot areas, are under management. The cumulative total is around 20 million hectares of terrestrial and marine estate in Western Australia under management. I do not have a view whether that is good or bad necessarily, but my keen interest has been the degree to which those estates have been capably and properly managed. This is not a partisan political point; it gets down to the way departments are structured, funded and operated and the key performance indicators they work to. I am sensible enough and have been around enough governments, state and federal, for long enough to know that the ship of state, the bureaucracy, is difficult to turn around and certain structures and foundational tenets are set in stone and that sometimes things get confused with amalgamations and the like. But it is a fair question

for any fair-minded person in this state to ask who is concerned about environmental management: how well managed is that conservation estate? I am not in a position to declare one way or the other, but I acknowledge the absolute paucity of information.

I mentioned in an earlier debate my concern that there is no transparency about dollars to the principal services and the ecological value obtained—not in any structured or substantive sense. This might be a useful prompt to reconceptualise what we expect is appropriate terrestrial and marine management. These issues are germane to the fact that if the government is going to jointly vest and invent new government structures, it be very clear about what it is attempting to achieve, not only in the instrumental management of an individual marine park and its associated areas, but also more broadly and more strategically. I am sure there are good people in the department who have a view, but they are obliged to report in this very uninformative way through annual reports and budgets. I do not know the answer to that, but as much as it is legitimate for the government to move to expand the estate, because it has an election mandate to do it, as a custodian of land and sea country, I want to know that overall the government is doing a better job and this bill will achieve a better ecological outcome than the evidence, or the lack thereof, suggests. There has never been an ecologically or environmentally based justification for this bill. That is not in the bill. This bill will create a new set of management structures to legitimise and contemporise arrangements for the management of new marine parks, but it speaks nothing about how this marine estate will be properly managed. That is a shame.

I will use this occasion to raise an issue I have raised previously. I will be as nonpartisan as I can be, I hope, although it will be used by incoming governments. I reflect on what the new federal minister has done. In a political way, she tipped a bucket over the previous government's environmental management, but she used a *State of the Environment* report to do so. It would be in Western Australia's long-term interests if we resurrected an apolitical, impartial scientific-based assessment of the state of the environment in Western Australia. It used to be the case until 2013–14. It has not been resurrected so, to be frank, both sides are equally culpable in not disclosing this information. It would be useful for industry and the community at large to establish a baseline upon which we work and a framework by which decisions are made as we progress into the future. I mention this only to acknowledge information that has been received through the estimates process by questions prior to the hearings. In the 2021–22 financial year, across the state, 217 species and 20 ecological communities were considered critically endangered; 198 species and 17 ecological communities were considered endangered; 263 species and 28 ecological communities were considered vulnerable, for a sum total of 678 threatened species and 65 threatened ecological communities. A very basic question of mine is: how are we to expect the passage of this bill to turn around that dire set of statistics? That is a policy question. I must say as well that the concept of establishing marine parks is a very sound one. It is one that the previous state Liberal government did quite proudly, but we also need to prove ourselves to be capable administrators of this estate.

Now, to the more detailed dimensions of this bill. There are obvious implications about the passage of this bill. One of them is a consequence of this new object and will be within the contours or the context of new marine parks to establish new special purpose zones, therefore, the preservation of Aboriginal culture and heritage. If I recall this, because it was a long time ago, there was an implication at the briefing we received from officials at the time this bill was originally introduced, and in discussions hence and answers to questions I put over the last 14 months or so, that this construct—the development of this new zone that will effectively be given a head of power under this bill—will potentially cause some conflict with existing users of the marine estate. Who are those users? They are commercial fishers, charter boat operators, potentially even recreational users. This bill will have a potential impact on existing, lawful, well-entrenched businesses, some multigenerational. I asked a series of questions and I will reflect on the two or three that are perhaps most relevant to this matter. I asked, effectively, about the process of determining the bona fides of these new zones. In a question I asked on 2 June last year, among other things, I referred to the minister's confirmation of advice relating to the indicative joint management plans, which we will get to later, citing existing activities in proposed special purpose zones for cultural protection being culturally incompatible with the protection and conservation of marine parks to the culture and heritage of Aboriginal people. I asked what information—for example, peer-reviewed archaeological or ethnographic studies and the like—was used to determine those zones, and whether those zones were, in and of themselves, compatible or incompatible with the existing activities undertaken. I asked a similar question about the compatibility test, in a variety of ways. For argument's sake, why would a commercial fishing activity that has been going on for 50 or 60 years in a particular part of the ocean be, upon the passage of this bill and the creation of these new plans and the creation of these new zones, incompatible with a lawful commercial activity that has existed for some time previously? I received an answer that was not necessarily helpful, I must say. There seems to be the potential for one set of operators to effectively be displaced from their commercial activities in a particular zone, within a particular park, by a new category of operator coming in and potentially conducting commercial activities in the same space, if they can demonstrate that their activities are compatible with the very cumbersome object I referred to previously to a degree that the previous operator was not.

I also asked whether any consideration had been given to potentially grandfathering—I know that is a paternalistic term—existing operations from being deemed incompatible, or whether there was the potential for joint use of the

same zone. We might reflect upon the fact that perhaps there is a legitimate lawful claim—in fact, it is more than “perhaps”; there is a legitimate lawful claim. The tenor of the response I got back was, effectively, no: there would be a determination made that your fishing charter business is incompatible with operations in this zone.

Not being au fait with the fishing industry, I thought, perhaps naively, that there would be another part of the ocean that they could just move out onto, but I am not sure that that is actually the case because I think the government has recognised that there will be a series of compensation claims lodged by existing commercial operators. I drew that conclusion after reading a remark in a joint media release of 31 July by four government ministers—the Premier, the Minister for Environment, the Minister for Aboriginal Affairs and the Minister for Fisheries—titled “Three new marine parks in the Buccaneer Archipelago”. It states —

“The McGowan Government is committed to supporting commercial and recreational fishers in the Kimberley, including fishing tourism operators.

“A sector support package will be developed with the community and the fishing sector to ensure the continuation of sustainable fisheries, high quality fishing experiences and support for local industries.”

Recent policy decisions by this government make me particularly alarmed when I see the phrases “sector support package” and “transition package”. This seems to be very different from a compensation action that would be done under one of the fisheries-related acts. There is a special, specific mechanism that one can apply for. I will ask during question time today whether that process has started and who will be consulted. I am very interested to drive into the issues of incompatible use determinations, recourse to appeal, the provision of natural justice, and how the government proposes to manage competing uses in a confined space. I am also interested to know whether the government’s preference is to effectively shepherd operators through an unknown sector support package, or to direct them to their legislative right to seek compensation through the appropriate act and mechanism. From what I have heard, that is not necessarily an easy process to navigate. It does not provide a guaranteed outcome and I do not know whether different decision points in the business operation and planning cycle will effectively corral people in either one direction or the other. That is just one reason why we do not know what this bill and the utilisation of management plans that this chamber has no oversight of, because they are executive decisions, will actually entail. I am concerned about where this might end up.

There is a broader industry issue. The introduction of new marine parks creates a series of new obligations, regardless of how the zones are going to operate. Later, we will focus on these special zones and what they mean. Let us look at it from the perspective of the viability of commercial fishing in Western Australia. Legitimate concern has been expressed by the industry about what I think it calls “spatial squeeze”. These are operators whose business longevity demands a sustainable business model. I think the best land and sea users in this state are people engaged in productive activity. I think we need to give them some credit. As much as it is the custom of this house to debate either congratulatory or damning motions focused only on our narrow bandwidth, there is an industry in Western Australia that is being sensible and has seen the reasons for investing in sustainable practices and getting the appropriate certifications and the like. Are we making business life more difficult for it? It is the wrong analogy and a mixed metaphor, but I think it is suffering the death of a thousand cuts through the encroachment of these sanctuary zones, potential displacement by great new renewable energy projects, including windmills the size of the Eiffel Tower being placed in fishing zones, and other industry interactions.

In a broad sense, that brings me back full circle to the process of consultation. This is a valuable industry that needs to be supported appropriately. One measure of support for the industry is to demonstrate good faith. Even though we have ventilated issues around the composition of this bill for a long time, there has been a change in personnel. There has obviously been a change in Western Australia’s economy, and there have been responses, both COVID-related and non-COVID-related. I think it is a very difficult time, frankly, for small to medium-sized enterprise, not large capitalised firms, across all sectors in Western Australia to be making investment decisions, to have confidence in the longevity of their own businesses, and to engage in planning when they are surprised that a bill that will directly affect them comes back to Parliament after 14 months of silence. I hope this is not true, but I am getting it from credible sources, so I am going to assume that it is, without embarrassing people by naming names. I will ask this simple question: what consultation on this bill has occurred, even if it has just been a cursory phone call or an email, since the beginning of this year to Recfishwest, the Western Australian Fishing Industry Council, Surfing WA, the Australian Petroleum Production and Exploration Association, the Chamber of Minerals and Energy WA, or any other marine user? I appreciate that perhaps the answer will be, “We’ve been consulting on the composition of these marine parks.” That will lead me into a question about discussions on the composition or construction of this new Southern Ocean marine park, because I would like to know which traditional owner groups have been consulted and which groups have not been consulted to date.

In a way, I attempted to give the minister an assurance that I would not seek to delay the passage of this bill for delay’s sake. I think that frankly many of the issues foreshadowed by me both in this debate and behind the chair are well known, but the appropriate time to consider the implications and what this means is in the committee stage. I might just foreshadow a few other areas so that preparations might be made. It is not an exhaustive list, but a general list.

I am very, very interested in the governance arrangements that will apply to any joint vesting agreement. I would like to know what the single point of accountability will be. I would like to know how assets and liabilities will be managed. I would like to know how potential disputations will be resolved. I am also generally curious to know how the actual management plans and the process will work, which, if I understand this correctly, will have to be co-signed by not only the Minister for Environment and the Minister for Fisheries, but also the Minister for Mining and Petroleum and I would assume the Minister for Aboriginal Affairs, and whether that process was followed in the construction of the three marine parks, identified by way of that media release, in the Buccaneer Archipelago. I might just also mention that one of the purported attributes of this bill is to do some administrative clean-up, such as standardising and simplifying certain procedures and undertaking some red-tape reduction. I am still, hopefully, only a young man, but I have been around long enough to know that all kinds of mischief can be made in sweeping statements given in explanatory memoranda and second reading speeches to that effect, so as we get deeper into the bill I will be interested to know what precisely it is that we are talking about.

My colleagues wish to speak to this bill, but I will conclude by saying this: the joint vesting of conservation estate with traditional owner groups, irrespective of whether it is terrestrially based or marine based, is a very good idea. I am glad that the government has taken it up. The example was set in the terrestrial domain and the government seeks to apply it to the marine estate. We are all practitioners here; it is very easy to campaign in poetry, but we must govern in prose. The detail of the implications of this bill present for us an issue of concern to the degree that existing property rights will be trammelled, determinations will be made without recourse or appeal, and individual operators will be shepherded down a particular avenue of compensation and transition, which, on occasion can be quite unseemly. For that reason, I encourage the government to think about referring this bill to the Standing Committee on Legislation. I look forward to discussing this matter further in the Committee of the Whole House stage.

**HON NEIL THOMSON (Mining and Pastoral)** [4.26 pm]: In the short time I have, I will be following with commentary, but I want to thank Hon Tjorn Sibma for some of the matters he raised on the Conservation and Land Management Amendment Bill 2021. I will posit a position on the timing of this bill that I hope is not the case. I hope we can get a response on this, because it was only a few days ago at the community cabinet in Broome when, with some fanfare, the announcement on the Buccaneer Archipelago was made. There was certainly some dissatisfaction in the community about the amount of notice given to community members who have raised concerns about that. No doubt we will have more time to discuss that as we go forward; I just hope that it was not some sort of tactical decision by the government to leave this bill until after that decision. I hope that is the case. I hope that the government was not trying to avoid a more open and transparent debate around some of the challenges faced in that process, because it has certainly left some considerable concern and fear among those intergenerational community members who have recreational fishing as part of their lifestyle in the wonderful environment that we have.

I will not be completely negative in my comments on this legislation, because the fundamental principle outlined in this bill is sound. As Hon Tjorn Sibma raised, the joint vesting of terrestrial parks was passed under the Barnett government. In fact, I was chief of staff for a short time in 2011–12 under the then Minister for Environment, Hon Bill Marmion, when the drafting of that proposal had commenced. It had taken some time, obviously to 2015, when the final bill was put through. There has been a level of bipartisanship about the principles around joint vesting. The concept of joint management with traditional owners is a sound one, as I said, but the challenge is around the process. I will go into this in more detail when I following up with my further comments. The challenge comes down to the process and the balance of power that exists between bureaucracy and the minister putting them together.

Debate interrupted, pursuant to standing orders.

[Continued on page 3447.]

### QUESTIONS WITHOUT NOTICE

#### INFRASTRUCTURE WESTERN AUSTRALIA — *FOUNDATIONS FOR A STRONGER TOMORROW*

**631. Hon Dr STEVE THOMAS to the Leader of the House representing the Premier:**

I refer to the *Foundations for a Stronger Tomorrow: State Infrastructure Strategy* tabled in the Legislative Council on 9 August 2022 and to the Premier's second reading speech on the bill to form Infrastructure Western Australia of February 2019, in which he said —

Infrastructure WA's state infrastructure strategy will identify the state's infrastructure needs and priorities over the next 20 years for a broad range of infrastructure sectors. It will recommend significant projects and programs that are needed to meet those needs.

- (1) What infrastructure projects has the strategy identified as a priority for this state?
- (2) Where in the strategy has Infrastructure Western Australia listed its recommendations of priority projects?
- (3) What has Infrastructure WA cost to run each financial year since its inception in 2019?
- (4) What assessment has Infrastructure WA made on the government's \$8 billion-plus yearly infrastructure program set out in the 2022 budget papers for current financial year and forward estimates?

**Hon SAMANTHA ROWE replied:**

I thank the member for some notice of the question. On behalf of the Leader of the House, the following answer has been provided by the Premier.

- (1)–(2) The state infrastructure strategy makes 93 recommendations on infrastructure projects, programs and initiatives. A summary of the recommendations is listed on pages 319 to 340 of the strategy.
- (3) Details on the operational expenditure of Infrastructure WA is included in the budget papers and the agency’s annual reports, as is the case for all government entities.
- (4) The government’s asset investment program set the foundations for the strategy and was a significant factor in the development of its recommendations.

## NATIONAL PARK, STATE FOREST, UNALLOCATED CROWN LAND AND MARINE PARK — AREAS

**632. Hon Dr STEVE THOMAS to the Leader of the House representing the Minister for Lands:**

What is the area of land in Western Australia that is classified as —

- (1) national park;
- (2) state forest;
- (3) unallocated crown land; and
- (4) marine park?

**Hon SAMANTHA ROWE replied:**

I thank the member for some notice of the question. On behalf of the Leader of the House, the following answer has been provided by the Minister for Lands.

- (1) Approximately 65 059 square kilometres.
- (2) Approximately 12 812 square kilometres.
- (3) Approximately 955 547 square kilometres.
- (4) Approximately 6 414 square kilometres.

## BUCCANEER ARCHIPELAGO MARINE PARKS

**633. Hon TJORN SIBMA to the parliamentary secretary representing the Minister for Fisheries:**

I refer to the joint media statement of 31 July 2022 titled “Three new marine parks in the Buccaneer Archipelago”.

- (1) Has work started on developing the “sector support package for impacted commercial, charter and recreational fishers ... prior to the commencement of the new marine parks’ boundaries on July 1, 2023”?
- (2) Who will be leading this work on behalf of the state government and what planned consultation will occur, with whom will it occur and when will it occur?

**Hon KYLE McGINN replied:**

I thank the member for some notice of the question. The following answer has been provided by the Minister for Fisheries—good question!

- (1) Yes.
- (2) The Department of Primary Industries and Regional Development is leading this work with consultation from relevant stakeholders planned to commence shortly. The sector support package will be released in advance of the new marine parks’ boundaries on 1 July 2023.

## ATTORNEY GENERAL — STATE LEGAL CASES — COST

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

I refer to the Attorney General’s insistence that he is not prepared to disclose the costs related to any case involving the state, including time spent by the State Solicitor’s Office prior to the finalisation of the case. Which of the following cases have been finalised and what has been the total cost to the state of those that have been finalised —

- (1) the two related Supreme Court actions involving the President of the Legislative Council;
- (2) the Minister for Child Protection’s defence in the defamation claim of Ms Westerman;
- (3) the unfair dismissal claim of the member for Kwinana’s former electorate officer;
- (4) the Premier’s failed defence in the defamation claim of Mr Palmer; and
- (5) the Premier’s optional cross-claim against Mr Palmer?

**Hon MATTHEW SWINBOURN replied:**

As the member was notified behind the chair, the Attorney General is paired today as he is attending the Meeting of Attorneys-General, which was held yesterday. An answer will be provided to the member in the next sitting week.

## CHILD DEVELOPMENT SERVICE — SPEECH PATHOLOGISTS

**635. Hon DONNA FARAGHER to the Leader of the House representing the Minister for Health:**

I refer to the response provided by the Department of Health as part of the 2022–23 budget estimates that references the median wait time of 8.7 months for a child to access a speech pathologist via the metropolitan Child Development Service. How many children are currently on the waiting list to access a speech pathologist via the MCDS?

**Hon SAMANTHA ROWE replied:**

I thank the member for some notice of the question. On behalf of the Leader of the House, the following answer has been provided by the Minister for Health.

Currently, 5 154 children are on a waiting list to see a speech pathologist at the metropolitan Child Development Service as at 10 August 2022. Children referred to a speech pathologist are provided with a telephone service planning appointment within eight to 12 weeks of referral with a nurse or an allied health professional. At this appointment, parental concerns are discussed, the referral is triaged and parents are provided with appropriate resources for managing their child's presenting issues. During 2021–22, 32 982 children received services from the Child Development Service.

## FIREARMS — LICENCE HOLDERS

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

I refer the minister to his response to question without notice 615 answered on Wednesday, 10 August 2022.

- (1) Are the 178 gun licence holders that have more than 25 guns, 34 licence holders that have more than 50 guns, 26 licence holders that have more than 100 guns and the one licence holder that has 317 guns, individuals?
- (2) If yes to (1), what is the justification for multiple-gun ownership?
- (3) If no to (1), what is the make-up of the licence holders in each instance?

**Hon STEPHEN DAWSON replied:**

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

- (1) Yes.
- (2) This has been allowed to occur as a result of the unwillingness, typically of conservative governments, to support reforms or changes to the Firearms Act 1973. There are no restrictions on the number of firearms licensed to a person in the current act. The McGowan government is in the process of drafting a new bill with the focus on community safety and responsible firearms ownership.
- (3) Not applicable.

## PUBLIC TRUSTEE — FEES

**637. Hon JAMES HAYWARD to the minister representing the Treasurer:**

I refer to the Auditor General's report on the office of the Public Trustee.

- (1) Was the Treasurer aware that the finances of vulnerable Western Australians are used to cross-subsidise fees payable to the Public Trustee by other vulnerable Western Australians prior to the Auditor General's report?
- (2) Will the government consider compensating Public Trustee clients by retrospectively refunding the portion of the fees that they were overcharged?
- (3) If no to (2), why not?

**Hon STEPHEN DAWSON replied:**

I thank the member for some notice of the question. The Treasurer has provided the following answer.

- (1)–(3) In 2008, the state government, with agreement from Treasury, made the decision to make the Public Trustee a self-funded agency in line with other public trustees. As stated in the Auditor General's report, Treasury acknowledges the findings and concerns raised in relation to the Public Trustee's fees and self-funding model. Treasury has agreed to undertake a review of the Public Trustee's fee-for-service model and provide advice to government for consideration. Now is the time for Treasury to reassess this model and determine whether the fee structure is still appropriate.

## PUBLIC HOUSING — WAITLIST

**638. Hon Dr BRAD PETTITT to the Leader of the House representing the Minister for Housing:**

- (1) How many applications were on the public housing waitlist at the end of June and July 2022 respectively, and how many individuals does that represent?
- (2) How many applications were on the public housing priority waitlist at the end of June and July 2022 respectively, and how many individuals does that represent?

**Hon SAMANTHA ROWE replied:**

On behalf of the Leader of the House, I thank the member for some notice of the question and provide the following answer on behalf of the Minister for Housing.

- (1)–(2) As at 30 June 2022, there were 19 070 applications on the public housing waitlist, representing 33 563 people. This included 4 141 priority applications, representing 8 374 people. As at 31 July 2022, there were 19 103 applications on the public housing waitlist, representing 33 644 people. This included 4 212 priority applications, representing 8 519 people.

## FIREARMS — OWNERS

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

I refer the minister to media coverage of the map released by his office showing the locations of firearms owners in certain Perth suburbs, and particularly to Hamish Hastie’s article on the WAtoday website dated 25 March 2022 in which the president of the Sporting Shooters Association of Australia (WA) Inc demanded an apology for what he called this “breach of trust”.

- (1) Has the minister had any correspondence with SSAA (WA) since the map was released on 22 March 2022; and, if so, with whom and on what dates?
- (2) Who authorised the release of the map and its associated data?
- (3) Has the minister offered an apology either to the association or to individual citizens who feel aggrieved that their data may have been shared in this manner, without their approval and to their potential risk?
- (4) Was the map created in-house by either the Western Australia Police Force or the minister’s office, or was its creation outsourced; and, if it was outsourced, who outside the firearms branch had access to the underlying data?

**Hon STEPHEN DAWSON replied:**

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

- (1)–(4) De-identified and modified maps were produced by the Western Australia Police Force for release to the media. Claims that addresses were identified are false. The Sporting Shooters Association of Australia (WA) is one of the stakeholders engaged in consultation as part of the rewrite of the Firearms Act 1973.

## CYCLONE SEROJA — RECOVERY GRANTS

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

I refer to the cyclone Seroja recovery grants and financial assistance. For the recovery and resilience grants for insured residents program and the clean-up assistance for uninsured residents, can the minister please identify the total funding pool available, the number of applications to date, the number of approvals to date and the total funds disbursed to date?

**Hon STEPHEN DAWSON replied:**

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

I have just noticed an error that is inconsistent with something I have signed off on today, so I am not going to give the answer. I will provide it to the member on the next sitting day, if that is all right.

## CARNARVON FLOODS — TOPSOIL REPLACEMENT

**641. Hon NEIL THOMSON to the Minister for Regional Development:**

My question is regarding the topsoil reinstatement package for those affected by the floods in Carnarvon in 2021.

- (1) How much has the state provisioned for the program?
- (2) What component of (1) has been spent to date?
- (3) Of the component spent thus far, how much has been spent on —
  - (a) administration;
  - (b) contractor services to source and distribute topsoil; and
  - (c) direct payments to growers?

(4) How many cubic metres of topsoil has been moved onto grower properties to date?

**Hon ALANNAH MacTIERNAN replied:**

I thank the member for the question.

- (1) The McGowan government committed \$1 million to support growers in Carnarvon impacted by the 2021 floods and to plan to mitigate flood risk in the future. That was the package that we put forward.
- (2) Excluding GST, \$535 793.30 has been spent directly on soil replacement.
- (3) Of that component spent thus far —
  - (a) one FTE was funded to support the delivery of the commitment, of which soil replacement was one component;
  - (b) there has been \$494 073.30 spent on contractor services to source and distribute the topsoil; and
  - (c) a voucher program contributed to the cost of spreading the soil by contractors or businesses and the value of these vouchers was \$41 720.
- (4) The total amount of topsoil that has been moved is 12 338 cubic metres. The remainder of the funds are being used in a variety of ways to assist growers in flood mitigation, including contributing \$240 000 to secure \$1.3 million of federal grant funding for flooding preparedness.

#### HOMELESSNESS — SOCIAL HOUSING

**642. Hon STEVE MARTIN to the Leader of the House representing the Minister for Housing:**

I refer to the recent announcement that the East Perth Common Ground facility has been put on hold indefinitely and the minister's comments in the media today that he suffers from "sleepless nights" due to a lack of tenders for social housing projects.

- (1) What advice did the Department of Communities give the minister on the decision to put the construction of Common Ground on hold?
- (2) Did the department receive any tenders for Common Ground under the initial tender process?
- (3) How many social housing projects are currently being delayed because the department has been unable to secure a tender?

**Hon SAMANTHA ROWE replied:**

On behalf of the Leader of the House, I thank the member for some notice of the question and provide the following answer on behalf of the Minister for Housing.

- (1) As the member has previously been advised, the minister has made no such announcement and has made it clear that a new request for tender will go out as soon as possible. As noted in the minister's media statement released on 27 July 2022, the Department of Communities advised that after progressing through detailed evaluation, the offers received for the East Perth Common Ground facility were not deemed suitable. Tender evaluations are routinely conducted as a matter of course for the procurement of major projects and take into consideration a range of both cost and non-cost factors, including capacity to deliver, value for money and suitable previous experience. A new request for tender will go out as soon as possible.
- (2) Yes.
- (3) Communities has a rolling program of works for the delivery of social housing programs that includes tender and panel contract arrangements. Communities is not immune to the current challenges of the construction market. However, it remains committed to increasing the opportunities for building companies of all sizes to be engaged in the delivery of social housing across the state through the establishment of a new statewide builders panel. The new panel will primarily support the delivery of social housing but may be expanded to include other housing programs delivered by Communities. When projects do not receive a suitable tender response, Communities works through a range of options to achieve project outcomes. This can include revisions to procurement method, scope, alternative construction method and schedule. The state government through Communities is being flexible and adaptable and has a range of initiatives to address the supply of social housing. These include construction and spot purchasing of additional homes, construction of modular homes, funding building assessments to promote extended useable life spans of existing assets, investing in maintenance and refurbishments of ageing public housing stock and exploring repurposing assets to maximise availability for social housing.

#### CHILD DEVELOPMENT SERVICE — CLINICAL PSYCHOLOGISTS

**643. Hon Dr STEVE THOMAS to the Leader of the House representing the Minister for Health:**

I ask this question on behalf of Hon Donna Faragher, who has been taken from the chamber on urgent parliamentary business.

I refer to the response provided by the Department of Health as part of the 2022–23 budget estimates that references the median wait time of 12.8 months for a child to access a clinical psychologist via the metropolitan Child Development Service.

How many children are currently on the waiting list to access a clinical psychologist via the MCDS?

**Hon SAMANTHA ROWE replied:**

On behalf of the Leader of the House, I thank the member for some notice of the question. I provide the following answer on behalf of the Minister for Health.

As at 10 August 2022, there were 1 722 children on a waiting list to see a clinical psychologist at the metropolitan Child Development Service. Children referred to a clinical psychologist are provided with a telephone service planning appointment with a nurse or allied health professional within eight to 12 weeks of referral. At this appointment, parent concerns are discussed, the referral is triaged and parents are provided with appropriate resources for managing their child’s presenting issues. During 2021–22, a total of 32 982 children received services from the Child Development Service.

#### FORRESTFIELD–AIRPORT LINK

**644. Hon TJORN SIBMA to the Leader of the House representing the Minister for Transport:**

I refer to the Forrestfield–Airport Link project.

- (1) Has the minister and/or her office received and/or accessed information concerning the project management schedule or any other similar document concerning the FAL project, including the final phases of the project?
- (2) If yes to (2), will the minister table this information; and, if not, why not?
- (3) Does the minister and/or her office receive regular project updates regarding the FAL?
- (4) If yes to (3), how often do these briefings occur and when was the minister last briefed?

**Hon SAMANTHA ROWE replied:**

I thank the member for some notice of the question. I provide the following answer on behalf of the Leader of the House representing the Minister for Transport.

- (1)–(4) The minister regularly receives updates on infrastructure projects within her portfolio. These updates are received through regular meetings with portfolio agencies, briefing notes and other means from time to time.

#### TARGET 120 SITES

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

I refer to the minister’s media statement headed “New initiatives to tackle youth crime in the Pilbara” dated 3 May 2022 that stated that there were nine new sites selected for the Target 120 program, eight of which were regional, and that this would bring the overall number of Target 120 sites in WA to 20.

- (1) Where are the 11 existing sites and are these expected to remain ongoing?
- (2) What are the eight new regional sites and when are each due to commence?
- (3) What is the remaining new site and when is this scheduled to commence?

**Hon SAMANTHA ROWE replied:**

I thank the member for some notice of the question. I provide the following answer on behalf of the Leader of the House representing the Minister for Child Protection.

- (1) The original and ongoing 11 sites are Albany, Armadale, Bunbury, Geraldton, Kalgoorlie, Kununurra, Midland, Mirrabooka, Northam, Port Hedland and Rockingham. These sites are funded through to 30 June 2023.
- (2)–(3) Target 120 was expanded to Karratha, Newman, Carnarvon, Halls Creek, Fitzroy Crossing, Derby, Mandurah and Broome. The additional metropolitan site is Ellenbrook. Site implementation activities have commenced at all new sites.

#### HOMELESSNESS — DOORS WIDE OPEN

**646. Hon JAMES HAYWARD to the Leader of the House representing the Minister for Homelessness:**

I refer to the Bunbury-based drug and homelessness support service, Doors Wide Open, which is facing a critical funding shortfall.

- (1) Is the government aware of media reports stating that Doors Wide Open is facing the prospect of having to close its doors due to lack of funds?

- (2) What past funding has the government provided to Doors Wide Open?
- (3) Can the minister detail what financial support the government will provide to Doors Wide Open in the future?
- (4) Will the minister commit to doing everything he can to enable this invaluable community service to continue operating?

**Hon SAMANTHA ROWE replied:**

I thank the member for some notice of the question, and I provide the following answer on behalf of the Leader of the House representing the Minister for Homelessness.

- (1)–(4) The service to which the honourable member has made reference is not contracted by the Department of Communities to deliver homelessness services; rather, it is primarily a drug and alcohol service.

BANKSIA HILL DETENTION CENTRE—UNIT 18, CASUARINA —  
SUICIDE ATTEMPTS AND SELF-HARM

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

I refer to media reports that four youth detainees from unit 18 at Casuarina Prison were taken to hospital last week after swallowing shards of glass.

- (1) How many children were involved in the self-harm attempt reported in the media, and how many of those children were taken to hospital?
- (2) Have the children who were taken to hospital since been returned to unit 18, and are they being provided with appropriate mental health support?
- (3) Please provide the latest number of suicide attempts and self-harm cases in July and August, to date, respectively, at —
  - (a) Banksia Hill Detention Centre; and
  - (b) unit 18, Casuarina Prison.

**Hon MATTHEW SWINBOURN replied:**

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

- (1) Four children were involved. One young person attended hospital and was returned the same day with no further medical intervention required.
- (2) Yes.
- (3)
  - (a) For the month of July 2022, there were 36 reported minor self-harm attempts and one attempted suicide attempt at Banksia Hill. There have been three minor self-harm attempts and nil attempted suicide attempts at Banksia Hill from 1 to 8 August 2022.
  - (b) From 20 July to 31 July 2022, there have been two minor self-harm attempts and two attempted suicide attempts at unit 18 from 1 to 8 August 2022. There have been 11 minor self-harm attempts and one attempted suicide attempt at unit 18.

FIRE AND EMERGENCY SERVICES — FOOT-AND-MOUTH DISEASE

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

I refer to foot-and-mouth disease and reports that up to 750 additional personnel would be required to manage an outbreak in WA, the majority of which will come from the Department of Fire and Emergency Services and the Western Australia Police Force.

- (1) How many DFES staff in total are expected to be required in the event of an outbreak of foot-and-mouth disease or lumpy skin disease in WA?

**Hon Alannah MacTiernan:** This is just verbal. No-one ever said that.

**Hon Nick Goiran:** I'd like to hear the question!

**The PRESIDENT:** And I would like some order, thank you very much.

**Hon MARTIN ALDRIDGE:** I can always start again. I continue.

- (2) What duties will DFES staff be undertaking to manage an outbreak of foot-and-mouth disease?
- (3) What planning and preparation has been undertaken to ensure DFES operations and community safety is not significantly impacted by staff redeployments?

**Hon STEPHEN DAWSON replied:**

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

The premise of the honourable member's question is incorrect. The Minister for Agriculture and Food has made clear that the majority of additional personnel required to manage a potential outbreak would be resourced from the Department of Primary Industries and Regional Development and not from the Department of Fire and Emergency Services or WA police. DFES is ready to actively engage and support in any way necessary.

- (1) DFES has provided details of its nominated agency liaison officer to DPIRD, with any additional staff subject to a request for assistance from the hazard management agency.
- (2) Duties will be subject to the magnitude of the emergency. When requested by the HMA and in accordance with the state emergency management arrangements, DFES may: provide liaison officers and other trained staff as required and appropriate; facilitate resources and telecommunications as required; provide and/or assist in the acquisition of appropriate protective equipment and personnel to assist with detection, sampling or surveillance activities where the use of self-contained breathing apparatus is required; and facilitate DFES personnel and volunteers to assist with operational activities during the response, as necessary.
- (3) DFES regularly supports other agencies with emergency management and continually analyses risks and readiness to ensure a timely and effective response. DFES is working closely with DPIRD and other agencies to determine what type of support might be required.

HEDLAND HEALTH CAMPUS — INVESTIGATION

**649. Hon NEIL THOMSON to the Leader of the House representing the Minister for Health:**

I refer to the tragic death of a woman by suicide at Hedland Health Campus in June 2022.

- (1) When will the “full and thorough” investigation into the woman's death be completed and will the results be made public?
- (2) How many additional staff have been employed at the campus following the incident and what measures have been put in place to ensure the safety of other patients?
- (3) Has the minister visited the campus following the incident to speak with and support staff?

**Hon SAMANTHA ROWE replied:**

I thank the member for some notice of the question. On behalf of the Leader of the House, I provide the following answer from the Minister for Health.

- (1) The investigation has been completed. The report will not be made public in accordance with the family's wishes.
- (2) WA Country Health Service will implement all recommendations of the investigation.
- (3) No. The minister is scheduled to visit the Pilbara this year.

PUBLIC HOUSING — NUMBER

**650. Hon STEVE MARTIN to the Leader of the House representing the Minister for Housing:**

I refer to question without notice 305 asked on 6 April 2022.

- (1) What was the total number of state government public houses on —
  - (a) 30 June 2022; and
  - (b) to date?
- (2) How many of these houses were vacant?

**Hon SAMANTHA ROWE replied:**

I thank the member for some notice of the question. On behalf of the Leader of the House, I provide the following answer on behalf of the Minister for Housing.

- (1)–(2) As at 30 June 2022, there were 35 694 public housing properties across the state, which increased to 35 763 as at 31 July 2022. The number of public housing properties that were vacant as at 30 June 2022 was 1 927 and decreased to 1 909 as at 31 July 2022. The number of public housing vacancies consistently fluctuates for a range of reasons. The majority of vacant properties are undergoing maintenance repairs and will be re-tenanted once complete.

The number of vacant properties as at 31 July 2022 includes properties that have been spot purchased through the McGowan government's record investment towards increasing social housing stock. These properties are currently undergoing minor maintenance works before being occupied by applicants on the public housing waiting list.

## CORONAVIRUS — RAPID ANTIGEN TESTS

**651. Hon Dr STEVE THOMAS to the Leader of the House representing the Minister for Health:**

I refer to the minister's media statement yesterday about providing an additional 20 free rapid antigen tests for WA households.

- (1) How many RATs have the government ordered or purchased to date and at what cost?
- (2) How many of these RATs have been distributed free to the WA community through —
  - (a) members of Parliament;
  - (b) schools;
  - (c) pop-up clinics; and
  - (d) COVID-19 vaccination clinics?
- (3) How many of the purchased RATs are un-useable as they do not detect newer and emerging strains of COVID?
- (4) What is the use-by date for the current stock of RATs?

**Hon SAMANTHA ROWE replied:**

I thank the member for some notice of the question and provide the following answer on behalf of the Leader of the House representing the Minister for Health.

- (1) As the Premier has stated in response to multiple questions in this place, the WA government has ordered a total of 110.7 million rapid antigen tests at a cost of \$578.9 million.
- (2)
  - (a) There were 668 250;
  - (b) 13 583 660;
  - (c) 5 423 960; and
  - (d) 2 425 790.
- (3) The WA health system purchased 2.25 million Veritor System for Rapid Detection tests, which have since been withdrawn from the Australian Register of Therapeutic Goods. The supplier, Becton Dickinson, has voluntarily withdrawn them from the ARTG for commercial reasons to focus on other products. There is nothing to suggest these particular tests, which have been used in clinical settings and not distributed to the public, are ineffective at detecting current COVID-19 variants.
- (4) The use-by dates for the current stock of RATs range from December 2022 to December 2024.

## AGENCY CAPABILITY REVIEW PROGRAM

**652. Hon TJORN SIBMA to the Leader of the House representing the Minister for Public Sector Management:**

I refer to the intended agency capability review program.

- (1) Which agency capability reviews have been completed?
- (2) When were the above reviews completed?
- (3) Who received copies of these reviews?
- (4) What were the findings of these reviews?

**Hon SAMANTHA ROWE replied:**

I thank the member for some notice of the question and provide the answer on behalf of the Leader of the House representing the Minister for Public Sector Management.

- (1) Agency capability reviews have been completed for the Department of Biodiversity, Conservation and Attractions, Department of Mines, Industry Regulation and Safety and the Department of Water and Environmental Regulation.
- (2) In June 2022.
- (3)–(4) The reviews and their findings will be considered by cabinet.

## FIREARMS — OWNERS

*Point of Order — Question without Notice 639 — Answer*

**Hon Dr BRIAN WALKER:** I received an answer from the Minister for Police today. One part of the answer said that claims that addresses were identified were false. That is an incorrect answer. I have personally witnessed the demonstration, from producing a map to a resulting long list of addresses, further identifying the addresses as possessing long weapons or handguns.

**The PRESIDENT:** Could you please identify which standing order you are referring to?

**Hon Dr BRIAN WALKER:** I will identify that standing order as soon as I find it.

**The PRESIDENT:** Honourable member, you have been provided with an answer, and whether you like it or not, it is the answer; therefore, at this stage, there is no point of order. However, there may be other options available to you in the house to address your concerns regarding the answer.

### **BUSH FIRES AMENDMENT BILL 2022**

#### *Point of Order — Standing Order 126 — Uniform Legislation — Ruling by President*

**THE PRESIDENT (Hon Alanna Clohesy)** [5.03 pm]: I have a ruling on the identification of uniform bills. Yesterday evening, Hon Martin Aldridge raised a point of order in relation to whether the Bush Fires Amendment Bill 2022 was a uniform bill. At the conclusion of the second reading speech by the Minister for Emergency Services he advised the house —

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

The history of standing order 126 and its application was explored in detail by President Doust when she considered a similar point of order on 7 September 2017. At that time, it was noted that standing order 126 provides that the house may order that a bill is a uniform legislation bill, notwithstanding the contrary advice of the member in charge of the bill. A member may move a referral motion in accordance with standing order 126(3) without notice upon resumption of the second reading debate on the bill. I take the same approach as this recent example and make no ruling about whether the bill should be referred under standing order 126. It is a matter for the house itself to determine.

### **LUNCHTIME LECTURE SERIES**

#### *Statement by President*

**THE PRESIDENT (Hon Alanna Clohesy)** [5.04 pm]: Members, you should have received an email from me last Thursday regarding the upcoming lunchtime lecture series for members of Parliament. I would like to remind you that the first of these lectures will commence next Thursday. A light lunch will be supplied, and RSVPs are essential. I look forward to seeing you there.

### **CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 2021**

#### *Second Reading*

Resumed from an earlier stage of the sitting.

**HON NEIL THOMSON (Mining and Pastoral)** [5.05 pm]: I want to pick up on the comments that I made in the short time that I had prior to question time. I raised the issue of some alternative scenario that might have driven the timing of the entry of this bill into the house. I hope that is not the case.

Importantly, I want to talk about joint vesting and how that works in theory and in practice. The processes by which joint management arrangements are managed are the vital components here. It is through the management of the joint vesting that all the action occurs. Hon Tjorn Sibma also alluded to that in his comments. That is backed up by a document that I have found online in the archives of the federal Parliamentary Library. It is titled *Managing parks/Managing 'country': Joint management of Aboriginal owned protected areas in Australia*. That is quite an old document but, notwithstanding that, it is very insightful. It is research paper 2 of 1996–97 by Dr David Lawrence from the social policy group. I assume that the social policy group in the department was responsible for this, although that is not mentioned in the document. I wish to quote what I think is quite a pertinent and salient point —

From the perspective of traditional Aboriginal owners, joint management is a matter of process, not structure, and an aspect of community development rather than a specific conservation agreement. Their aim of control over traditional lands has been largely determined by the need for strengthening cultural identity, community development and economic self-sufficiency, and not environmental protection.

That is a very important point when we break it up. We want to strengthen the cultural values. I think all reasonable persons in Western Australia support that. Certainly the acknowledgement of cultural values is supported. When this work was done, it looked primarily at the terrestrial environment, because at that time I am not sure that any marine parks had been established with joint management. However, some terrestrial joint management parks were in play. I think Kakadu National Park was one of the first ones where that occurred, and very successfully. An important distinction needs to be made. In talking about the marine environment, I have become very aware of some of the commentary in and around Buccaneer Archipelago, which is close to Broome, where I live. I will allude to that shortly.

My understanding is that any acknowledgement of native title has been non-exclusive possession, which is probably a reflection of the uses that have occurred on those waters over several generations by the people in that space. Acknowledgement through the native title process is important because when we undertake the joint management of rules and procedures to identify how the zones will be managed, which was a matter raised by Hon Tjorn Sibma, a fulsome level of consultation will be undertaken with all the parties. But that part was sadly missing in the early stages, at least in the development of the Buccaneer Archipelago plan, and it became quite a significant matter in the lead-up to the 2021 state election. I met with many people at the time who were deeply worried. I alluded to that yesterday in my commentary on the fisheries motion because it was a similar situation in which I sat down with people who were in tears over the fear of losing the right to fish in a zone where they had lived for many years, if not all their lives; multiple generations of people live in Derby. These people are very close to the land and very connected to traditional owners. I am not necessarily talking about the traditional owners themselves, but I am talking about people who, by way of marital relationship or other family connections, friendships or longstanding associations, have lived in that community and have established a level of rapport and consideration and have a high degree of respect for each other to manage that process. That has worked quite well up until now.

I come back to the point about process. I think the process was sorely lacking, which comes back to the issue of who has control over the process. This government is pretty good at painting itself as being the paragon of virtue in matters relating to Indigenous rights, and, over the years, Labor governments have been at the forefront of reforms. But, increasingly, over time, as I speak to the hundreds of people I know who engage with traditional owners or Aboriginal people, they tell me that they have found a sense of practicality and delivery is lacking, which is concerning.

**Hon Kyle McGinn** interjected.

**Hon NEIL THOMSON:** The comments that I have received are that it has been Liberal governments that have —

**Hon Kyle McGinn** interjected.

**The PRESIDENT:** Order!

**Hon Kyle McGinn** interjected.

**The PRESIDENT:** Order! It is clear, honourable member, that the member on his feet is not taking interjections.

**Hon NEIL THOMSON:** Thank you, President.

We saw massive progress under the Barnett government in the delivery of Aboriginal housing in the Kimberley and a range of related matters.

I come back to this issue of control. Who actually has control? We still see that, ultimately, when it comes to these joint vesting arrangements, bureaucrats in the Department of Biodiversity, Conservation and Attractions have an incredible amount of control. I am not saying that should not exist, but with control and power comes enormous responsibility. That enormous responsibility places upon those bureaucrats an obligation to act with impartiality and fairness and within the broad context of the community. I had reports from people in the community that in the process that was undertaken in the early stages of 2018–19, when the first consultation was done, there was —

Several members interjected.

**The PRESIDENT:** Order! A bit of background noise and badgering is not welcome.

**Hon NEIL THOMSON:** There were reports saying it was “secret squirrel”. There were concerns from people in the community that there was —

Several members interjected.

**The PRESIDENT:** Honourable member, just try to focus your comments through the chair and directly to the chair.

**Hon NEIL THOMSON:** Thank you. There was a perception—I am not saying it was absolutely true, but it is the perception that is important. Perceptions are everything in this space. The perception was that some senior figures—we are not saying it was the minister; whether it was the bureaucrats, we do not know—effectively used some of the traditional owners as a smokescreen for a broader target in relation to the outcome of their single-level objective.

This is a major problem we see. According to some of the comments I have heard, there was a fear that the sealing of the road up the peninsula was going to mean that thousands of four-metre to five-metre vessels would be towed up there and there would be complete destruction of the fisheries as a result. That was the fear that was placed on them, and it was done in an uncontrolled situation. There was a period of at least 12 months, maybe 18 months or two years—we do not know fully, because we do not have the dates—during which the only consultation with the traditional owners was by a select group of people from DBCA.

This is a challenge. These processes have to be maintained in a transparent and open way. I have heard commentary from others about the potential weaponisation of the conservation movement in relation to the Fitzroy River, for example. It could be problematic if this is occurring. We cannot allow people with a single objective to go into a situation and create fear and concern, resulting in an outcome that is then dropped as a fait accompli into the

community. That is exactly what happened. There were maps delivered to the community and everything was effectively locked down. It was only then that the minister paused and reflected, because suddenly there was a hue and cry from members of the community. Suddenly there was some engagement, to the credit of the community. There was engagement at a personal level, and that resulted in some compromises being undertaken and some change, but it created a lot of fear and concern in the community.

Debate adjourned, pursuant to standing orders.

### SUBCONTRACTORS — PAYMENT SECURITY

#### *Statement*

**HON KATE DOUST (South Metropolitan)** [5.20 pm]: Tonight I want to talk about an issue that I have had a lot of interest in for an extended period of time. For members who were not around then, from 2012 to 2017 we had a significant problem in this state with payment for subcontractors. That impacted on a significant number of people working in both the public and private sectors. It arose with the federal government's Building the Education Revolution projects, administered by Building Management and Works. A lot of work was put into trying to improve arrangements for subcontractors. In the dying days of the Barnett Liberal government, it introduced some legislation to try to resolve those issues, but it did not go far enough. In the lead-up to the 2017 election the Labor Party put forward a very sound policy to improve the lot of subcontractors. I say it was a sound policy, because I wrote it! I was very pleased to see that, as we moved into government, the respective ministers with carriage of the portfolios that were most impacted did a lot of hard work and vigorously introduced and pursued legislation to try to resolve these very significant problems.

Today the Auditor General of Western Australia released and tabled her fourth report, a performance audit, *Payments to subcontractors working on state government construction projects*. I read through the report, and I must say I was disappointed. I am not disappointed in the government; I will explain why I am disappointed. As I said, this is an issue that has been around for much longer than 2012, but we have seen subcontracting companies in the construction sector hit the wall. We have seen large head contractors hit the wall, on both public and private sector projects. I do not know what the silver bullet is that is needed to address this issue so that people doing this work get paid. I have always taken the view that if people work on a government project, there is no reason why they should not get paid. That was part of the difficulty we had in arguing that point from opposition.

Since we have been in government, we have had the Fiocco report, aided significantly by our good colleague in this house Hon Matthew Swinbourn, which looked at a whole range of mechanisms to try to improve these arrangements. In 2019 the state government introduced project bank accounts for state government projects. One would have thought that with the state government pursuing this issue, things would have picked up, but apparently not. The Auditor General looked at three government entities for the purpose of this exercise: the Department of Finance, Main Roads and Western Power. Western Power is not actually required to have project bank accounts, but has done so anyway. The Auditor General looked into transparency arrangements.

Probably the key issue for subcontractors is the ongoing issue around statutory declarations. Statutory declarations have to be provided at each stage of the process to demonstrate that work has been done, or is going to be done, and has been paid for. The problem used to be that those statutory declarations could not always be validated as factual and to ensure their truth. Quite often we would have subcontractors saying, "Yes, the stat dec was put in, but we never got paid." There was also very little oversight in the respective departments.

I pursued this matter vigorously and repeatedly through estimates hearings when in opposition, particularly with the Department of Finance, to try to find out why it did not put in appropriate mechanisms. It seems that no matter how much legislation is enacted and how much action taken by government ministers, there is still a problem. This report basically outlines that there are still issues with a lack of proper oversight of statutory declarations and, in some departments, not enough mechanisms or oversight exist to ensure the validity of statutory declarations, because subcontractors are still saying that they are not necessarily getting paid. The report goes on to say that there is still not an appropriate mechanism for subcontractors to complain and to feel protected. As we know, history has demonstrated that when subcontractors have made complaints and have not been afforded protection, they have not always received ongoing government contracts, so that is a real issue.

This is an important report. It is not the first report. The Auditor General has done these reports in the past. The first one was in 2016, when we were in opposition, particularly into the children's hospital, which had enormous subcontracting issues attached to it. The first audit was done into the payment of construction subcontractors at Perth Children's Hospital and then there was an assessment of progress to improve payment security for government construction subcontractors. Those audits were done at an early stage and legislation was passed, with support in both houses, so the government has indeed tried to address these issues. I understand that there is still ongoing work, with the government putting forward regulations to tighten the arrangements. This is not something that the government or the ministers have parked and said, "We have ticked the box; we have fixed it." They acknowledge that they have to do a lot more and they are doing it, so I ask myself: what is the problem here? It is not the ministers or the government, because they have put the frameworks in place. Is it indeed the people who are still in the

departments? I know that ministers are constrained by the Public Sector Management Act. There is very little they can do about moving people on if there is a problem. I am beginning to wonder whether it is a cultural issue in some of these departments and either they do not know how to engage, or do not want to engage, or they have not been able to put in place over the last 10 years arrangements for a proper process for these subcontractors.

Think about it. Down the tiers, there is the state government, which spends billions of dollars on infrastructure construction in this state, and then there is the superintendent who is supposed to manage these processes and then there is the head contractor who gets the contract and they then subcontract down. The state government does not have any impact on the head contractor or the subcontractor; that is a different tier. However, if there are problems with progress payments, the department that is supposed to manage the finance should have a process in place so that the head contractor can get support and protection and get payment. Project bank accounts were put in place to afford that level of protection, but if the statutory declaration process still has not been resolved, it means that the PBAs will not be as effective as they should be.

Hopefully, the report that has come down today is a wake-up call, because at some point we have to really bite the bullet. This problem impacts on subcontractors who work in every part of our electorates. The problem obviously still has not been resolved after 10 years and substantial legislative changes. Something has to give. We cannot afford to have subcontractors or head contractors go out of business, because that means that workers, families and other businesses have the flow-on implications of loss of dollars, loss of family income, loss of house and loss of other interests. We saw that in the lead-up to the 2017 election. We saw small businesses hit the wall, we saw the impacts on their families, and, in some cases, we saw the impacts on their mental health and, on a couple of occasions, worse. I do not want to have to sit in the kitchen of a subcontractor constituent again and talk them down from topping themselves. I do not want us to be in a position in which subcontractors still are not treated properly and cannot get paid for the work they do. I would have thought that with a government arrangement, we would be leading the show and applying the benchmark so that we would be sending a message outside of government to the private residential area to say, “This is how you do it properly. This is how you ensure that people do the job and they get paid for it.”

I think this report is a good indicator and, hopefully, it will persuade change in those areas and will result in some sort of mechanism being put in place. I know that the minister responsible, the Minister for Finance, is a very good minister and I am pretty damn sure that he will take this on board and try to resolve what I see as cultural issues or try to put in place a more appropriate mechanism to ensure that these very important workers who deliver on government projects get paid for it. I would hate to see another report come our way that was critical of the transparency of the process or of the capacity for complaints to be made without there being a negative outcome. I am really pleased that the Auditor General has done this piece of work, because from time to time we need a checkpoint and we need to recalibrate to make sure that the processes that have been put in place by government are delivering what the government wants them to. I look forward to hopefully seeing that this has changed and that we do not see a report of this type hit our desk again, whereby subcontractors are still not getting paid for the work they do. I thank the Auditor General for a very sound piece of work.

#### **MINISTER FOR AGRICULTURE AND FOOD — PERFORMANCE PLAN FOR PLASTICS AND CONTAINERS FOR CHANGE**

##### *Statement*

**HON MARTIN PRITCHARD (North Metropolitan)** [5.30 pm]: I am not trying to reignite debate from this morning, but two motions were debated this morning that I did not get an opportunity to comment on. I will make some brief comments. The first motion was moved by the Leader of the Opposition in this house. Whatever faults Minister Alannah MacTiernan might have, she is an exceptional minister who is repairing a lot of the damage to the agricultural industry that was wrought by the last government. I wanted to get my view on the record.

The other motion concerned the government’s environmental policies. I am very proud of the policies, directions and decisions the McGowan government is making, for a couple of reasons. I want to also voice my thoughts on Hon Lorna Harper’s motion. I am fully supportive of it. A comment was made by an opposition member during that debate that sought to put a “super environmental” mantle on the government. That is a bit of a cumbersome group of words, but I would put the environmental history of the Labor Party against that of any other party in this chamber that could make government and make decisions—I put the Greens to one side. The Labor Party has an exceptional record and continues in this government to make good decisions on the environment.

I want to make a couple of comments, because I am fairly senior in this chamber, meaning old, so I remember the 1970s. We need to be innovative with how we deal with the environment, because things change. Going back to the 1970s, I remember when all soft drinks were delivered in bottles. I remember collecting bottles to take down to the corner shop so that I could buy lollies and such. When I was doing it, I think the small bottles were worth 1¢ and the large bottles were worth 3¢. Of course, people could not take beer bottles to the shop; they had to wait for the bottle-o to come. A flagon was worth 15¢. Most wine came in flagons back then.

**Hon Dr Steve Thomas** interjected.

**Hon MARTIN PRITCHARD:** I am sure they did.

In recent times, we have aluminium. The disposal of soft drink bottles, beer bottles and the new types of containers was looming as a very big problem. I think the previous minister introduced the Containers for Change initiative. That was a great move that I appreciate.

**Hon Stephen Dawson:** It was two ministers ago.

**Hon MARTIN PRITCHARD:** Two ministers ago!

It took a bit for my mind to get around it, but once we got into the habit of putting the containers aside, we now pack them up and have accounts for our grandchildren. We just nip the containers down and put them in the names of our grandchildren, which will hopefully be there for them as they grow older.

We also got rid of the finer denier plastic bags—the very thin ones. In the 1970s, we had Tom the Cheap, Freecorns and Charlie Carters. What they used to do, of course, was fill the shelves, get the cartons, put the cartons at the front and people used them. It gave the cartons a second use. People used them at home as well and I think they had paper bags as well back then. We have real issues with plastic. We cannot live without it now, unfortunately, so we need to meet the challenge of the by-products that plastic leaves behind and its longevity. I would definitely put my trust in the McGowan Labor government and the Albanese government to tackle these issues—as opposed to the alternative.

### RED NOSE DAY

#### *Statement*

**HON LORNA HARPER (East Metropolitan)** [5.35 pm]: I will be as brief as I possibly can. Tomorrow is Red Nose Day. For people who do not know, Red Nose Day is the fundraising day for sudden infant death syndrome. It is quite a triggering subject but it is an important one. A lot of us have had children and we have learnt over the years how to put our children to bed, how it is important to have no blankets or pillows, be on their back, tucked in, down the bottom—the whole works. The funds that have been raised over the last 30 years have resulted in an incredible 85 per cent reduction in sudden infant deaths. That is over 11 000 little lives that have been saved over that time. That is fantastic. Red Nose Day is a global movement and it has helped put a lot of money into research to come up with ways we can protect our children. There are six evidence-based steps that parents can do to reduce the risk.

This really would not be possible without people supporting Red Nose Day. There is much more to be done. More than 3 000 babies still die suddenly and unexpectedly each year in Australia. We lose them to stillbirths and SIDS, amongst other things. Every little dollar that we can put in will go towards more research to try to find out what we can do reduce that figure and hopefully stop this syndrome one day. I am here tonight to put the pinch on all members. We are all very well remunerated in this chamber, so I am sure a donation of \$50 or more to Red Nose Day would not go amiss. I have already donated and I am not too afraid to shame everybody else into making sure they do it as well! Get onto Google to find [rednose.org.au](http://rednose.org.au) and make sure you all give your \$50-plus. Thank you.

### NORTH WEST CENTRAL ELECTORATE — BY-ELECTION — AUSTRALIAN LABOR PARTY

#### *Statement*

**HON NEIL THOMSON (Mining and Pastoral)** [5.37 pm]: I am going to speak briefly on the issue of the North West Central by-election because I am very disappointed that the Labor Party has chosen not to run a candidate.

Several members interjected.

**The PRESIDENT:** Order!

**Hon NEIL THOMSON:** People in the region feel snubbed and ignored. They feel left out and I must say that my concern —

**Hon Pierre Yang** interjected.

**The PRESIDENT:** Order! Keep going, Hon Neil Thomson.

**Hon NEIL THOMSON:** My concern is that it is the largest seat in Western Australia, with 820 000 square kilometres. It is a massive area. I do not know the criteria the WA Electoral Commission used to determine the election day of 17 September. I will stand corrected if I am wrong, but, by my calculations, that Saturday is the earliest possible date on which an election can be held from the time of the resignation of Vince Catania. My concern is that it sends the wrong message. This is an electorate that, at the last election, had just over 10 993 electors. I am sure that many more people in that community are eligible to vote. I saw the notice that the Shire of Carnarvon put out today that a person must be registered on the roll by next Friday. Talk about pushing the envelope! That might not be such a bad thing, but my concern is that a lot of people in that region will not enrol. It has one of the lowest participation rates of any electorate in Australia. At the last election, only 73 per cent actually voted. We are sending the wrong message. If we were serious about democracy, we would be looking at fielding enough candidates to provide a proper choice of ideals and ideas. Members on the other side constantly praise the McGowan government for how great

it is, but no-one is prepared to stand up and be counted at the election—not a single one. Hon Alannah MacTiernan got shut down at the recent love-in in the Pilbara and was told off for putting up an idea. I commend her for that. That is something that I do commend her for. I commend Hon Alannah MacTiernan for standing up for democracy.

Several members interjected.

**The PRESIDENT:** Order!

Several members interjected.

**The PRESIDENT:** Order!

**Hon NEIL THOMSON:** She is a paragon of virtue when it comes to democracy.

Several members interjected.

**The PRESIDENT:** Order! Three orders in a row; no way to go.

**Hon NEIL THOMSON:** My apologies, President. Sometimes it is very hard to hear you over the noise.

**The PRESIDENT:** Perhaps, honourable member, if you direct your comments through the chair and focus on that alone, you might have a little bit more success.

**Hon NEIL THOMSON:** Thank you. I take on your advice, President, as always.

On a serious note, we have communities that are very dispersed. I commend all the candidates who have put up their hand and who are getting about. We have “Mem” Beard from the Nationals WA who is getting around the whole region, and I know that Will Baston is getting around and talking to people. They are putting themselves and their ideas forward. We on this side of the house are comfortable with that. We are totally comfortable with the idea of people presenting themselves for who they are and how they can represent the people of that electorate, thereby enabling the people of that great electorate to have a choice. I wish the holders of all the good ideas on the other side who constantly keep congratulating themselves for how great they are would have the courage to put it to the test. I know what the outcome would be. The outcome would see a massive swing against the government, because that is what is happening in the bush at the moment. People feel ignored and shut down. The challenge is for candidates to get out to places like Warburton. It is a long way away. I drove there during the election campaign. My car still has scratches and dents across it from that long drive. It is a huge challenge. It takes a whole day’s driving to get there to meet with the community. I feel terrible that I still have not got to Jameson, for one reason or another.

Several members interjected.

**Hon NEIL THOMSON:** I feel terrible because —

Several members interjected.

**The PRESIDENT:** Order! The member is probably not helped by his own leader mumbling over the top of his contribution.

**Hon NEIL THOMSON:** I hope that sitting members take up this opportunity, because it is an opportunity, to go out and articulate the case. Certainly, the four Labor members in my region could be wandering around. They could utilise the government jet and get out there, as they did in the last state election when they were running around with the candidates who were not yet elected to Parliament. We could see a bit of that happening and see them actually talking to people. That would be a good idea. I plan to get out and about and talk to as many people as I can. I have been to Warburton. I know they have challenges out there with their water supply, with overcrowding and lack of housing. This is a huge area and it takes a long time to get around and talk to people. I am disappointed. I want to lodge my disappointment. I hope that the Western Australian Electoral Commission has made this decision without any sort of direction from the minister. I hope that it made the decision based on criteria including the fact that it is such a difficult seat to get around, instead of rushing it through, because this government does not care about the outcome. It does not give a toss. It does not care, and it does not care about the people. I hope that next time there is a by-election —

Several members interjected.

**The PRESIDENT:** Order! Order! Calm your jets. Hon Neil Thomson.

**Hon NEIL THOMSON:** Thank you, President. I hope that there is some consideration of how widespread this electorate is. We have seen the commentary from members opposite. We have seen the commentary in the newspaper, “The seat might be abolished, so it doesn’t really matter. What’s the point?” I mean, seriously—what kind of message does that send to the 26 per cent of people who have not voted? It does not send a message of participatory democracy. We need to start working on that and encouraging people to get involved in leadership and in their representation in those remote places. We need to make sure —

Several members interjected.

**The PRESIDENT:** Order! Hon Neil Thomson.

**Hon NEIL THOMSON:** We need to make sure that our democracy is strong. We need to make sure that people have a choice and we need to show that we respect the people of Western Australia.

**PUBLIC HOUSING***Statement*

**HON DR BRAD PETTITT (South Metropolitan)** [5.46 pm]: With slight trepidation, I follow Hon Neil Thomson. My member statement is hopefully not quite as controversial.

**Hon Samantha Rowe:** We'll be the judge of that!

**Hon Dr BRAD PETTITT:** Okay. I want to make some comments on the back of some of the media reporting today on the Heart of Beaconsfield project. For those members who are unaware, that is a large project in Beaconsfield that I was very involved in during my time as mayor. It was in the news today for reasons that none of us should feel happy about. It was a major social housing area—98 per cent of it, according to the media reports. There were several hundred units of social housing. That redevelopment is not going ahead, but, unfortunately, a large chunk—about two-thirds—has already been demolished, and the government has pulled the pin on any particular time frame for getting on and completing that project.

I am not laying the blame at any one government or governments. I want to highlight this particular case because I think it is terrible. It is a few hundred metres from my house and it is now literally urban blight, right in the middle of the suburb, with boarded-up houses, lots of demolished buildings and the occasional building left in between. People are having to live amongst boarded-up houses and demolished buildings, which is terrible, but it is not a standalone case.

The reason I am standing up tonight is not about this government. It is actually a structural issue that we need to get our heads around. Let me expand it out. Heart of Beaconsfield and Fremantle was going to have 250 to 300 units. That will no longer be part of the housing stock. Just down the road is Burt Street, a beautiful spot near John Curtin High School. Again, that was social housing. But under the Barnett government, it was all demolished and not replaced. Now, 10 years later, it sits empty, despite many promises. Up at Holland Street, over consecutive governments, we have had, I would say, probably 80 or 90 units demolished. Zero have been replaced. How many times do we do this? This has happened for over a decade, so both sides of the house need to take responsibility for it. Different reasons were given for not replacing them. Under the Barnett government, the argument was that there was not enough demand for new housing as the market was too soft. The argument now is that the market is too hot. Where is the Goldilocks point at which we will replace the social housing that we knock down?

In Fremantle, people want social housing. The community and the council want social housing to be replaced, and it is not being replaced. Too often we hear the excuse that local governments do not want it. That does not fly in my neck of the woods. We are not seeing it replaced, because either there was not enough demand in the past or it is now too hard to build it. It comes back to a fundamental structural problem, which is that we are not giving social housing ongoing investment and the certainty going forward that it will be replaced regardless. The Department of Communities should not just be about playing the housing market. The excuse before was that we could not make money out of it because the market was too soft. The excuse now is that we cannot make money out of it because the building market is too hot. It has to be not about making money; it has to be about providing housing for people who want to live in that area. It is frustrating, because there are empty places where there should be social housing across several suburbs of the City of Fremantle. There should be a mix. They needed to be redeveloped. There was full support from the council at the time. All of us said that the housing stock was getting tired. It was not terrible, but there were better options and better uses for it.

The idea that we quickly demolish but slowly rebuild has to change. It was really good that *The West Australian* highlighted that today, but we need a real plan that runs not from year to year depending on market conditions, but across a decade and says, "We are going to do this and replace these projects." Many members would see the same thing in their streets and suburbs—empty, boarded-up social housing that has not been replaced. That has happened year after year. I think we are seeing the consequences of that now. When we asked how many people are on the housing waitlist, we found that the waitlist has got longer and longer. The priority waiting list is also getting longer and longer. I am standing up to say that this is not an isolated situation or issue; it is a structural issue that runs across governments and needs to change. Fundamental changes need to happen in how Development WA or the Department of Communities funds these projects. We should make sure that they happen regardless of where we are sitting in the economic cycle.

**NORTH WEST CENTRAL ELECTORATE — BY-ELECTION — AUSTRALIAN LABOR PARTY***Statement*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [5.52 pm]: I had to get to my feet tonight to point out the extraordinary hypocrisy of Hon Neil Thomson. It astounds me. He is very happy to point out all the time that he was a chief of staff, a senior public servant or whatever, but what he did not point out today was that the Liberal Party has not run in by-elections previously, whether in Willagee, Armadale or Fremantle. Why did he not point that out today? Was it because he has amnesia or is forgetful? I do not know. As Hon Dan Caddy said, Hon Neil Thomson should be talking about the problems in the Liberal Party, not about the problems in our party or the fact that we are not running for a seat. I proudly represent the North West Central electorate in the Parliament by virtue of being a member for the Mining and Pastoral Region, as does Hon Kyle McGinn,

Hon Peter Foster and Hon Rosie Sahanna, and we represent it very well. Hon Neil Thomson is a hypocrite, because this morning he was condemning the Minister for Agriculture and Food and now he is saying that she is great. He cannot have it both ways. You are a hypocrite. You are hypocritical.

**The PRESIDENT:** Careful.

**Hon STEPHEN DAWSON:** I withdraw it.

I proudly say that we have great representatives of North West Central in the Parliament and we will remain great representatives of that seat. All of us go up there and work with our constituents in that seat. Let it be known: Hon Neil Thomson cannot be hypocritical. He will tell stories, but do you know what? We will find him out and we will point out his inaccuracies!

*Statement*

**HON DAN CADDY (North Metropolitan)** [5.53 pm]: I stand in complete support of the deputy leader's comments. I made some notes while I was listening to the highly hypocritical and ill-researched contribution from the member opposite. I noticed that while the member is talking, his frontbench members are in a huddle holding their heads in their hands, thinking "Here he goes again." He does no research and he has no idea what he is talking about. We had a pretty interesting morning today. We listened to Hon Dr Steve Thomas. He talks well. He waxes lyrical. As I have said before, sometimes I quite enjoy listening to Hon Tjorn Sibma talk. Does the member opposite know what they do differently from him? They do not confuse volume for the quality of argument. Members cannot just raise their voice in here and start yelling things out, with no research, and think they are making a good point. That is not how it works. If the member were a student of history, like Hon Tjorn Sibma or Hon Dr Steve Thomas, who often takes us back a couple of centuries, he would well know that his party did not run a candidate in Fremantle in 2009. His party was in government then. His party did not run a candidate in Willagee in 2010, and his party scurried away and did not run a candidate in Armadale in 2009. The member stood in here pontificating without doing any research whatsoever while his party is an absolute basket case. I would talk about "The Clan" and throw some quotes out there but members of "The Clan" are out on urgent parliamentary business at the moment so it would probably not be worth it.

I suggest that the next time the member wants to get up and have a shot at our party for something, he look over his shoulder and absolutely have a voice in his party room to try to improve his party. I will give him a big tip: if he gets to his feet and his frontbench members have their heads in their hands, he might just want to cut things short and take a seat.

**CASINO LEGISLATION AMENDMENT (BURSWOOD CASINO) BILL 2022**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Stephen Dawson (Minister for Emergency Services)**, read a first time.

*Second Reading*

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [5.57 pm]: I move —

That the bill be now read a second time.

Last year, the government established the Perth Casino Royal Commission to inquire into the suitability of Burswood Nominees Ltd as Perth Casino licensee and the suitability of Crown Resorts Ltd, Burswood Ltd and Burswood Resort (Management) Ltd as associates of the licence holder. The royal commission was also asked to examine the state's regulatory framework and the functions of the Gaming and Wagering Commission of Western Australia, and to provide recommendations for enhancing future regulatory capabilities and effectiveness.

In its final report, which ran to nearly 1 000 pages, the royal commission made 59 formal recommendations, and found the Crown and Burswood entities were not presently suitable. The royal commission's final report outlined the remediation journey required to make these entities suitable. The government is responding progressively and comprehensively to the royal commission's findings and recommendations. This bill will implement a number of priority reforms.

The Casino Legislation Amendment (Burswood Casino) Bill 2022 will establish the role of an independent monitor to monitor remediation of Burswood Casino's management and operations, including its necessary powers and offences for failing to comply; provide for the recouping of costs associated with the independent monitor from the casino operator; significantly increase several penalties under the Casino Control Act 1984; provide for the Minister for Racing and Gaming to appoint an independent chair of the Gaming and Wagering Commission; enhance the power of the Minister for Racing and Gaming to direct the commission on mitigating risks associated with the management and operation of Burswood Casino, as outlined in the final report of the royal commission; and enhance the power of the commission to direct the Burswood Casino licensee.

I will now provide a more detailed explanation of the bill. Part 1 of the bill sets out the short title and commencement. Part 2 of the bill will amend the Casino Control Act 1984 to implement a number of significant reforms. Under this part, proposed section 21I will establish a two-year remediation period within which the casino licensee is to remediate the management and operations of Burswood Casino. There are also clauses to establish an independent

monitor, to be appointed by the Minister for Racing and Gaming, that will monitor the casino licensee's remediation. Proposed section 21O will provide the independent monitor with powers to require the casino licensee to prepare a remediation plan. Proposed section 21N will empower the independent monitor to approve the remediation plan. Proposed sections 21S to 21V will provide powers to monitor implementation of the remediation plan. Proposed section 21P will require the independent monitor to report to the Minister for Racing and Gaming and the commission on the status and efficacy of the remediation.

Clause 8, which will replace section 33 of the Casino Control Act 1984, will establish that failing to comply with a direction issued by the independent monitor will be an offence with a maximum penalty of up to \$250 000. Proposed section 21X will establish that hindering or obstructing the independent monitor, failing to provide information or answer a question, or providing false or misleading information will all be offences with a penalty of \$50 000. Proposed sections 21ZA to 21ZC will provide for the costs associated with the independent monitor to be recouped from the Burswood Casino licensee. I note that a similar approach is being taken in Victoria and New South Wales.

In addition to the new offences and penalties for noncompliance with the independent monitor, clause 5, which will amend section 21B of the Casino Control Act 1984, will increase the maximum penalty available under the act from \$100 000 to \$100 million. The penalty under this section will be a disciplinary penalty that can be imposed by the minister when it is in the public interest to do so, has the prior approval of the Governor and follows the procedural fairness process set out in the section. It might, for example, be applied in the event of fraud, money laundering or junkets linked to organised crime. This is in response to the royal commission's finding that the maximum penalties available under the Casino Control Act 1984 were manifestly inadequate to support the proper regulation of Burswood Casino. Victoria has also taken a similar approach and increased its maximum penalty to \$100 million.

The maximum penalty for noncompliance with a direction issued under the Casino Control Act 1984 will also increase from \$2 000 for an individual and \$5 000 for a body corporate to \$100 000 and \$250 000 respectively. Clause 8 will replace section 33 of the Casino Control Act 1984. These two reforms alone will send an unambiguous message that noncompliance is not an option. Integrity, good governance and proper gaming operations are to be the norm at the Perth casino.

Clauses under this part will also clarify and confirm the minister's power to direct the commission on the performance of its functions in relation to Burswood Casino and with regard to the final report of the royal commission, either generally or on a particular matter. Complementary amendments will also expand the commission's power to direct the Burswood Casino licensee on all operations of Burswood Casino, not just the gaming operations.

Part 3 of the bill will amend the Gaming and Wagering Commission Act 1987 to provide for the appointment of an independent chair of the commission and for members of the commission to elect the deputy chair. Clause 11 will amend section 12 of the Gaming and Wagering Commission Act 1987. This was recommended in the final report and will further enhance the regulation of gaming and wagering in WA. The royal commission recognised that the recently appointed director general and ex officio chair has made inroads in reforming the commission's governance and culture. The government has also appointed new commission members with the relevant skills and experience identified in the royal commission's final report.

The commission and the Minister for Racing and Gaming recently granted Western Australian regulatory approval for the Blackstone group to proceed with the acquisition of Crown Resorts Ltd, subject to a number of strict conditions. The commission has granted probity approval to relevant Blackstone group entities and associated individuals after extensive, multi-jurisdictional probity investigations. The Minister for Racing and Gaming granted approvals regarding Blackstone's proposed and future shareholdings of Burswood Ltd and securities over the casino gaming licence, site and resort complex, in accordance with the Burswood state agreement and Casino Control Act respectively.

These approvals do not affect the reforms set out today. Regardless of who owns and operates Burswood Casino, the government and the Western Australian community expect—indeed, require—remediation of the governance and operations of our state's only casino. Owning and running that casino, and employing its many hardworking and committed employees, is a privilege that warrants the highest standards of integrity, governance and operations.

The McGowan government is committed to bringing about wide-reaching reforms to ensure that Western Australia's regulatory framework holds the casino to account. This bill advances that objective.

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

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

[See paper [1478](#).]

Debate adjourned, pursuant to standing orders.

*House adjourned at 6.04 pm*

