



Parliamentary Debates

(HANSARD)

FORTY-FIRST PARLIAMENT
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LEGISLATIVE COUNCIL

Tuesday, 20 September 2022

Legislative Council

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

DEMISE OF HER MAJESTY QUEEN ELIZABETH II — ACCESSION OF HIS MAJESTY KING CHARLES III

Condolence Address and Congratulatory Address — Presentation to Governor — Statement by President

THE PRESIDENT (Hon Alanna Clohesy) [2.02 pm]: Members, I advise that on Thursday, 15 September 2022, I attended His Excellency the Governor at Government House with the Speaker of the Legislative Assembly and the Clerks of each of the houses.

I presented to His Excellency the Governor, for presentation to His Majesty the King, the Legislative Council's address of condolence for Her Majesty Queen Elizabeth II and the address of congratulation for His Majesty King Charles III.

HER MAJESTY QUEEN ELIZABETH II

Condolence Motion

HON STEPHEN DAWSON (Mining and Pastoral — Deputy Leader of the House) [2.02 pm] — without notice:
I move —

That this house expresses its profound sorrow and sincere condolences on the death of Her Majesty Queen Elizabeth II and pays tribute to her remarkable life and devotion to public duty.

Members of the Legislative Council join with others around the world in remembering Her Royal Majesty Queen Elizabeth II. Since she passed away peacefully on 8 September 2022, there has been an outpouring of grief and mourning unlike anything we have seen in our lifetimes. Queen Elizabeth II was dearly loved by many.

The longest reigning monarch of the commonwealth, she dedicated her remarkable life to service in the role for more than 70 years. By virtue of her longevity, Queen Elizabeth II has meant different things to different generations, but what was common for all was that she represented strength, service and, above all, a beacon of stability in an ever-changing world.

Through giant leaps in technological development, changing geopolitical environments, wars and peace, and significant social and cultural change, she has been with us through both good times and darker times. Since she ascended the throne in 1952, we have seen 15 Prime Ministers of Australia and 14 Premiers of this state. Many, such as myself, have never known another monarch.

The Queen first visited Western Australia in 1954, during a visit to Australia that was actually the first time a reigning monarch had toured the entire country. As has been pointed out by the Parliament education officers, I am told that we have to thank the prospect of the Queen's visit for the front half of this Parliament building being finished. Even more interestingly, we also have her to thank for having a proper Black Rod. Prior to her visit, the Black Rod was simply a pool cue painted black. Both the building and the Black Rod were completed in preparation for her visit. Unfortunately, her visit to this Parliament never occurred; a polio outbreak at the time cut the visit short. She visited Western Australia a further six times during her reign, with her final visit in 2011, which I am sure that many of us in this chamber remember.

Those fortunate enough to have met her always speak glowingly of the person they met. They talk about her stoicism, her graceful manner, her knowledge of the people and the location she was visiting and, of course, her humour. Her humility and dedication to her people have been admired by all and are an example to leaders not only in her kingdom, but also across the world stage. Hon Paul Keating once remarked —

Queen Elizabeth ... instinctively attached herself to the public good against what she recognised as a tidal wave of private interest and private reward. And she did this for a lifetime. Never deviating.

On behalf of the government and the Parliamentary Labor Party, I offer our condolences to her family and Buckingham Palace, and I wish the new King Charles III all the best in his future endeavours.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [2.05 pm]: The opposition joins with the government to offer our deep condolences to the family of Her Majesty Queen Elizabeth II and the people of her commonwealth.

As individuals and as a society, we must undergo change, but we also have an abiding need for continuity. Her Majesty Queen Elizabeth II had the longest reign of any monarch in recorded history, aside from the 72-year reign of King Louis XIV of France, who ascended the throne as a four-year-old. From the age of 25, the Queen has been a constant presence in the lives of the 88 per cent of current Australians who were born since her accession.

In 1952, Robert Menzies was Prime Minister of Australia and Ross McLarty, a veteran of the First World War, was Premier of Western Australia. Australia has had 15 subsequent Prime Ministers and seven changes of government. Western Australia has had 14 Premiers and nine changes of government. In Britain, the record is even more dramatic. The Queen's first Prime Minister, Sir Winston Churchill, was born in 1874, entered public life during the reign of her great-great-grandmother Queen Victoria and was the right age to have been Queen Elizabeth's grandfather. Her fifteenth Prime Minister, Liz Truss, was born in 1975 and is only two years older than the Queen's eldest grandchild.

Right to the end, two days before she died, she fulfilled her constitutional duty in accepting the resignation of her fourteenth Prime Minister and commissioning his successor. Boris Johnson, as her penultimate Prime Minister, attested to her unflagging interest and dedication at the very twilight of her life —

We think of her deep wisdom, and historic understanding, and her seemingly inexhaustible but understated sense of duty. Relentless though her diary must have felt, she never once let it show, and to tens of thousands of events—great and small—she brought her smile and her warmth and her gentle humour—and for an unrivalled 70 years she spread that magic around her Kingdom.

At her accession, Queen Elizabeth was the ruler of an extensive colonial empire and the head of a commonwealth of four original dominions, together with newly independent India, Pakistan and Ceylon. After 70 years, the 14 remaining overseas possessions of the British Crown have a total of 272 000 inhabitants, whereas the commonwealth comprises 56 sovereign nations with a combined population of 2.4 billion people. Contrary to some recent offensive and unhistorical remarks, Queen Elizabeth has in fact been the great decolonising monarch. Of the 56 nations of the commonwealth, 15 have the Queen as their monarch, five have their own monarchies, and the remaining 36 are republics. Although 43 nations gained their independence during Queen Elizabeth's reign, another four African nations with no British colonial legacy opted to join the commonwealth, and three nations that had earlier left the commonwealth rejoined it.

Queen Elizabeth has actively fostered a multiracial commonwealth, sometimes in the face of indifference by British governments. In the early 1970s, both the right and left of politics derided it, and it had an uncertain future. However, her special brand of diplomacy has been crucial to its survival and evolution into an international club that confers a degree of legitimacy and respectability to its members—partly because today it would not tolerate an Idi Amin or perhaps a Robert Mugabe. As early as 1961 on a visit to Ghana, the first significant African colony to gain independence, she showed notable respect and friendliness to its militantly anti-western President Nkrumah. The Queen and the other members of the royal family ensured that decolonisation occurred with the minimum of bitterness, and the nations of the commonwealth demonstrated their respect for the role played by the Queen when in 2018 they agreed that she should be succeeded as the head of the commonwealth by King Charles III.

On the broad international scale, Queen Elizabeth has exerted a healing role. In 1958, she received the President of West Germany and in 1965, she was the first reigning British monarch to set foot on German soil for many decades. This work of reconciliation continued through to her last visit in 2015. We should not forget that the Queen herself was part of the wartime generation. In early 1945, aged 18 years, she was the first female member of the royal family to wear uniform and train as a mechanic on active service with the Auxiliary Territorial Service, the ATS.

There were equally significant visits to Japan in the 1970s, to China in 1986 and to Russia in 1994. In 2011, she was the first British monarch to pay a state visit to Ireland since it gained independence 90 years earlier, a difficult exercise in apology and forgiveness.

Her Majesty's reign has encompassed the terms of 14 Presidents of the United States, commencing with Harry Truman. Again, her personal rapport with successive Republican and Democrat presidents has strengthened an essential and enduring alliance. It was of course Queen Elizabeth who, in the wake of the September 2001 terrorist atrocity, expressed the memorable words that “grief is the price we pay for love”.

Queen Elizabeth has always been a great consoler, visiting the survivors of terrorist outrages or of natural disasters, and sending heartfelt messages of support in the wake of tragedies in our own nation. ABC news on Friday saw an emotional Mr Jeff Edwards, one of the few children to survive the 1966 Aberfan disaster in Wales, bear witness to the Queen's support of him and his community over ensuing years.

Her Majesty was never concerned with, or guilty of, the unhealthy contemporary obsession with self-esteem. What she had in abundance was self-respect. It requires a great natural dignity for a political leader or monarch to send oneself up for public enjoyment, without diminishing the standing of their office. Yet in 2012, the year of the diamond jubilee and the London Olympics, the Queen and her corgis performed flawlessly in a sketch with Daniel Craig in his role of James Bond. Again only a few months ago for her platinum jubilee, the Queen was filmed in a sketch trading marmalade sandwiches with Paddington Bear, concluding with his heartfelt “Thank you, Ma'am—for everything.” This polite if fictitious bear speaks for many millions of people today.

President, Queen Elizabeth II ruled for 70 years, beating the second-longest serving monarch in Great Britain, who served for 63 years, Queen Victoria. I note that the longest serving king, King George III, managed only 40 years. The level of service over such a long period demonstrates a consistency that we all admire. I do not think that there is anyone in the chamber today who can remember an alternative monarch, and that speaks volumes for the

consistency that the Queen delivered as a public statesperson throughout her 70-year reign. We wish the best of luck and best wishes to her successor, King Charles III. I note that some King Charleses did not historically fare all that well in the political system, but he has started with grace and compassion. May he remain in that mode for the rest of his reign. We congratulate the royal family on the dignity that they have shown.

HON MARTIN ALDRIDGE (Agricultural) [2.14 pm]: I rise to support the motion before the house on behalf of the parliamentary Nationals WA. In preparing for this contribution, I have pondered: how does one do justice in recognising the passing of our sovereign the Queen, a person who was Queen of Australia for more than 70 years? She has reigned for longer than I have been alive and longer than my parents have lived. For many, we have known no other sovereign. Her service to her country and to the commonwealth is truly remarkable. Boris Johnson said just recently how difficult it was for many who feel almost a familial loss, despite not having any personal connection or any connection at all with the late Queen. Although many around the world are sharing in the grief of the death of the Queen, our condolences and sympathies must first and foremost be with the Queen's family. Although we often focus on one's public life and service, we often overlook the Queen as a person, a mother, a grandmother and a great-grandmother. This can only be a difficult time for them, not only grieving the loss of Her Majesty, but also doing so in such a public sense.

In pondering my remarks today, I came across an article that was published in the *National Geographic*. It was a short excerpt from a brief interaction with Her Majesty, and, according to my notes, it said —

On a recent low-key trip to Scotland, she met some American tourists while walking. When the tourists asked if she lived locally, she mentioned that she had a house nearby, and when asked if she'd ever met the Queen she simply pointed at her security guard and said, "No, but he has!"

These personal anecdotes are what the Queen is so well known for—her ability to engage with all, regardless of their import, their wealth, their education or their pursuit. I am sure this is the reason why so many people connected with her when ordinarily a connection between a monarch and her people may have been more distant. The commonwealth consists of 54 member nations, comprising some 2.4 billion people, or one-third of the world's population. This is even more remarkable when we consider that at the start of her reign, the commonwealth numbered just seven nations.

I was moved by the recent contribution by former Prime Minister Theresa May, who said —

This is indeed a sad day, but it is also a day of celebration for a life well spent in the service of others. There have been many words of tribute and superlatives used to describe Her Majesty Queen Elizabeth II, but these are not hype; they are entirely justified. She was our longest-serving monarch. She was respected around the world. She united our nation in times of trouble. She joined in our celebrations with joy and a mischievous smile. She gave an example to us all of faith, of service, of duty, of dignity and of decency. She was remarkable, and I doubt we will ever see her like again. May she rest in peace and rise in glory.

President, although none of us will ever know what it means, nor how it feels, to experience the demands of devoting yourself to service for life, I think it would be without controversy to say that it would not be an easy path to follow. The service given by our late Queen was nothing but extraordinary. The pledge that she made on her twenty-first birthday to serve for life, however short or long that might be, was truly honoured. "Grief is the price we pay for love." They were the wise words of the Queen herself. Most never had the opportunity to meet the Queen; however, many are grieving her, for she was loved. In the words of our King: in our sorrow, let us remember and draw strength from the light of her example.

May she rest in peace.

HON DR BRIAN WALKER (East Metropolitan) [2.18 pm]: Around the world, many words have been uttered listing the countless attributes of the late Queen. On behalf of the Legalise Cannabis WA Party, I would like to give some personal feelings. The loss that we have suffered can be seen at several different levels. On the government level, of course, is the international relationships. But for myself, my first memories are of a woman, born the same year as my mother. As a toddler, I looked at a fairy princess, seeing pictures of an achingly beautiful young Queen, who was revered in my family. My family, of course, had served in the war under the command of her father, and here was his daughter, ruling in a way that was quite remarkable; I think little comparison can be found in this world. What I saw was a fairy princess mother substitute wearing, as my mother wore, long gloves, the hats and the dresses, and carrying the handbag, at garden parties, all of which mirrored what women at that time wore, including my mother. So I had a fairy princess godmother, if you like, but over the course of time, the years and decades, I went through various emotions—the rebellious teenage years, up to the kind of conservative political life I am in now—and in all that time I have learnt from her three principles: service, duty and sacrifice.

Service was a promise alluded to and that has been remarkably kept. She promised to serve until the end of her days, and she did so with immaculate grace. That is a guide and example to us all and to me. I swore an oath to live or die at her behest as a member of the military; that was simply the natural way. This is what happens; this is my sovereign. But I also went into service as a medical practitioner, so that is four decades, if you like, of serving the population, and she would indeed show us how to serve. I followed that example. Now, of course, all of us in this political realm have sworn, in one form or another, to serve our sovereign. It seems very right and natural that we learn from a great exemplar.

There is not only that, but also duty—following duty in service to the people, which again is something we could all aspire to emulate. The difficulties she overcame in her life are things that we could appreciate through the difficulties we have experienced. Difficulties always emerge, so how do we respond? Can we respond with the same grace and the same facility that our late Queen showed us? Indeed, it is an example that we should all seek to follow. It is another example of how our late sovereign has led us by example.

The third merit is that of sacrifice. The humility and dedication that the Deputy Leader of the House spoke of we can heartily agree with. In that, we also see that she had a family life that she had to sacrifice to some degree. She could not be the mother she needed to be to her children; she had people who would help her with that. She could not be the wife to her husband because she was in the position of being so much more exalted above her husband, and there are also the sacrifices that he had to make in that relationship in those times. We can say that her social life was not all about garden parties and eating cucumber sandwiches, but also having to go to places where she did not want to be, to socialise in ways that we would find difficult. She showed us how to do that. That is something that members in the other house might learn how to do as well.

We can appreciate all that she has done, but this also gives us in this house an opportunity. We have all felt sorrow, and I personally have felt to some degree an inordinate amount of grief at the loss of someone who has been part of my life since before I was born; I have known no other sovereign. I can appreciate what she has done as an individual and a servant, if you like, of my liege lord. I give thanks for all that she has done for us and thanks for the way that she has shown for us in the future. More than that, there is also this magnificent spectacle of continuity and a life well lived and the pageantry of handing it on—for me particularly, the breaking of the rod when the service was finished and being placed on the coffin—and someone else taking over. That happens smoothly, without any of the horrible things we might anticipate when people seek power. In fact, in this case, power was not sought.

We see the continuity now with our new King, leading us, one hopes, with the same degree of attention to duty and sacrifice that our Queen has shown. I say in this place: thank you, your Majesty, and long live the King.

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [2.24 pm]: So much has been said about Queen Elizabeth II's extraordinary life of service. I would like to focus on just one aspect of that service: namely, her meticulous commitment to the monarchy's constitutionalism, which has helped underpin and ground parliamentary democracy. The Westminster system of representative democracy is a great legacy for Britain and many commonwealth countries. The institutional mechanisms that ensure fair elections and peaceful transition of power are essential to the stability and endurance of the system. The monarchy is a deeply embedded component of that institutional architecture.

Queen Elizabeth II came of age in an era during which democracy was being subverted in much of Europe. She swore in 15 British Prime Ministers over 70 years. She had a profound understanding that her role was to ensure that governments were installed in accordance with the will of the people, as expressed through the ballot box. That may seem to be a trite observation, but contesting of election results and resistance to peaceful transitions of power are now being experienced even in mature democracies. Queen Elizabeth II projected unquestionable political neutrality that was never mistaken for disinterest. She was also a powerful unifying force in Britain because of her consistency and her dedication to duty that so many have spoken of here today. Her role in bringing a nation together and being the symbol of a nation is also important for underpinning democratic practices. Obviously, a constitutional monarchy is not the only possibility for grounding or entrenching stable democracy, but Queen Elizabeth II will be forever admired for her contribution to the Westminster democratic system, and we here have every confidence that King Charles III will continue that steadfast commitment, and we wish him the very best in these endeavours.

HON TJORN SIBMA (North Metropolitan) [2.27 pm]: I rise to make a brief contribution to this condolence motion, and in so doing, attempt not to cover ground already substantially and comprehensively delivered by the excellent speakers who have preceded me today, other than to say on behalf of some of the community of the North Metropolitan Region—I know Hon Peter Collier will also make a contribution—that Her Majesty Queen Elizabeth II was a dignified model of devotion to duty in times of great peril, trial and tribulation. She was a source of great comfort and reassurance to millions upon millions of people globally, in the UK, throughout the commonwealth and, of course, here in Australia and Western Australia.

Much has been said about the longevity of her reign. Something that has, I think, gone unspoken today is that Her Majesty was not predestined to be the monarch. She obviously succeeded her father, King George VI, who had in turn succeeded his brother, who abdicated the Crown. When Her Majesty was born, it was never a foregone conclusion that she would be the monarch and, needless to say, the longest serving monarch. Something of her service, in terms of its length, has been remarked upon by Hon Dr Steve Thomas in that she swore in every British Prime Minister from Churchill to Truss. A point that Hon Dr Steve Thomas also made was that those two Prime Ministers were born a century apart, so that is something to reflect upon. The Elizabethan age we have lived through actually reaches back and forward in time in a way that we probably cannot comprehend.

The other thing to remark upon about her audience with Prime Minister Truss is that that audience was granted two days before Her Majesty's passing. Her commitment to provide lifelong service was fulfilled until the final

moment. That, to my mind, and to the mind of many others, is extraordinary. Obviously, there has been some reflection upon the very personal and deep significance that Her Majesty Queen Elizabeth II played in the lives of people who never had the chance to meet her, but for many she was a permanent fixture in their lives.

With some indulgence on a condolence motion, I reflect upon this: at 211 Harborne Street, Wembley, in the entry room of the house of my grandparents, William and Bernice Hay, above the telephone near a fixed telephone line were two portraits—one of Her Majesty and one of His Holiness John Paul II. That, to me, although it was not intended in any obvious sense, was a sectarian cessation of hostilities in that household. There was a chance for reconciliation. That is something that I will continue to treasure, as were the endless Christmas dinners and celebrations that were formally adjourned—I will not say interrupted—to take note of the Queen's message. I think my story was probably repeated the length and breadth of this state. I say this as well, because in a strange yet compelling sense, the passing of Her Majesty gave me the opportunity to formally personally farewell my grandparents who passed away a decade or so ago, and also my recently departed Dutch grandmother, my Oma, Elizabeth Sibma, who lived an age about as long Her Majesty and was a vociferous consumer of royal stories—I will not say trivia, but anecdotes. She was very, very compelled to keep up to date with the toings-and-froings. To a Dutch Protestant immigrant to this country, Her Majesty served as a beacon of devotion, interest and compulsion.

I think that very deep and personal connection still resonates with us and probably goes some way to describing the depth of feeling of grief and sorrow felt not only by the millions who queued up in London to watch the formal funeral procession go past them and to pay their respects in the way that they could, but also more keenly by people throughout the commonwealth. The commonwealth, in its modern iteration, I think is an enduring legacy of Queen Elizabeth II, and it went a large measure of the way to restoring fairness and justice to and ending apartheid in South Africa. I do not think that that positive legacy of the commonwealth, and Her Majesty's role in that, should go unremarked. With the passing of this monarch, quite sadly, I think we have seen the passing of an age, and, as strange as it sounds, I think the formal end of the twentieth century, 22 years into the next.

Her Majesty will be missed. We wish King Charles III the best of luck. God save the King.

HON WILSON TUCKER (Mining and Pastoral) [2.32 pm]: I, too, rise to support this motion and pay my respects to our former head of state, the late Queen Elizabeth II. I, personally, was not fortunate enough to have seen or met the Queen in her previous visits to WA, and therefore I do not have a personal affiliation or connection with the Queen other than the standard Australian upbringing that I think we were all a part of, and that was seeing the Queen and the Royal Family portrayed on the television and in the media always as the reliable and dependable figurehead, albeit far removed from our everyday lives. So reliable were they, in fact, that it was hard to imagine that the Queen would one day leave us and we would have a new monarch.

The Queen's passing has been met with the expected media firestorm and has sparked debate about the future direction of this country and what the commonwealth really means for Australia. The Queen's passing represents a significant milestone in the history of this country and it represents a change, however small or large, for all of us, which I believe should be reflected on and also respected. Whatever your views on the commonwealth and the Queen as a former monarch and head of state, I think we should all be cognisant and respectful without conflating her passing with the larger questions and opportunistic commentary. Although I personally welcome a future discussion on whether Australia should become a republic, I know many share my views that we should first take some time for reflection and be respectful of the long public service and dedication to the commonwealth of our late Queen.

HON KATE DOUST (South Metropolitan) [2.34 pm]: I also add my words on this condolence motion for Her Majesty Queen Elizabeth II. I listened very carefully to the words of a number of colleagues around the chamber. I think that we all acknowledge that we have noted the passing of an extremely amazing woman who stepped up unexpectedly at the age of 21 and committed her entire life to the service of her people, her country and the commonwealth. As has already been noted, she continued to do so until a day or two before she passed. We all saw the photos of her meeting with incoming UK Prime Minister Truss and were quite shocked at her physical appearance. But then, two days later, to hear that she had passed I think was a much harder shock for everyone to bear, because I do not think people anticipated the speed of her demise.

Although we made comments about her service to her country, the fact is that she took on a role as a woman in the 1950s that was uncommon. She raised a family of four children and had grandchildren and an extended family. She had to make significant and difficult decisions not only in her role as a monarch, but also certainly towards her family and her community. I think that is to be admired. I noticed the reference to the changes in South Africa and other places. I do not think she was afraid to tackle the difficult issues and she certainly was not one to buckle to perhaps the male advice that would have been dominating at the time. She set her own agenda. We all know that she was well renowned for being across her brief across all her portfolios. Stories abound about her catching out ministers or Prime Ministers across particular issues when she knew what was happening but they were not necessarily across their own matters. Having watched the last few days, and particularly last night when, like I imagine a lot of members, I sat up and watched the funeral proceedings on television, I was struck by the volume of people who came to pay their respects and watch the procession all the way through to Windsor Castle. It was quite a visual spectacle,

one that I do not think we will see repeated, certainly not in our lifetimes. I listened to the stories that people told about their interactions with her in various ways. I suppose that the pomp and ceremony that was attached to the whole process was foreign to us in Australia, but it was indeed an interesting spectacle. I think that was a part of the sign of respect that people across the commonwealth wanted to pay to her for her service to the commonwealth. I note that she played a significant role there.

As we know, she was the patron of the Commonwealth Parliamentary Association, of which nearly all of us, if not all of us, are active members. During the last visit she made to Perth, I was fortunate enough to attend her keynote speech at the Commonwealth Heads of Government Meeting and was quite struck by her commentary in that speech. It was not a quiet or passive speech. She was quite forceful in her comments of the day about the issues she was interested in. I understand that the speech that she gave to CHOGM on each of those occasions was perhaps the only time in her role that she was able to craft her own words and to put on the public record her thoughts on particular issues. It was not necessarily a speech driven by others; it was her words, language and view of issues. I thought that was a really interesting experience to see and to listen to her on that stage.

The other opportunity that some of us may have had during that 2011 Commonwealth Heads of Government Meeting was the garden party held at Government House. I think, for a lot of people in Perth, that was a first. The event was attended by hundreds of people, and I know that for my two daughters, who were fortunate enough to go, it was a very special event. I had to restrain my youngest daughter from jumping the fence to meet the Queen. People were very enthusiastic. Those sort of events, although unusual and rare for us, are memories that we can sustain. The Queen made 16 visits to Australia, a number of those here to Western Australia. Different people have different memories of each of those occasions and will hold on to those.

The Queen had a remarkable life. She gave all the way through her life, from being a mechanic in the army during the war to taking up her role as monarch across the commonwealth, building those relationships, and, as has already been referred to, holding that ship stable through times of challenging crisis. We will not see the like of her again. The new King of the commonwealth and the United Kingdom, Charles III, has significant shoes to fill—those of his mother. I hope that her memory will be a blessing.

HON DONNA FARAGHER (East Metropolitan) [2.41 pm]: I also rise to say a few words of condolence. Over the past few days, and certainly last night, people from all parts of the world have paused to reflect on and pay tribute to Her Majesty Queen Elizabeth II.

On the Saturday immediately following her passing, I was returning home from an event in the electorate and listened to the former UK Prime Minister Boris Johnson, who was speaking in the House of Commons. I will reflect on his speech a couple of times. In his tribute to her late majesty, he used the phrase “Elizabeth the Great”, a phrase that I and I am sure others have subsequently heard many times in the past few days and I think is a very apt description for Queen Elizabeth II. The history books will record that her reign was the longest of any British monarch. Her late majesty celebrated her silver, golden, diamond, sapphire and platinum jubilees. To say that out loud in just one sentence reminds us how exceptional her reign was.

Notwithstanding the importance of each milestone, her late majesty was always humble in her response. In fact, on 9 September 2015, the day she overtook Queen Victoria’s record reign, she was opening the Scottish Borders Railway and reflected only briefly on this most significant milestone by simply saying —

Many including you, First Minister, have also kindly noted another significance attaching to today, although it is not one to which I have ever aspired. Inevitably, a long life can pass by many milestones; my own is no exception. But I thank you all, and the many others at home and overseas, for your touching messages of great kindness.

In my view, these words encapsulate her late majesty’s view on life. She was humble and modest; she was kind and thoughtful. She recognised the achievement of others and was thankful and always appreciative when others thanked her for her service. Of course, she grew up in the shadow of the Great Depression and World War II, during which King George VI insisted that his family should adhere to the rations that his people were subject to. She has at times been referred to as being thrifty and wanting to make things last. Indeed, it was perhaps characteristic of Her Majesty that her preferred mode of transport when off duty, if you could call it that, was driving herself, apparently often at lightning speed, in old Land Rovers across the estates of Balmoral and Sandringham. As Boris Johnson said —

... I can tell you as a direct eyewitness that she drove herself in her own car with no detectives and no bodyguard, bouncing at alarming speed over the Scottish landscape to the total amazement of the rambles and the tourists we encountered.”

In mentioning these and other places, it always seemed that it was on the land, in the countryside, that Her Majesty appeared happiest. I have read a few times now words to the effect that when she came up to Balmoral, the Queen would “leave her crown at the door”. It was clear in the aftermath of her passing that the local people living near Balmoral Castle were mourning not only their sovereign, but also a friend and neighbour.

Her late majesty served in World War II and was the first female monarch in 1 000 years to have served full-time in wartime. She undertook a massive 21 000 official engagements and travelled the length and breadth of the world. She presented 380 630 honours and awards, held 459 investitures, gave royal assent to 3 135 acts of Parliament, undertook 250 official overseas visits to 128 different countries, and gave 88 state banquets during her reign. Of course, throughout all that, she would regularly meet with other world leaders, but she was just as comfortable meeting ordinary people doing everyday things. Her broadcasts at Christmas and other times throughout her reign brought people and families together in both good and not so good times. She was, as others have said, a constant and a source of stability. Sir William Heseltine, who, as I understand, is the only non-Briton she had as private secretary in her long reign, and who is a Western Australian at that, was quoted in the paper the other day. He said —

One never felt anything but the better for conversation with her. And it applied to quite casual conversations, you could even see the casual interchange with people in the street when she was doing a walkabout.

“Everybody felt uplifted by this extraordinary personality.”

I also saw an interview on 7.30 a couple of days ago with one of the Queen’s former assistant private secretaries, Samantha Cohen, also an Australian. She said that Her Majesty loved Australia because she found Australians so direct and fun. Her Majesty visited Australia 16 times. Her 1954 coronation tour with the Duke of Edinburgh represented the first time a reigning sovereign had visited our country. They visited 57 towns and cities in 58 days, with the National Museum of Australia stating that almost three-quarters of the Australian population took advantage of the opportunity of seeing the Queen at least once during the visit.

We have much to be grateful for during the reign of Queen Elizabeth II. She was a strong, dutiful and reassuring monarch who followed in the footsteps of her late father. We never knew what her personal views were on matters of controversy. She instinctively knew that if she expressed her view, however benign, it could be used to divide. As Western Australians, we can be proud to remember that it was in our state, when the Commonwealth Heads of Government Meeting was held in October 2011, which was attended by her late majesty as head of the commonwealth, that one momentous and important private meeting took place. That was the meeting of the 16 Prime Ministers of the Commonwealth of Nations. It led to a document known in some settings as the “Perth agreement”. This historic agreement most significantly determined amongst other things that succession to the crown should not depend on gender.

More personally, I will always fondly remember the Queen’s visit for another reason. After stepping down as Minister for Environment; Youth in 2010 to have my daughter, Clare, then Premier Colin Barnett asked me to be his parliamentary secretary. The first responsibility he gave me was to be his representative on the various committees and meetings tasked with the state’s preparations for both CHOGM and the Queen’s visit. There was, of course, much to organise, and after such an experience, I can only but imagine how hard it would have been to organise that 1954 coronation tour without the use of emails and mobile phones. There were many events at that time, both public and private, and logistics to be worked through, but for all Western Australians, the Queen’s barbecue was, I believe, a very fitting and very Australian way to celebrate our Queen. I will also remember almost falling off my chair and being speechless, which does not happen often, when the then Premier told me that my husband, Scott, and I would be presented to Her Majesty and the Duke of Edinburgh at Government House ahead of the garden party. That was indeed a very precious moment in time that we will never forget.

I saw an interview with the New Zealand Prime Minister Jacinda Ardern on Saturday when she recounted one of her first meetings with the Queen. She had asked the Queen how she managed juggling being a world leader with being a mother and having a family all at the same time. Apparently, her response simply was, “Well, you just get on with it.” That response perhaps sums up the Queen to a tee—devoted, dignified and humble, and always about service above self. The Queen also said at another time —

I want to show that the Crown is not merely an abstract symbol of our unity but a personal and living bond between you and me.

Her late Majesty’s unwavering devotion and loyalty to the Commonwealth of Nations and to millions of people around the world throughout her extraordinary 70-year reign will forever be an inspiration to us all.

We, of course, now have a new sovereign, King Charles III, and it is my view, and I am sure that of many others, that he could not have had a better example to follow than his late mother, Elizabeth the Great. God save the King!

HON SOPHIA MOERMOND (South West) [2.50 pm]: I rise to make a brief contribution to this condolence motion. I wish those who loved and cared for her my condolences; may their wonderful memories of the Queen soothe their grief. For me, personally, I have not found the royal family particularly relatable. They have such a different life to mine—much influence, power, wealth and possibly a somewhat wayward family at times—yet, here she was, providing guidance and making decisions for so many people. Her journey could not always have been easy and I appreciate that. She was so young when she was crowned and developing responsibilities and skills over the years and navigating many challenges showed strength, insight, intelligence and resilience.

The following anecdote is what really humanised Her Majesty Queen Elizabeth II for me. In 1998 she had a visit from the crown prince at the time, and, after that, King Abdullah of Saudi Arabia at her Balmoral estate in Scotland.

She offered a tour of the estate in the royal Land Rovers. Here was a king from a country where women were not allowed to drive! He was hesitant to take up her offer of a tour. He certainly was not expecting the Queen to be the driver. I have heard that she was a very good driver, although I suspect she might have been driving somewhat fiercely over her property in Balmoral. The interpreter then asked the Queen—actually implored the Queen—to slow down and focus on the road. I have giggled about that. It is such a delightful example of a creative protest.

HON PETER COLLIER (North Metropolitan) [2.52 pm]: I stand today to pay tribute to Her Majesty Queen Elizabeth II. When Her Majesty passed away on 8 September 2022, it was met with a universal sense of sadness. The global outpouring of grief and sense of personal loss for a public figure is something that we have never previously experienced. To put it succinctly, Her Majesty's passing represented the end of certainty.

For all members of this chamber, and indeed a vast majority of the international community, the reign of the Queen exceeded our lifetime—70 years and 214 days. She was the only sovereign, head of state or indeed long-term authority figure that we have ever known; she was a constant component of our lives. Of course, it almost did not occur at all. Her father, Prince Albert, later King George VI, was the second son of King George V. The first son, Edward VIII, succeeded his father when he died in 1936. However, when Edward abdicated after he proposed marriage to Wallis Simpson, Elizabeth's father became King and, as she had no brother, she became heir presumptive.

The next 16 years were internationally tumultuous, consumed with World War II and the postwar political restructuring. Established allegiances were swept aside with the onset of the Cold War and the emergence of the superpowers, the USA and the Soviet Union. Princess Elizabeth gained enormous respect with the British public during this period, with her "hands on" approach to her responsibilities during and after the war. She gained enormous kudos for a speech she made on her twenty-first birthday, which said, in part —

I declare before you all that my whole life whether it be long or short shall be devoted to your service and the service of our great imperial family to which we all belong. But I shall not have strength to carry out this resolution alone unless you join in it with me, as I now invite you to do: I know that your support will be unfailingly given. God help me to make good my vow, and God bless all of you who are willing to share in it.

The Princess was true to her word.

Public adulation developed even further following the Princess's marriage to Prince Philip in November 1947 and the birth of their first child, Prince Charles, on 14 November 1948. Almost without warning, Princess Elizabeth's life changed forever with the death of her father, King George VI, on 6 February 1952. She was subsequently proclaimed Queen of the United Kingdom, Canada, Australia, New Zealand, South Africa, Pakistan and Sri Lanka, as well as head of the commonwealth. Thus began the reign of Her Majesty Queen Elizabeth II.

As we reflect upon the long reign of Her Majesty it is appropriate to acknowledge the enormity of change that has occurred over that period. Socially, economically, and politically, on every level, we are a dramatically changed world in 2022 than existed in 1952. The extraordinary capacity of Her Majesty to adjust over this period is without peer.

Emanating from a tradition of tightly established values and protocols, she was flexible. Evolving from a heritage of absolute rule by a monarch, she was fastidiously politically impartial. From an environment steeped in social hierarchy, she was compassionate and benevolent. During her reign, she endured a sustained period of constant global political uncertainty, social revolution and economic restructuring, and yet she was able to seamlessly traverse all before her.

The time of her ascension to the throne in the early 1950s was generally regarded as a conservative, austere period. While marriage rates had marginally declined, they still accounted for a vast majority of relationships. Church attendance was high and almost exclusively Christian based. It was a period of the baby boom following the uncertainty of the war years. Migration was restricted to movement within a confined theatre of nations. Governments were overwhelmingly right of centre and support for the monarchy was strong. However, the might of the British Empire was questioned as a yearning for independence by a number of former sovereign nations led to the decolonisation of these countries.

The 60s saw a remarkable shift in attitudes and values. The development of the contraceptive pill ushered in the swinging sixties and with it a marked change in values. Women became more prominent in the workforce, although their opportunities for senior positions remained scarce. Rock and roll heralded a newly liberated youth voice to test the resolve of authority. International turmoil was prevalent with the Cuban missile crisis, the assassinations of President Kennedy and Martin Luther King and the Vietnam War, while the civil rights movement had global traction. The decade ended when man landed on the moon.

The 70s ushered another significant change on the political sphere with terrorism emerging as an unfortunate aspect of negotiation. By the 80s the global landscape had again shifted, and the decade concluded with the disintegration of the Soviet Union. While political allegiances continued to diversify over the ensuing decades, Britain always remained a pivotal player, particularly within Europe with the establishment of new allegiances and finally the European Union. Of course, the political uncertainty continued in this sphere and in fact Brexit consumed Great Britain for the decade prior to its decision to leave the EU in 2020.

Equally as significant over this period has been the changed international social and economic landscape. There has been a noticeable shift in the fabric of our society, which has become much more egalitarian. A more entrenched middle class has emerged at the expense of a hereditary aristocracy and working class. This has been coupled with a seismic shift in our social norms. The traditional family structure has been in steady decline, unmarried and single parents are commonplace, divorce is no longer stigmatised, church attendance has declined, and legalised abortion and same-sex marriage are supported in most countries, just to name a few.

Throughout this entire period, there has been one constant—Her Majesty Queen Elizabeth II. She has been flexible, she has been impartial, she has been compassionate. Whatever period to which I referred over the past 70 years, she has been a woman of our time.

Her Majesty has survived 15 British Prime Ministers—all of whom have expressed nothing but respect and admiration for their Queen. Her Majesty has survived 16 Australian Prime Ministers—all of whom have expressed nothing but respect and admiration for their Queen. Her Majesty has survived 14 US Presidents—all of whom have expressed their respect and admiration for the Queen. Her Majesty has transcended the period of rule of all before her. Her capacity to evolve in an international environment that has shifted enormously and become increasingly complex over her tenure is testament to her character. It is this unique aspect of Her Majesty's character that has been responsible for the love and affection for her that has consumed the world since her passing. There has been an enormous outpouring of grief and despair across the globe. The spontaneous tears of millions are a sign of genuine affection. They represent a helplessness that the Queen has gone—that life without her will not be the same.

We all have our personal views on the passing of the Queen, even those who are not advocates for the monarchy. Almost without exception, since her passing there has been universal support for Her Majesty. From Prime Ministers to Presidents, from celebrities to everyday men and women and their children, the message has been unambiguous—Her Majesty has been a constant positive presence in our lives. Life without her appears unimaginable.

Over the past week, I have watched and listened as countless people have explained what impact the passing of Her Majesty has had on them. In a way, it has been quite therapeutic to witness so many grown men and women openly weep when asked about her passing. In effect, for many of us, whether or not we are monarchists, it justifies our own emotional response. Without attempting to explain this response, I suggest that it is grief. We have been grieving the loss of a woman who has been our Queen for all our lives and who has been a constant vehicle for comfort when faced with adversity. We may not have met her; however, she was a symbol of stability, security and comfort. I definitely sympathise with this emotion.

I feel that I was born a royalist, in particular, a committed devotee of Her Majesty. As a child of the 1960s, I was infatuated with the Queen and the royal family. Perhaps I inherited that devotion from my parents and wider family, all of whom held deep affection for the Queen. In fact, my mother gave birth to my elder sister, Diane, on 26 March 1954, the day the Queen visited Kalgoorlie. Merely hours after giving birth, my mum insisted on being wheeled outside of her ward at Kalgoorlie Regional Hospital to watch Her Majesty pass by. Inevitably, this devotion to Her Majesty would filter through to my two sisters, Di and Kerry, and me. Regardless of the genesis of my belief, unapologetically, I declare myself a committed monarchist.

I vividly remember the excitement that I felt when the Queen, Prince Philip and Princess Anne visited Australia in April 1970. They arrived on the *Britannia* and spent several weeks visiting numerous places on the east coast. Acknowledging that there was no way that the *Britannia* could be swept off course and find itself in Kalgoorlie, I took every opportunity to watch the Queen on television. From the small grainy black and white screen of our first television in Ward Street, Her Majesty was everything that I had imagined and more. As I could not be there in person, I took multiple photos of her from the confines of our television screen with my small Kodak Instamatic and then insisted that my mum rush them immediately into Skipworth's Camera Shop in Hannan Street to be developed. It took an agonising two weeks before they returned from the central processing department in Perth. For obvious reasons, the photos were less than perfect. However, to me, as a 10-year-old devotee of Her Majesty, they were sublime.

Some years later, in 1984, I was in London walking through Trafalgar Square with a friend when we noticed a large crowd congregating around the National Gallery. We walked up and inquired what was going on. We were told that the Queen would be arriving at any moment to open an exhibition. We could not believe our luck; we had gone to London and we were going to see the Queen! Although my friend was somewhat ambivalent, I was absolutely euphoric. After a short wait, the big white vintage Rolls-Royce arrived and drove slowly past the awaiting crowd. Her Majesty looked at us and waved. We were in awe, even my somewhat sceptical friend. We could not believe it. Those around us were full of excitement, convinced that the Queen had singled them out and waved to them. Of course, they were completely mistaken. Without a shadow of a doubt, Her Majesty looked directly at me and waved at me—no-one else; she definitely waved at me. I wanted confirmation and I received it. As she emerged from her vehicle, prior to being escorted into the National Gallery, she stopped, turned around and waved once again. This provided me with the validation that I so desperately sought. There was absolutely no doubt whatsoever that she sought me out, looked directly into my eyes and waved. Her Majesty waved at me.

Many years later, I had the unique opportunity to engage with Her Majesty once again. It was in 2011 during her last visit to Western Australia. As the then Minister for Training and Workforce Development, I was fortunate enough to participate with Her Majesty in the opening of the Clontarf Residential Centre in Manning. It was a magnificent occasion in all respects, made even more special by the presence of the Queen. During the proceedings, Her Majesty signed the attendance manuscript and I followed, sitting in the same chair and using the same pen. Then, as the Queen rose to leave the event, she turned and waved to those in attendance. However, it was not a general wave to all in attendance; she most definitely looked directly at me, even though I was seated several rows from the front. She then, quite pointedly, waved at me, directly at me. She evidently remembered our previous exchange at the front of the National Gallery in 1984.

My intention in recalling these personal memories of Her Majesty is not intended to be flippant nor disrespectful. They are the thoughts of a man who has had a lifetime devotion to the Queen, and I am confident that they would be replicated by literally millions of people who have had the opportunity to engage with her. She had an extraordinary capacity to make every single person feel significant—that was her nature. For example, I attended a function last week at which Justin Langer was a guest speaker. He gave a very emotional account of a treasured memory that he had of Her Majesty. As a member of the Australian men's cricket team, he had the opportunity to meet the Queen at Buckingham Palace. To him, like me, it was a time that he would never forget.

Her Majesty is not being revered across the globe purely because she was the Queen for over 70 years. Of course, her title brought with it an automatic status; however, this was not the justification of her phenomenal personal appeal. Queen Elizabeth II was literally a living manifestation of the word “majestic”; she was magnificent, dignified and captivating. It is for this reason that the outpouring of grief across the globe since her passing has been so profound. Her adoring public has lost much more than its Queen; it has lost a woman upon whom, for more than 96 years, it grew to trust, respect and love. She has been a constant element in the lives of several generations. Her innate capacity to face adversity with strength, be it war, economic turmoil, personal tragedy or even a pandemic, has provided the public with a level of security that they could not attain from any other forum. For example, as we recently faced the challenges of COVID, with millions of people losing their lives and hundreds of millions having their livelihoods irreparably damaged, once again, Her Majesty managed to provide comfort through articulating a short and yet appropriate message. In part, she said —

While we have faced challenges before, this one is different. This time we join with all nations across the globe in a common endeavour, using the great advances of science and our instinctive compassion to heal. We will succeed—and that success will belong to every one of us.

We should take comfort that while we may have more still to endure, better days will return: we will be with our friends again; we will be with our families again; we will meet again.

At a time when the public desperately sought reassurance, Her Majesty, through a few simple words, was able to deliver.

Over the past few days as we have witnessed hundreds upon hundreds of thousands of people queue for hours and solemnly walk past the Queen's coffin as she lay in state at Westminster Hall, we understand why. When people of all ages spontaneously weep when asked how they felt at the passing of the Queen, we understand why. When accolades from across the political divide provide glowing reflections of Her Majesty, we understand why. When a young child places some flowers and a handwritten note to the Queen at the gates of Buckingham Palace, we understand why. It is because the Queen had the innate capacity to touch each and every one of us through her words and actions. In an increasingly complex world, she had been a constant symbol of comfort and certainty. Although the human spirit is strong, inevitably it has its vulnerabilities, and the Queen consistently provided certainty and comfort.

From another perspective, there has always been, and there will continue to be, a distinct international infatuation with the monarchy. Perhaps C.S. Lewis got it right when he said that the monarchy “satisfies our craving for inequality”. Perhaps the public at large is satisfied with the heritage that the monarchy represents. Although this respect almost certainly would not extend to a return to monarchical rule, there remains strong admiration for the pomp and ceremony associated with the royal establishment and most definitely for Her Majesty.

This devotion towards Her Majesty evolved considerably in her later years. Her commitment to a life of service was admired and respected, and for the millions who have lined the streets throughout the United Kingdom over the past week, it has been an opportunity to return the favour—to say, “Thank you”.

Another example of this level of affection towards the Queen was on vivid display just 18 months ago following the death of her beloved husband, Prince Philip. On 17 April 2021, the Queen, along with just 30 other mourners, sat in St George's Chapel at Windsor Castle for the funeral. COVID had severely restricted the attendance at funerals, meaning that devoted family members were not provided with the opportunity to say goodbye. The Queen was no exception. On this occasion, while typically stoic in public, during the service, as she sat alone in the pew, the grief on the face of Her Majesty was palpable. As she bowed her head, there was a collective desire across the globe to sit by her side, to put our arm around her and say, “It's okay, we're here.” For that moment, she ceased to be our Queen; she was a grieving widow whom we all loved and admired.

Now it is time to say goodbye. In doing so, I recognise the extraordinary role that Her Majesty has played in her lifetime of service. It was a role she did not choose and yet she performed with impeccable allegiance. Last night, many of us watched Her Majesty's funeral. Although the occasion was sad, a little sombre and poignant, and the emotion was raw, there was a serenity that epitomised that moment in time. It captured the reality that life is finite and that when our time has come our departure should not be met with anguish, despair nor regret, but rather it should be a time of grateful reflection whereby we can move on, secure in the knowledge that those who we love and cherish are with us at the end and will be so forevermore.

Her Majesty was magnificent. Two words are hopelessly inadequate, however, they represent a lifetime of gratitude from a humble servant: thank you.

HON SHELLEY PAYNE (Agricultural) [3.10 pm]: Growing up in Canada to British parents I have been touched by Queen Elizabeth II's rule. My parents immigrated to Canada from England after they were married at a time in the 1960s when many people from the UK were exploring the world. My dad's brother immigrated to Australia and his sister remained in the UK so we truly have a family spread across the commonwealth. I am grateful for the opportunity to acknowledge the contribution Queen Elizabeth II has made to people's lives across the commonwealth, whether that be here in Australia, in Canada where I grew up, in New Zealand, or in any other realms of the commonwealth. Our connection to our history and our heritage is so important for our sense of place, no matter where we come from and no matter where we move to in the future.

In fact, I think my words to my children last night were, "Watch the funeral because grandma would have wanted you to do that." My son texted me this morning at 10 o'clock to say that he had only just woken up because he stayed up until midnight to watch the funeral and all I could say was, "Okay." I do not think most of my Canadian schoolfriends listened to the Queen's annual speeches at home because Canada, particularly the capital of Ottawa, is very multicultural, but my mum listened and, therefore, so did we. Her sister would post us news articles from UK papers, particularly about major milestones and events. We loved seeing the horses and carriages and soldiers. Interestingly, the capital city of Ottawa also has ceremonial guards outside the Houses of Parliament. During summer, people can watch the changing of the guard each day as they can at Windsor Castle and in London. Marching along the street beside the soldiers with their big black caps and hearing the band play is something I recall vividly from my childhood.

I think back to what it has meant to people across the commonwealth to have heard a consistent voice year on year for the past 70 years, while our democratically elected Prime Ministers and state Premiers change so frequently. It has given us all across the commonwealth a sense of balance, a sense of consistency and belonging, and positive direction—something I am not sure we truly appreciate. At her coronation in 1952, the Queen called us a family.

The Queen's visits to the capital city of Ottawa, where I grew up, was always a time of excitement, as it was here, I am sure. I recall when she visited on her Silver Jubilee tour. My mum had my sister and I draw pictures for the Queen to bring down to see her as she paraded past. We were able to give her our drawings and received a letter from her thanking us sometime later.

As Canadians, we benefited greatly from being part of the commonwealth. Easy access to travel and work across the commonwealth made the world seem like a smaller, friendlier place. That is something we probably take for granted when we compare our privileges to people in other countries around the world. I had opportunities for university exchanges to Australia and the UK. It was easy to travel to countries like Australia, the UK, Canada and New Zealand. My sister was a pharmacist and she easily transitioned to working in her profession in New Zealand for a decade. Teachers from Canada can easily come to Australia and work. Those arrangements were no doubt helped along by our commonwealth bond. The Queen has been instrumental over the past 70 years in retaining and strengthening the bond between our countries. I have been pleased to see our Prime Minister actively posting and commenting about the Canadian Prime Minister Justin Trudeau and the New Zealand Prime Minister Jacinda Ardern. We are all tackling similar issues; we can learn from each other and support each other, particularly when it comes to issues such as reconciling with our traditional owners, whether it be us, Canada or New Zealand.

Throughout her reign we saw, most notably, the peaceful handing back of Hong Kong in 1997 and, most recently, the voluntary withdrawal of Barbados as one of the commonwealth realms. This was all done in a way that demonstrated peace, understanding and support, from the peak of the Queen's reign as sovereign of 32 independent countries to 15 at the time of her death. We can be very grateful to look back at this period of peace among our commonwealth partners, compared with what is happening right now elsewhere in the world, like Russia and Ukraine, and even the China–Taiwan relationship. The Queen dealt with similar issues in a very different manner, gracefully moving forward with the times and modernising her views alongside us, for which we are all grateful.

The grouping of our countries associated in this manner has been called an achievement without parallel in the history of international relations or constitutional law. The past was a different time and so too will the future be different than it is now but we can be grateful for Her Majesty's dedicated service as we have moved through such change in such a peaceful way over the past 70 years. We cannot really imagine it any differently or any less peaceful, but it certainly could have been. We can look back on the Queen's life as an example of how we can all live our lives. She declared at just 21 that no matter whether her life was long or short it would be dedicated to serving her people, and that she did.

The fact that it is estimated that over four and a half billion people around the globe watched her funeral yesterday is a testament to the high regard she is held in. She ruled the commonwealth for 70 years with steady, positive guidance. She was the epitome of duty, stability, wisdom and grace. She accepted criticism; in fact, she invited it and famously encouraged it with a bit of gentleness. There is a historical bond that joins us across the commonwealth and always will. Her dedication to duty can guide us for the future. Wherever we move forward to as a country in the future, one thing is certain: her reign over the past 70 years has shown us a lot about commitment, service, dignity and dedication. She was a role model for conducting ourselves on the world stage. I think about how young she was when she became Queen at 25, in a time very different from today, and the struggles she must have faced as a young woman, as well as the struggles she faced publicly but always with grace throughout her life. She raised her family while balancing her duty as a queen. She is to be commended for her commitment and dedication and for the sacrifices she made for us all as the longest recorded female head of state in history. As women, we have journeyed in the fight for equality over the past few decades, and she was a role model among us. How strange it will be to see new coins emerge next year without the Queen's face and hear the new UK national anthem played at world sporting celebrations without the word "Queen". It is all most of us have known, even for me, growing up in Canada with coins that also have her face on them.

I thank Her Majesty for her service.

HON STEVE MARTIN (Agricultural) [3.17 pm]: I rise to make a contribution and support this motion of condolence for Queen Elizabeth. There have been some fine words from other members in this place. I will take just one of the tens of thousands of events that Hon Dr Steve Thomas mentioned that the Queen attended over the last 70 years to highlight her connection to this state. During the 1954 world tour of Australia, the Queen visited Northam. As part of the civic reception on that day in March, she received a posy of flowers from 12-year-old Beth Christensen. Beth still lives in Northam. The event in 1954 was recently brought to the attention of Northam Shire President Chris Antonio. With only a couple of days' notice before the Northam Show, Chris thought it would be a wonderful opportunity to recreate that event where Beth presented the flowers to Queen Elizabeth. At the opening of the Northam Show, now 80-year-old Beth Visioli, who still lives in town, was delighted to take part in laying a wreath of flowers with Chris to show her respect to Her Majesty.

Beth told *The West Australian* about her preparation for the original event. She said she had been selected to present the flowers to the Queen because she was a Legacy ward. Beth recalled being very nervous and having to practise curtsying for weeks in the lead-up to the event. I think we can trace the enormous affection that Western Australians had for Queen Elizabeth back to that royal tour. As many have said, that was more than 60 years ago, when the Queen was a very young woman. As we have heard from others, that was the Queen's first visit to Australia and the first ever visit of a reigning Australian monarch to these shores. Prime Minister Anthony Albanese observed that the 1954 tour was the largest single event ever organised in Australia and it remained a defining moment in our nation's history.

I will give members a glimpse of the impact of that visit. We had seven million Australians, or 70 per cent of our population at the time, turn out to catch a glimpse of the young Queen passing by. When the 27-year-old Queen Elizabeth arrived in Sydney, it was estimated that one million people, out of a population of 1.86 million, came out to see her arrival. The royals visited 57 towns and cities during the 58 days that they spent in Australia. They travelled by plane, train, ship and car from Cairns in the north, to Hobart in the south and Fremantle in the west.

The Northam appearance was on the second-to-last day of the tour, and, as we have heard from other speakers, it came during a polio outbreak in Western Australia. I spoke to Beth about the impact of that, and she said that she could not physically present the flowers to the Queen; she had to leave them on a table beside the Queen, who was sitting, so there was no direct contact. I think Beth had a brief moment to talk to Prince Philip on the day. In my discussion with Beth at the Northam Show, those vivid memories were really clear to her all these years later. The impact that the Queen had on the young 12-year-old Beth Christensen has been shared by many thousands of people across the commonwealth in the past 70 years. We got a glimpse of the impact of the Queen's service and dedication on that tour. In fact, her very young children were both left behind for the eight-week tour, around the other side of the world, on which she visited Australia.

President, Australia's great affection for the Queen can be traced back to that 1954 visit. That affection only grew over her lifetime of service and dedication.

May she rest in peace.

The PRESIDENT: Members, the question is that the motion be agreed. I request that in demonstrating your support for the motion, you stand for one minute's silence.

Question passed; members and officers standing as a mark of respect.

BILLS

Assent

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

1. Bail Amendment Bill 2022.
2. Civil Procedure (Representative Proceedings) Bill 2021.

ZONING — MOUNT CLAREMONT FIELDS

Petition

HON DR BRAD PETTITT (South Metropolitan) [3.23 pm]: I present a petition containing 4 642 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 opposed to the proposed rezoning of the Mount Claremont Fields for future infill development.

We say the zoning of the Mount Claremont Fields, which bound Bold Park, must be preserved as ‘Parks and Recreation’ in the Town of Cambridge Local Planning Strategy, consistent with the use of the land for the past 60 years and to retain its benefits for the entire community.

We, the undersigned, ask the Legislative Council to retain the zoning of the Mount Claremont Fields. We ask the Legislative Council to protect this valuable community asset from development and maintain it for sports and recreation by whatever user.

And your petitioners as in duty bound, will ever pray

[See paper 1590.]

GREYHOUNDS — RACING BAN

Petition

HON DR BRAD PETTITT (South Metropolitan) [3.25 pm]: I present an e-petition containing 13 449 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 ...

residents of Western Australia are opposed to greyhound racing in Western Australia and call upon the Government to ban greyhound racing.

Your petitioners therefore respectfully request the Legislative Council recommends that the Government; releases greyhound racing from the sale of the TAB, bans greyhound racing, allows a two year phase out of the industry, assists industry participants in reskilling, rehomes all greyhounds, and approves four breeders to continue as registered breeders for greyhounds as pets only.

And your petitioners as in duty bound, will ever pray

[See paper 1591.]

PARLIAMENTARY SECRETARIES AND MINISTERIAL REPRESENTATION

Statement by Deputy Leader of the House

HON STEPHEN DAWSON (Mining and Pastoral — Deputy Leader of the House) [3.26 pm]: I wish to update the house on a minor change to the appointments of parliamentary secretaries. On 23 August 2022, the member for Swan Hills, Jessica Shaw, MLA, was sworn in as Parliamentary Secretary to the Deputy Premier; Minister for State Development, Jobs and Trade; Tourism; Commerce; Science. Prior to this, Ms Shaw had been appointed as Parliamentary Secretary to the Minister for Child Protection; Women’s Interests; Prevention of Family and Domestic Violence; Community Services.

For honourable members’ information, I now table a revised list of administrative arrangements.

[See paper [1592](#).]

PAPERS TABLED

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

ADJOURNMENT OF THE HOUSE

Special

On motion without notice by **Hon Stephen Dawson (Deputy Leader of the House)**, resolved with an absolute majority —

That the Council at its rising on Wednesday, 21 September 2022 adjourn until Tuesday, 11 October 2022 at 2.00 pm.

CASINO LEGISLATION AMENDMENT (BURSWOOD CASINO) BILL 2022

Third Reading

Bill read a third time, on motion by **Hon Stephen Dawson (Minister for Emergency Services)**, and passed.

MINING AMENDMENT BILL 2021*Committee*

Resumed from 1 September. The Deputy Chair of Committees (Hon Steve Martin) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

Clause 1: Short title —

Progress was reported after the clause had been partly considered.

Hon NEIL THOMSON: It is good to be back. I will follow up on where we left off at the last sitting of Parliament. I have some questions about the timing of the regulations and when they are likely to be finalised. Could the parliamentary secretary elaborate on when it is expected that they will be promulgated, noting the considerable time it has taken to get to this point? I believe the industry is looking forward to the finalisation of this bill.

Hon MATTHEW SWINBOURN: My advice is that, all things being equal—this is a bit of a guesstimate, because it is obviously dependent upon the passage of the bill, the availability of drafters and the consultation, because that is an important element—we anticipate that the regulations will be finalised by around September 2023, so in about 12 months' time. That does not mean that all aspects of or changes in the bill will commence at that time, because there are other systems that will need to be put in place, but in answer to the member's direct question, we are hoping to have the regulations finalised by September 2023.

Hon NEIL THOMSON: The parliamentary secretary mentioned other systems that had to be put in place. Does he anticipate that, as we transition to the new regulatory regime, there will be a requirement to engage with industry specifically around the nature of the systems and changes in the way things are managed? Can the parliamentary secretary give us a bit of background as to what that might look like in terms of the support or otherwise of industry, and making the appropriate adjustments?

Hon MATTHEW SWINBOURN: The short answer to the member's question is yes, there will be comprehensive consultation with industry regarding the systems that are going to be put in place. That is the general answer. The kinds of systems we are talking about are the computing systems, which will be the interface and back-end stuff that needs to happen for the eligible mining activity process to be established. The department has indicated to me that it will put out a policy position paper after the bill has been passed, and that will then inform industry about the parameters of the kinds of changes that will be made. The consultation will be informed by that positional paper. When the consultation formally starts, the position paper will help inform industry about what is proposed to happen. It will be very clear for industry which direction this is going, and if the industry identifies issues in the position paper, it will be very straightforward for industry to identify the issues and to point to people to interface with the department regarding that process.

Hon NEIL THOMSON: Before we move on from clause 1—I am not sure whether any other members will ask questions on clause 1—and at the risk of repetition, I mentioned earlier some of the challenges with the way the bill has been structured because large sections will be deleted and consolidated under one section. There might be some repetition in my questioning. I hope that is not too onerous. We can probably work through that.

I have an issue that I want to get to in a more generic sense before we move on from clause 1. I have a couple of matters that I would like to discuss in the context of clause 1 that appear later at clause 34. Maybe we could have a discussion about that before we get there.

I think there was some discussion at the last sitting of the challenges of the environmental officers and the low-impact activity. Has the parliamentary secretary been able to ascertain in the time that has elapsed to what extent this bill will result in savings for the department and the extent to which the changes might speed up the approvals process? Maybe the parliamentary secretary could give us an understanding of the total value of approvals and processes in the context of the current delays. What is this bill likely to achieve in terms of its overall benefit to the mining industry?

Hon MATTHEW SWINBOURN: No additional work was done between when we last dealt with this bill and now. The reason for that is that it is difficult for the department to do that work until the regulations have established the parameters of an eligible mining activity, so there is an issue there. The department anticipates that 30 per cent of the approximately 3 500 applications that occur every year will be affected. That is about 1 000, or one-third, of those applications. Again, they are estimations, not concrete figures, because, again, it will depend on some variables that have not yet been settled that will happen as a result of the consultation and the settling of the regulations. The department will then be in a much better position to understand the overall value, but we know there is inherent value in what we are doing.

In terms of, as the member said, the savings for the department, that is not how the department is characterising it or looking at what will happen, because the savings will not be a reduction in the size of the FTEs who work for the department; it will be about reprioritising the work of the department. We discussed that the last time we dealt with this and about environmental officers in particular, who will go from being desk-based for a large part of their working day to getting out and doing onsite work because they will not be bound up in so many of these rats and mice-type applications that have to come before them. The benefit here is pretty clear, but, as I said, at this stage we are not in a position to measure that with any certainty.

Hon NEIL THOMSON: I appreciate that. It raises another issue that I would like to raise when we get to clause 34, which we may skip through, depending on how far we progress in this discussion. I am happy to do it either way. Those matters in clause 34 relate to the definition of “eligible mining activities” and the exclusions and conditions et cetera. I am happy to go into those in detail at that clause.

Hon Matthew Swinbourn: If that is detailed stuff, I suggest we deal with that at clause 34 because it would be covered off there. We might otherwise lose the context if we deal with it just at clause 1.

Hon NEIL THOMSON: Therefore, I will keep the questions on this brief in clause 1. I appreciate that feedback. This is to do with the intersection between the Aboriginal Cultural Heritage Act and the bill and the challenges that might raise, particularly around the additional approvals that might intersect with certain activities. In a generic sense—we will go into detail later when we get to clause 34 and those particular proposed sections—has any significant work been done between the two teams to try to get harmonisation, or would it be fair to say that the definitions that will be defined in the regulations will be harmonised such that those eligible mining activities might also require one approval, or has there not been that level of coordination that might be required to get the benefit that would flow from the red-tape reduction activity in this bill?

Hon MATTHEW SWINBOURN: Member, I am advised that, in the first instance, we have to appreciate that this is the Mining Amendment Bill and it deals with the Mining Act. It is obviously a separate regime from that now dealt with by the Aboriginal Cultural Heritage Act and is also under a separate government department and agency. But I am told that because that department is working on its regulations following our reform of that legislation earlier this year, when we draft our regulations, there will be an opportunity to seek to harmonise some of those elements, if that is possible. At a departmental level, they are talking to each other, noting that this is not yet law, so there are obviously limitations to the degree to which our department can deal with the harmonisation of a prospective bill before Parliament has given it its imprimatur.

I want to make a general point about the protection of Aboriginal cultural heritage and its intersection with this act, which I hope will be helpful to the member. The proposed amendments seek to amend only the mining environmental approvals framework within the Mining Act 1978, and the proposed changes will not impact or alter any obligations under the Aboriginal heritage legislation. Current or future obligations under the Aboriginal heritage legislation will continue to apply to tenement holders in Western Australia. The criteria that defined an eligible activity under the eligible mining activity framework will be prescribed in the Mining Regulations 1981 and will be subject to a separate consultation process post the passage of this bill.

The bill signals that spatial locality will be a factor in determining what constitutes an eligible mining activity. Proposed section 103AC of the bill provides for the minister to exclude areas—for example, environmentally or culturally significant areas—from the eligible mining activity framework by publishing them in the *Government Gazette*. Activities authorised through a low-impact notification will also be subject to standard conditions relating to management of the activities and will be subject to other legal obligations—for example, the requirements under the Aboriginal heritage legislation.

We are not trying to interfere with the broader context of the reform that has happened with the Aboriginal cultural heritage legislation and the existing regime that applies. This is not an attempt to circumnavigate that. I think, because of the low-impact nature of the EMA process, it would go beyond the scope of the policy that we are trying to deal with if we were to talk about the impact on cultural heritage sites, because obviously one cannot rehabilitate damage to those sites in the same way that one may be able to rehabilitate environmental damage. I do not want to dissuade the member from talking about Aboriginal cultural heritage and things of that nature, but it is outside of what we are trying to achieve here with the policy of this bill, because, as I say, it is not a big, big reform. As the member has indicated, this is a red-tape type of approach to try to streamline existing processes for the approval of mining activities.

Hon NEIL THOMSON: This is my final question on clause 1; it may again feature in some possible questions further down on programs of work and the relocation of those provisions into, I think, clause 34. Those provisions are being moved to proposed section 103AG, but some other proposed sections also feature elements of programs of work, redefining that within a condensed part of the new bill.

I am looking to get clarification on something that Hon Dr Steve Thomas raised. He clarified something for me, and I want to hear from the parliamentary secretary on the scope of the legislation. The question I have is whether there is anything in the proposed legislation that might open up the possibility for any regulatory change that might, in some way, redefine in the program of work those activities that are not picked up within the EMAs—the eligible mining activities. It is the activities that are, I suppose, exempt. To my understanding, eligible mining activities will have to be mentioned in the program of works. If the activities fall under the definition of eligible mining activities, my understanding is that the detail of those activities will not have to be defined within the program of work. But will there be anything in the new regulations that might lead to different requirements? If the member could bear with me, the challenge I have is that we have moved a bunch of sections within a pretty big piece of legislation into one consolidated section. Is there any possibility of additional requirements being put on miners or people engaged in mining activity that is not subject to an EMA that might change in any way the requirements

of the scope of those programs of work, or lead to the capacity for further intervention by officers within the department to maybe create more requirements, or more prescription, within those programs of work? I hope that is clear. If the parliamentary secretary could have a go at that, that would be much appreciated.

The ACTING PRESIDENT (Hon Dr Sally Talbot): Hon Neil Thomson, I draw your attention to the fact that your microphone is still on.

Hon Neil Thomson: Sorry.

The ACTING PRESIDENT: It is not you; I am just drawing your attention to that.

Hon MATTHEW SWINBOURN: The intention is not to create any new changes to those matters that will fall outside the EMA matter. I bring to the member's attention that the bill will require the program of work to be defined in the new regulations, which is a change in itself, but I am told that the intention of the definition is only to reflect current practice; in effect, it is only to codify and provide clarity for the existing understanding of what is a program of work. It is not the intention to impact those remaining 70 per cent of applications that will still be dealt with in the way that they are currently dealt with in the program of work.

Hon NEIL THOMSON: I thank the parliamentary secretary; that is helpful. I guess it is the old saying about the road to hell being paved with good intentions. This is a concern that I have had raised with me by individuals within the mining sector. It was not by peak bodies per se, but people concerned about the possibility that in the codification of those programs of works, there could be a level of prescriptiveness that may not have been there before. I think it is probably a good thing that there might be some consistency with the codification, so the flip side of that is that there will be a guarantee of consistency. I am not an expert in this field and I have never undertaken any sort of work in relation to developing a program of works. I understand that it is just an online form. I assume that a wide range of detail goes into those programs of work, depending on the proponent to some degree. My question is: what processes will be undertaken in the codification of the program of works to ensure that the objectives of consistency and simplicity are appropriate and provide the industry an opportunity to give feedback on the codification to stop any creep in detail for what is required in the future? What protections will be put in place so that we do not end up with something in five years' time that was not intended and does not reduce red tape?

Hon MATTHEW SWINBOURN: The first thing I will say is that the member commented that the road to hell is paved with good intentions. However, the current arrangements contain no statutory provision for programs of work. It is an understanding; it is an administrative arrangement. A change of personnel at the department—I am not proposing that this will happen—could possibly result in a change in the interpretation of a program of work. Risk is already built into the current arrangement because it is not certain or clear, but by putting it into regulations, it will provide certainty for industry on the definition of a program of work and what it does or does not include.

To get to the point of regulating for it, as we indicated, that will be part of the extensive consultation that will take place in the establishment of those regulations in, hopefully, September next year. Once those regulations are in place, the department will have an ongoing mechanism to continue consultation with industry, including the opportunity to make refinements to improve processes, interfaces and things of that kind, to reduce red tape. The whole point of this is to reduce the burden of compliance with administrative processes on that part of the—I do not want to use the word “market”—industry that engages in low-impact mining activities. The point is not to create a new problem by solving a problem. As the member said, there are examples of when good intentions result in bad outcomes, but that is not what is happening here. That is not the process. It is not the culture of this department. It wants to work closely with the industry to ensure that there is a better outcome overall. I do not know whether I can provide the member with more reassurance than that because at this stage we do not have a definition for “programme of work”. That will be the subject of consultation. It will not be dumped on the industry. It will know what it is getting. I hope that provides the reassurance that the member was looking for.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 6 amended —

Hon NEIL THOMSON: Clause 4 amends section 6(1d)(b) by deleting “mining proposal” and inserting “mining development and closure proposal”.

Again, my concerns might not be valid, but they are worthy of some investigation. Various sectors have expressed concern about the combination of both mining and development and closure proposals at the commencement of the process. My first question is: what distinction, if any, will be made in the regulations for development and closure proposals and associated programs of work?

Hon MATTHEW SWINBOURN: It might look as though this clause will do more than it actually will. All that the drafting has done is to change the name. According to the blue bill, the definition of “mining proposal” will change to “mining development and closure proposal”, so it is only a name change. The proposed change in section 6(1d) is an update and reflects the relocation of sections that relate to programs of work and mining development and

closure of proposals, previously mining proposals, to new part 4AA. It is not a substantive change. It is only a drafting change in the bill, because parts that are spread throughout the act are being uplifted into this new part to make it more straightforward for those who use the act. Unfortunately, that makes it complicated for those of us who are dealing with this bill because there are bits all over the place, but it does not substantially change anything.

Hon Neil Thomson: So they will still remain as separate proposals?

Hon MATTHEW SWINBOURN: This is probably simpler than I have made it out to be. Currently, a mining proposal and a mine closure plan require two separate documents. The bill will require one document, a mining development proposal, which will reduce duplication. Currently, two documents are required, but going forward only one document will be required. Does the member understand that we are trying to reduce the burden on applicants? Currently, a mining proposal requires a description of activity details, the environmental legislative framework, stakeholder engagement, baseline environmental data, an environmental risk assessment, environmental outcomes, performance criteria and monitoring, and an environment management system; and the mine closure plan requires a project summary, identification of closure objectives and commitments, stakeholder engagement, baseline and closure data analysis, post-mining land use or uses, closure risk assessment, closure outcomes and completion criteria, closure implementation, closure monitoring and maintenance, financial provision for closure and management information, and data. Those are the two separate requirements that currently exist. Post the passage of this bill and the implementation of this reform, the requirements for a mining development and closure proposal will be a proposal description, the legislative framework, land uses, stakeholder engagement, baseline data analysis, risk assessment and management, environmental and closure outcomes, measurement criteria and monitoring, closure implementation and financial provision for closure. As the member can see, we have gone from a long list of requirements to a short list. The member may have a question about the drafting of this clause, as opposed to what happens further in the bill, but I am trying to get across that this is the streamlining and red tape reduction that the government talked about. The reform will happen under clause 34, which is substantially where we are heading.

Hon NEIL THOMSON: It does need clarification to keep it simple. The parliamentary secretary is saying that currently a mining proposal requires two forms—one for the mining activity and one for the closure proposals.

Hon Matthew Swinbourn: Yes.

Hon NEIL THOMSON: Are they required to prepare those simultaneously?

Hon Matthew Swinbourn: Again, by interjection, yes.

Hon NEIL THOMSON: That clarifies it. Thank you for your interjection. So there is no change in the timing of certain activities or for the miner to provide that closure information. Will they still be required to start the process at exactly the same time that they do now?

Hon MATTHEW SWINBOURN: Nothing will change and the burden will be on them. At the moment, when they start this process, the application and mining closure requirements occur simultaneously. We are trying to simplify the process and reduce the duplication that has existed in those two documents.

Hon Dr STEVE THOMAS: Are we on clause 5?

Hon Matthew Swinbourn: No.

Clause put and passed.

Clause 5: Section 8 amended —

Hon Dr STEVE THOMAS: The parliamentary secretary had jumped into the mining development and closure proposals component in clause 5.

Hon Matthew Swinbourn: I blame Hon Neil Thomson!

Hon Dr STEVE THOMAS: There is plenty of blame to go around. I note that clause 5 will remove the definition of “ground disturbing equipment”. It will change the activity that was in the original set of definitions under section 8 of the act to what appears will be new section 103AB in clause 34, which is where all the fun is. This clause will remove the definition of “ground disturbing equipment” and will put in place the definition under proposed section 103AB(1), “Eligible mining activities”, which reads —

- (a) the activity uses machinery to disturb the surface of the land for the purposes of, or in preparation for, mining; and
- (b) the activity can be carried out with minimal disturbance to the surface of the land.

Minister —

Hon Matthew Swinbourn: Parliamentary secretary!

Hon Dr STEVE THOMAS: The member is such a good parliamentary secretary I keep promoting him in my mind; that is fantastic!

I assume that the definition of “ground disturbing equipment” in section 8 of the act is not used anywhere else in the act. Can the parliamentary secretary confirm that removing it and replacing it in proposed section 103AB will not have any impact? I presume this will be a less unwieldy version of the legislation and the definition of disturbing the ground. The definition goes into less detail, but at the same time the clause gives a bit of flexibility. I presume there is a reason the wording has shifted in defining the machinery and the use of that machinery to any activity that uses machinery. Is there a reason for the shift in wording?

Hon MATTHEW SWINBOURN: The answer to the first part of the member’s question is that it does not have any impact on any other part of the existing act. The definition for ground disturbing equipment has been removed as this threshold is now captured in new part 4AA. Just to be thorough, the definition has been replaced in new part 4AA in proposed sections 103AB, 103AG, 103AH, 103AI, 103AL and 103AM, which describe the conditions on tenements for which thresholds of activity require authorisation. These proposed sections state that the activities will require approval when using machinery to disturb the surface of the land for the purpose of, or in preparation for, mining. An example is proposed section 103AB, “Eligible mining activities”. I will read this out and emphasise the necessary points. Proposed section 103AB(1) states —

- (1) For the purposes of this Part, the regulations may prescribe an activity done on land the subject of a mining tenement to be an *eligible mining activity* ... if —

This is the important part —

- (a) the activity uses machinery to disturb the surface of the land for the purposes of, or in preparation for, mining; and
- (b) the activity can be carried out with minimal disturbance to the surface of the land.

Hon Dr STEVE THOMAS: Is there an example or a definition of “minimal disturbance”? That might be the next question because a person might find themselves in an argument with a company that has run through a trench digger, for example, versus something more significant. I do not know whether there is a definition—it might be done on a case-by-case basis—but it is worth asking.

Hon MATTHEW SWINBOURN: It is not defined in the act, but when we regulate an EMA and we create the boundaries, that will effectively define, in a way, a minimum disturbance activity. If it is not minimal disturbance activity, it will not be part of an EMA. Does the member understand?

Hon Dr Steve Thomas: Are you in a position to tell us how prescriptive it is likely to be, or you don’t know yet?

Hon MATTHEW SWINBOURN: That is up to the consultation. Given that it will be regulated, obviously it may change over time. We cannot get down to the brass tacks of it at this stage. We have undertaken to engage in extensive consultation with industry over that, so we do not want to have a starting position. The member may have been out on urgent parliamentary business, but I did say that the department will be issuing a position paper after the passage of the bill that will help to give people an understanding of where we are at at that time.

Clause put and passed.

Clause 6: Section 12 replaced —

Hon NEIL THOMSON: Clause 6 is about delegations. Why is this change necessary? Proposed section 12(3) states —

The Director General of Mines may delegate to an officer of the Department any power or duty of the Director General of Mines except this power of delegation.

Section 33 of the Public Sector Management Act 1994 provides for the power of delegation. Subsection (1) states —

Subject to any other written law, a chief executive officer or chief employee may delegate any power or duty of the chief executive officer or chief employee under another provision of this Act to —

- (a) a public service officer; or
- (b) any other employee; or
- (c) a person who is appointed, employed or holds office in an entity that is —
 - (i) listed in Schedule 1 column 2; and
 - (ii) prescribed for the purposes of this section;
 or
- (d) with the approval of the Commissioner, any other person.

Those delegations are widely used through the public sector. Why is this delegation needed given that we are trying to remove duplication in legislation?

Hon MATTHEW SWINBOURN: The section establishes that the minister can delegate powers, duties and functions. It has been updated to clarify the delegation powers and modernise the language. It might look as though there is more happening here than was intended. For example, there is the removal of “his” and “him” to more

gender-neutral language and those kinds of things. The new provision will ensure the continuity of delegations to officers undertaking their work when there is a change of minister. At the moment, a change in the person undertaking the role of minister requires that all delegation instruments be made again. Obviously, that is unnecessary and creates a burden. This provision will update that to a more modern practice. Delegations can be removed or varied. I refer the member to section 59(1)(e) of the Interpretation Act 1984, which governs the matter. It provides that when a written law confers power upon a person to delegate the exercise of any power or the performance of any duty conferred or imposed upon him under a written law, such a delegation may be amended or revoked by instrument in writing signed by the person so delegating. That provision has been relied on to date. We are updating the language in the act. I do not think we are making any radical changes. It is more about continuity and modern language.

Clause put and passed.

Clauses 7 to 9 put and passed.

Clause 10: Section 46 amended —

Hon NEIL THOMSON: This clause deals with the deletion of a “prescribed official”. What is the purpose of that?

Hon MATTHEW SWINBOURN: The section is being amalgamated to modernise language and remove reference to “prescribed official”. This is intended to provide clarity about expectations in making safe disturbances to the land. The department will set its expectations through supporting guidance rather than in the opinion of the prescribed officer, which was the old language. Section 46(b) states —

that all holes, pits, trenches and other disturbances to the surface of the land the subject of the prospecting licence which are —

(i) made while prospecting; and

(ii) in the opinion of a prescribed official, likely to endanger the safety of any person or animal, will be filled in or otherwise made safe to the satisfaction of the prescribed official;

That is a subjective standard. The standard will be “made safe”—full stop—rather than in the opinion of someone. Effectively, we are trying to make the expectations clear rather than leaving them to an individual officer to use a discretion. The expectations should be common and should not vary amongst different people. It is either safe or it is not safe.

Committee interrupted, pursuant to standing orders.

[Continued on page 4052.]

QUESTIONS WITHOUT NOTICE

WESTERN POWER — REGIONAL CONSUMERS

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

I refer to Western Power’s supply allocation of 32 amps for single-phase rural residential properties in WA versus 63 amps for those in cities and towns in WA.

- (1) Prior to and up to February 2022, what direct consultation did Western Power undertake with residents and consumers of electricity from the grid regarding the application of compulsory circuit breakers on rural properties for any switchboard upgrade or new installation of household solar panels?
- (2) How much electricity do regional consumers of energy use compared with their metropolitan counterparts?
- (3) Prior to February 2022, how many regional electricity consumers had circuit breakers limited to 32 amps?
- (4) Prior to February 2022, how many, and what percentage of, regional electricity consumers were exceeding their supply allocation of 32 amps and how were these users notified?

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 Energy.

Customers who have opted to maintain the default 32-amp connection are now required to install a circuit breaker for protection at their main circuit board. Customers who wish to upgrade their connection can do so, which has always been the case.

- (1) Western Power worked proactively with electrical contractor industry bodies, including the National Electrical Contractors Association, running a series of industry workshops and publishing articles in industry publications to communicate the new requirements. The new basic embedded generation technical requirements were also communicated to solar installers and electrical contractors from December 2021 to February 2022, including the publication of factsheets and frequently asked questions that are available on the Western Power and Synergy websites.

- (2) The information needed to answer this part of the question was not made available in time and I ask the member to put it on notice.
- (3) Western Power does not collect information on the exact construction of a customer's main switchboard and expects electrical contractors and their customers to follow Australian standards and the requirements in the *WA electrical requirements* and the *Western Australian service and installation requirements*. This includes the management of maximum demand either by calculation, measurement or limitation by use of a circuit breaker. If they have requested a standard connection service of 32 amps, and if the maximum demand may exceed their requested allocation, electrical contractors are required by standards to install a circuit breaker.
- (4) Western Power does not collect information on the exact construction of a customer's main switchboard and expects electrical contractors and their customers to follow Australian standards and the requirements in the *WA electrical requirements* and the *Western Australian service and installation requirements*. This includes the management of maximum demand either by calculation, measurement or limitation by use of a circuit breaker. If they have requested a standard connection service of 32 amps, and if the maximum demand may exceed their requested allocation, electrical contractors are required by standards to install a circuit breaker.

SCHOOL BUS SERVICES

806. Hon Dr STEVE THOMAS to the Leader of the House representing the Minister for Transport:

I refer to the provision of school bus services by the Public Transport Authority and to the sixth report of the Public Accounts Committee, tabled in August 2022.

- (1) How many evergreen contract model contracts currently exist under the PTA for the provision of school bus services?
- (2) How many of the ECM contracts in the answer to part (1) are with each of the following companies —
 - (a) Australian Transit Group;
 - (b) Kelsian Group;
 - (c) Keolis Downer; and
 - (d) Kinetic Group?
- (3) How many of the ECM contracts listed in the answer to part (1) involve the provision of buses made in Australia, China or any other country?

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 Transport.

- (1) There are 667.
- (2)
 - (a) There are 73.
 - (b) There are two.
 - (c) There are 10.
 - (d) There are zero.
- (3) These contracts relate to the provision of bus services, not buses.

BANKS — BRANCH CLOSURES

807. Hon COLIN de GRUSSA to the minister representing the Minister for Commerce:

I refer to the closure of bank branches.

- (1) Does the Department of Mines, Industry Regulation and Safety keep a record of the number of bank branch openings and closures in Western Australia?
- (2) If yes to (1), please detail the number of bank branch closures in regional WA for 2020, 2021 and 2022 to date.
- (3) Please table any correspondence that the minister or his department has had with the current federal Treasurer on this issue.

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. The following information has been provided by the Minister for Commerce.

- (1) No.

- (2) Not applicable.
- (3) Not applicable.

TRANSPORT — PORTFOLIOS — STAFF

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

I refer to the workforce profile of the minister's transport agencies.

- (1) What is the total number of FTE staff employed in various media, publicity, promotions and communications roles at the Department of Transport, Main Roads WA and the Public Transport Authority?
- (2) What is the annual salary cost of the employment of these officers?

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 Transport.

This information is unable to be sourced in the time period. I ask the member to please place this question on notice.

COMMUNITIES — CASEWORKERS

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

I refer to the answer to question without notice 792, asked on 1 September 2022, regarding case load numbers.

- (1) At any time during the month of August this year, did any caseworker have a case load over the exceptional limit of 18?
- (2) If yes to (1), for how many caseworkers did this occur and how many cases did they have?
- (3) How many complaints has the minister or the department received about caseworkers having an unlawful case load during the current financial year?

Hon SAMANTHA ROWE replied:

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

- (1) The case load management reporting is a point-in-time report that is run on the first Friday of each month. In August 2022, the case load reporting data was generated as at 5 August 2022.
- (2) Please refer to question without notice 792.
- (3) There were nil.

PRE-KINDY PROGRAM — WEST BUSSELTON PRIMARY SCHOOL

810. Hon DONNA FARAGHER to the Minister for Education and Training:

I refer to the response provided to question without notice 708 asked on 18 August 2022 regarding Department of Education approval processes under section 74A of the School Education Act 1999 to allow government schools to deliver pre-kindergarten programs.

- (1) How many government schools have received ministerial approval to deliver a pre-kindergarten program?
- (2) Will the minister provide a list of those schools referenced in (1) that have received ministerial approval and currently deliver a pre-kindergarten program?

Hon SAMANTHA ROWE replied:

I thank the honourable member for some notice of the question and I provide the following answer on behalf of the Minister for Education and Training.

- (1)–(2) With the exception of schools covered by KindiLink, CaLDEYLink, child and parent centres and the BHP Pilbara partnership agreement, the Minister for Education and Training has approved pre-kindergarten programs at Tambellup Primary School and West Busselton Primary School.

POLICE — GRADUATES

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

I refer the minister to the answer provided to question without notice 781, asked on Thursday, 1 September.

- (1) How long has it been the practice to allow recruits to graduate prior to the completion of all the requirements of the course?
- (2) In reference to the numerous questions about the number of sworn police officers asked in 2022, have the recruits who have not completed all the requirements of the course been included in the totals?

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. The Western Australia Police Force advises —

- (1) It has been a longstanding practice over successive governments to allow police recruits who require outstanding training to participate in the graduation ceremony with their squad. Post-graduation, those recruits who have outstanding training will be returned to the police academy at the earliest opportunity to undertake the training.
- (2) As has been the case with successive governments, all recruits who graduate are provided as part of the sworn officer numbers. Over the past 12 months, 25 recruits have not been deployed to operational duties following graduation due to illness, injury or other impediments.

WESTERN POWER — SOLAR INSTALLATIONS — REGIONS

812. Hon JAMES HAYWARD to the parliamentary secretary representing the Minister for Energy:

I refer to the minister's answer to question without notice 757.

- (1) Is the power charge that Western Power collects from customers different in metropolitan and regional areas?
- (2) Can the minister clarify how Western Australians in metropolitan areas with 63-amp connections pay more for their electricity supply than regional Western Australians with 32-amp connections?
- (3) Can the minister confirm that a supply upgrade in a regional area can potentially cost the customer over \$20 000?
- (4) Does the minister believe that the total cost of providing electricity to regional and rural areas should be passed on to the people living in those locations?

The PRESIDENT: Just to note, that last part of the question seeks an opinion. I will give the call to the parliamentary secretary before I have the opportunity to consider that question.

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 Energy. I have an answer to question 4, notwithstanding it sought an opinion.

- (1) No. Under the government's uniform tariff policy, Western Power is required to provide postage stamp pricing for regulated tariff customers, including households, small business users and charities. This means that the price does not differ between regional and metropolitan customers; however, all customers are required to pay for their connections, which means costs vary, depending on the details of the connection, including its capacity.
- (2) Any customer wishing to connect to the Western Power network must pay for that connection up-front. This may be done by an individual property owner or a developer. When paid up-front by a developer it will form part of the bundled cost of purchasing that property.
- (3) Connection costs are assessed on an individual basis for both regional and metropolitan customers and depend on customer requirements and the work required.
- (4) No. The government is firmly committed to its uniform tariff policy, under which regional and rural customers receive a heavy cross-subsidy from metropolitan customers. This is why the Western Australian government continues to reject the Liberal Party plan to—I do not want to read that part of the answer, sorry.

BANKSIA HILL DETENTION CENTRE AND UNIT 18, CASUARINA PRISON —
SUICIDE ATTEMPTS AND SELF-HARM**813. Hon Dr BRAD PETTITT to the parliamentary secretary representing the Minister for Corrective Services:**

Please provide the number of suicide attempts and self-harm cases respectively in August 2022 and September 2022 to date, respectively, at Banksia Hill Detention Centre and 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.

Self-harm statistics for Banksia Hill Detention Centre in August 2022 are attempted suicide, nil; self-harm serious, nil; and self-harm minor, 15 incidents. Self-harm statistics for Banksia Hill Detention Centre from 1 to 19 September 2022 are attempted suicide, nil; self-harm serious, two incidents; and self-harm minor, 14 incidents. Self-harm statistics for unit 18 in August 2022 are attempted suicide, nine incidents; self-harm serious, one incident; and self-harm minor, 44 incidents. Self-harm statistics for unit 18 from 1 to 19 September 2022 are attempted suicide, one incident; self-harm serious, nil; and self-harm minor, 14 incidents.

WITTENOOM — GOVERNMENT EMPLOYEES

814. Hon WILSON TUCKER to the Leader of the House representing the Minister for Lands:

I refer to the eviction and removal of Wittenoom resident Lorraine Thomas on 8 September.

- (1) On the day in question, how many government employees attended Wittenoom and what were their roles?
- (2) Please provide an estimate of the costs associated with those government employees travelling to Wittenoom.

Hon SAMANTHA ROWE replied:

I answer on behalf of the Leader of the House representing the Minister for Lands. I thank the honourable member for some notice of the question.

- (1) Government employees attended Wittenoom to oversee the contract works to secure services and buildings across the town site, and as part of this, served an eviction notice on the remaining resident at Wittenoom. The remaining resident voluntarily vacated the premises the same day. Four government employees were required to undertake this range of tasks.
- (2) Employees travelling to Wittenoom were required to undertake site inductions, work health and safety requirements and staging at Tom Price, due to the extreme risk of attending the Wittenoom town site. Four employees travelling to multiple sites, including Wittenoom, cost approximately \$8 000.

FORAGING — HOSPITALISATIONS

815. Hon SOPHIA MOERMOND to the Leader of the House representing the Minister for Health:

Many Western Australians forage in local forests and national park areas for fungi and other natural foods and medicines.

- (1) How many hospitalisations have there been in 2021 and so far in 2022 attributable to those who have foraged for fungi or other foods and have become ill as a result?
- (2) How many deaths have occurred due to the same reason in 2021 and so far in 2022?
- (3) Does the government have a public education campaign about the potential dangers of consuming foraged foods or medicines without properly ensuring their safety; and, if not, will it implement one?

Hon SAMANTHA ROWE replied:

I thank the honourable member for some notice of the question. I provide the following answer on behalf of the Leader of the House representing the Minister for Health. An answer will be provided on the next sitting day.

CORRECTIVE SERVICES — PRISON OFFICERS — DRUG TESTING

816. Hon Dr BRIAN WALKER to the parliamentary secretary representing the Minister for Corrective Services:

I refer the minister to the Prisons (Prison Officers Drug and Alcohol Testing) Regulations 2016, as currently in force.

- (1) How many presumptive positive tests have been recorded by WA prison officers for —
 - (a) methamphetamine;
 - (b) benzodiazepines;
 - (c) opioids; and
 - (d) THC this calendar year?
- (2) How many prison officers returning a presumptive positive test in each of those categories provided a medical certificate to justify their use?
- (3) How many prison officers, if any, have been —
 - (a) referred to the department's employee welfare unit for a review;
 - (b) had managerial interventions imposed;
 - (c) had removal action initiated against them; or
 - (d) had their permit to do high-level security work under section 15P of the act revoked, again in this calendar year?
- (4) How many prison officers have resigned in this calendar year before any of the above actions could be undertaken as the result of them having returned a presumptive positive test?

Hon MATTHEW SWINBOURN replied:

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

- (1) (a) Nil;
- (b) six;

- (c) 11;
- (d) one.
- (2) (a) Not applicable;
- (b) six;
- (c) 10—one had used their partner's medication;
- (d) nil.
- (3) (a) One—benzodiazepine DATB20220704-01 took more than prescribed dose.
- (b)–(d) nil.
- (4) One, of THC.

CORONAVIRUS — G2G PASS

817. Hon MARTIN ALDRIDGE to the Leader of the House representing the Premier:

I refer to the state government's G2G PASS system which was required for all entry into WA while border restrictions were in place.

- (1) Will the state government commit to an independent review into the G2G PASS system to ensure the fairness and integrity of the system?
- (2) If no to (1), why not?
- (3) Has any internal review, report or inquiry into the G2G PASS system been requested or actioned by any state government agency?
- (4) If yes to (3), please provide details.

Hon SAMANTHA ROWE replied:

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

- (1)–(4) The state government is committed to undertaking a review of all pandemic settings at an appropriate time, in consultation with the commonwealth government, which has indicated that a national review is under consideration.

CARNARVON FLOODS — TOPSOIL REPLACEMENT

818. Hon NEIL THOMSON to the Minister for Regional Development:

I refer to question without notice 797 and the minister's response stating that \$240 000 has been contributed to secure \$1.3 million in federal funding for flood preparedness on the Gascoyne flood plain.

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

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

- (1) The flood plain management working group does not have responsibility for the budget. The budget has been finalised by the Shire of Carnarvon in consultation with the Department of Primary Industries and Regional Development and the Department of Water and Environmental Regulation. The amounts budgeted are —
 - (a) \$715 392;

- (b) \$199 524;
 - (c) \$100 752;
 - (d) \$425 000;
 - (e) \$472 096; and
 - (f) \$32 300.
- (2) Yes, the modelling of flood plain behaviour will utilise new survey material information for the horticultural area and surrounding flood plain.
 - (3) It will be completed in mid-2024.
 - (4) Yes.

BIODIVERSITY, CONSERVATION AND ATTRACTIONS — EXPENDITURE — STATE FOREST ROADS

819. Hon STEVE MARTIN to the minister representing the Minister for Environment:

I refer to the ongoing costs of maintaining our forests.

- (1) For each of the last 10 financial years, what was the total expenditure by the Department of Biodiversity, Conservation and Attractions on maintaining roads —
 - (a) in state forests closed to harvesting activities; and
 - (b) in state forests available to harvesting activities?
- (2) For each answer to (1)(a) and (b), how was this funded?

Hon STEPHEN DAWSON replied:

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

The production of this information will divert staff resources from their usual work, and it is not possible to provide the information requested in the time frame. I request that the member place this question on notice.

WESTERN POWER — SUPPLY ALLOCATION

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

I will try again. I refer to Western Power's supply allocation of 32 amps for single-phase rural residential properties in WA versus 63 amps for cities and towns in WA, and to public comments by the minister saying that the action is due to safety concerns.

- (1) How many regional and rural properties in Western Australia have had their higher circuit breakers replaced with 32-amp circuit breakers since February 2022?
- (2) How many regional and rural properties in Western Australia still have circuit breakers that allow for a current above 32 amps to be received?
- (3) If the reason for the change is safety, how quickly will the government change all regional and rural households to the restricted 32-amps limit?
- (4) What is the exact risk to regional households of receiving 63 amps rather than 32 amps, and what is the measure of damage that has occurred over the many decades that regional households have been receiving more than 32 amps?

Hon MATTHEW SWINBOURN replied:

I provide the following response based on information provided to me by the Minister for Energy.

Customers who have opted to maintain the default 32-amp connection are now required to install a circuit breaker for protection at their main circuit board. Customers who wish to upgrade their connection can do so, which has always been the case.

- (1)–(2) Western Power does not collect information on the exact construction of a customer's main switchboard and expects electrical contractors and their customers to follow the Australian Standards and the requirements of the WA Electrical Requirements and the Western Australian Service and Installation Requirements.
- (3) The requirement is triggered for new connections to the grid, and when a new circuit is added to already connected premises, including when solar systems or electric vehicle charging equipment is connected. Installation of 32-amp circuit breakers is dependent on the customer choosing to upgrade their systems.
- (4) A mains switch circuit breaker is designed to provide overload protection if the connection service capacity on a phase is exceeded for an extended period. This prevents customers' equipment and distribution transformers from overloading, which can risk longer outages and equipment damage.

FOOD AND HOTEL ASIA FOOD AND BEVERAGE EVENT — WA EXHIBITORS

821. Hon COLIN de GRUSSA to the Minister for Agriculture and Food:

I refer to the WA display and delegation at Food and Hotel Asia's Food and Beverage 2022 event.

Hon Alannah MacTiernan: That was a fabulous event.

Hon COLIN de GRUSSA: Indeed.

- (1) What process was undertaken to select the exhibitors listed in the minister's media statement "WA food and beverage showcase at Asia's premier trade event", dated 5 September 2022?
- (2) Can the minister provide details of the financial assistance provided to each of the exhibitors?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question.

This was a fantastic piece of work done by the Department of Primary Industries and Regional Development in promoting WA agrifoods and beverages into the Asian region, and it was very well received. For the member's information, in addition to the businesses that were actually on the stand, I think up to another 40 large WA businesses had their own stand there. All in, it was a great event.

- (1) An expression of interest process for WA food and beverage producers to participate in a range of potential international trade market activations was undertaken by the Department of Primary Industries and Regional Development. Businesses self-nominated through this EOI, which was advertised through direct email to over 300 businesses, in DPIRD's export e-newsletter and across social media networks directly relevant to the WA food and beverage sector.

The WA showcase stand had physical capacity for between 20 and 25 WA businesses to exhibit one to three product ranges per business. Some 40 other Western Australian businesses had individual stands at the event.

DPIRD, in consultation with the Western Australian government's trade and investment office in Singapore, reviewed the EOIs, taking into consideration current market demand for product categories, the businesses' export readiness and/or current market presence, while at the same time ensuring a diverse range of product categories and regions were presented to showcase Western Australia's supply capabilities.

- (2) The cost of the WA showcase stand hire and design was supported by DPIRD. DPIRD also provided pre-briefings to the exhibitors, a welcome dinner and delegation pack, and also worked with the Singapore office to provide personal introductions to relevant buyers. All other costs were at the individual exhibitors' expense, including their own freight, logistics, travel, meal, accommodation and insurance costs.

PUBLIC SECTOR — CONFLICTS OF INTEREST

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

I refer to the need to avoid the real and apparent existence of conflicts of interest in the Western Australian public sector, particularly at the most senior levels of the service.

- (1) Is there a positive obligation under the Public Sector Management Act 1994 and/or the Public Interest Disclosure Act 2003, or another relevant act, for an officer to make a formal personal disclosure of the existence of a conflict?
- (2) If yes, to which classes of officer does this obligation apply?
- (3) To whom or to which authority are these disclosures made, and where and how are these records retained?

Hon SAMANTHA ROWE replied:

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

- (1) Yes.
- (2) All public sector bodies are required to develop a code of conduct, with conflicts of interest procedures a mandatory requirement. In addition, public sector chief executive officers are required to disclose relevant interests they and their families have, as well as a plan to manage identified interests, to the Public Sector Commissioner.

Treasurer's Instruction 924 — Related party disclosures requires agency key management personnel to disclose if a member of their family or a close relation was contracted by their agency for an amount more than \$50 000, and how they ensured they did not influence the contracting of the services. Any such transactions are disclosed in the financial statements in the agency's annual report.

INSURANCE COMMISSION — OUT-OF-HOME CARE AND HOMELESSNESS COVER

823. Hon NICK GOIRAN to the minister representing the Treasurer:

I refer to the Treasurer's answer to question without notice 767, asked on 31 August 2022, regarding the government's temporary indemnities to certain non-government organisations that provide out-of-home care and youth homelessness accommodation services.

- (1) When was the decision made to grant the temporary indemnities?
- (2) When was the Treasurer first informed of the decision?
- (3) When are the temporary indemnities scheduled to cease?
- (4) Which non-government organisations are covered by these temporary indemnities?
- (5) When will the Treasurer, who promised to adhere to a "gold standard" of transparency, table the most recent briefing note or similar document he has received about these temporary indemnities?

Hon STEPHEN DAWSON replied:

I thank the honourable member for some notice of the question. The following answer is provided on behalf of the Treasurer.

- (1)–(5) In November 2021, the state government approved the provision of temporary indemnities for a period of 12 months until November 2022. The temporary indemnity will apply to claims of alleged incidents of physical and sexual abuse against children for non-government organisations contracted by the Department of Communities to provide out-of-home care and youth homelessness accommodation services in Western Australia. Eligible organisations have been notified. Further questions relating to the provision of temporary indemnity and the eligible organisations should be directed to the Minister for Community Services.

AGRICULTURE — PRIMED PROJECT

824. Hon DONNA FARAGHER to the Minister for Agriculture and Food:

I refer to the PRIMED project, which was first announced by the government in May 2019 to provide students and educators with a better understanding of the careers available across primary industries, and the minister's intention to partner with industry to take the project forward.

- (1) Will the minister provide a breakdown of the industry groups and organisations that have partnered with the government to support the delivery of this project since being announced?
- (2) For each of the organisations referenced in (1), what is the total amount of investment that has been received to date?

Hon ALANNAH MacTIERNAN replied:

I thank the member for the question. I provide the following information.

- (1)–(2) An industry consultative committee was formed in 2019. Its members continue to provide valuable input to the program. Considerable effort by the Department of Primary Industries and Regional Development, the Department of Training and Workforce Development and the Department of Education has resulted in industry partnerships to deliver a range of career events for students, including events at the Muresk Institute and a career open day in Merredin. Pandemic effects have led to an extension of the project into 2024. Industry input will continue to be an important part of PRIMED throughout this period. Industry input to date has been in-kind support for the career events.

POLICE OFFICERS

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

I refer to the answer to question on notice 168, asked on Wednesday, 11 August 2021, which stated that there were 7 272 sworn police officers on 30 June 2021, and to a response given at the Western Australia Police Force estimates hearing on Wednesday, 22 June 2022, which stated that there were 6 744 sworn officers on 30 June 2021.

- (1) Why were two different figures provided to indicate the number of sworn officers on 30 June 2021?
- (2) What was the total number of sworn officers on —
 - (a) 30 June 2021; and
 - (b) 30 June 2022?
- (3) What is the number of sworn police officers as of today's date?

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) An administrative error occurred. Once the error was realised, appropriate processes were put in place to have a correction made at the first opportunity.
- (2) The Western Australia Police Force advises that it was —
 - (a) 6 927 police officers; and
 - (b) 7 007 police officers.
- (3) There are 6 911 police officers with an additional 199 police recruits currently in training at the WA Police Academy.

President, I am not sure whether I gave the wrong answer on the previous date. If so, I apologise to the house for that. This hopefully brings the matter to a close.

STUDENT TEACHERS

826. Hon JAMES HAYWARD to the Minister for Education and Training:

I refer to the growing trend of student teachers being granted special permission to teach in classrooms across the state.

- (1) How many student teachers who have not yet completed their teaching degrees have taken up full-time teaching positions in Western Australian schools between September 2020 and September 2022?
- (2) How many student teachers who have not yet completed their teaching degrees had taken up full-time teaching positions between September 2018 and September 2020?
- (3) Can the minister explain the criteria for assessing whether these student teachers possess the skills and maturity necessary for a full-time teaching position?
- (4) Can the minister detail what extra support measures have been put in place to allow experienced senior teachers to support and mentor their unqualified colleagues?

Hon SAMANTHA ROWE replied:

I thank the honourable member for some notice of the question and provide the following answer on behalf of the Minister for Education and Training.

I seek leave to have the following response incorporated into *Hansard*. It is in tabular form.

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

- (1)–(2) Student teachers working towards a teaching qualification, who are employed to perform the duties of a Teacher, are employed in a category of teachers shared with teachers of Aboriginal languages, Teach For Australia Associates, and subject area specialists employed where a qualified teacher is not available. It is not possible to provide figures on which employees within this category are student teachers working towards a teaching qualification.

The table below provides a headcount of employment for full-time and part-time teachers within this category.

As at date	Headcount
20/09/2018	109
19/09/2019	137
17/09/2020	147
16/09/2021	188
15/09/2022	311

- (3) Student teachers have relevant skills and expertise, and meet the Teacher Registration Board of Western Australia's requirements for Limited Registration, which enables them to teach.

The category of Limited Registration gives an employer the ability to employ suitably qualified people who are not registered teachers to fill specific teaching roles when needed. This category allows an employer or school (applicant) to make an application for teacher registration on behalf of a nominated teacher (nominee). To be eligible for Limited Registration, a nominee must:

- have an offer of a teaching position;
- have the required skills, expertise and/or qualification(s) for the duties of the teaching position offered;
- have the English language skills required for teachers in Western Australia; and
- be a fit and proper person to be registered.

- (4) Principals make decisions regarding support arrangements and development opportunities for their staff, based on individual needs and the context of their school. Information on specific support provided to each staff member is not collected centrally by the Department of Education.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS*Question on Notice 855 — Answer Advice*

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [5.04 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 855, asked by Hon Martin Aldridge, MLC, to the Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering will be provided on 21 September 2022.

Question on Notice 864 — Answer Advice

HON ALANNAH MacTIERNAN (South West — Minister for Regional Development) [5.04 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 864, asked by Hon Martin Aldridge, will be provided on 21 September, which is tomorrow.

SYNERGY AND HORIZON POWER — DISCONNECTIONS*Question without Notice 777 — Answer*

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [5.05 pm]: I would like to provide an answer on behalf of the Minister for Energy to Hon Dr Steve Thomas's question without notice 777 asked on 1 September 2022, which I seek leave to have incorporated into *Hansard*.

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

(1)–(3) Synergy:

MONTH	Number of disconnection notices issued		Number of disconnections completed		Hardship utility grant program (HUGS)		Number of residential re-energisations (after disconnection)
	Non-Payment	Non-Application ^[1]	Non-Payment	Non-Application ^[2]	Number of HUGS applications received ^[3]	Number of HUGS payments made ^[4]	
April 2022	801	1641	30	31	856	781	40
May 2022	2446	2883	1611	1725	1,050	750	1071
June 2022	363	1255	331	353	1,055	723	407
July 2022	1766	0	811	0	856	811	605
August 2022	1480	0	591	0	835	675	662

[1] As there is no customer account for a non-application disconnection, these numbers relate to both residential and business premises.

[2] Since July 2022, Synergy has stopped non-application disconnections.

[3] The HUGS figures include all applications received by the Department of Communities from Synergy and includes applications which were declined.

[4] This figure represents the number of individual grants paid to Synergy and not the number of actual payments made by the Department of Communities to Synergy.

Horizon Power:

	Disconnections notices		Disconnections completed*	Re-energisations*	HUGS	
	Non-Payment	Non-Application			Applications received**	Payments made***
April 2022	837	15	32 #	23	34	26
May 2022	1634	26	366	253	52	47
June 2022	1645	19	278	261	33	28
July 2022	933	12	235	209	41	37
August 2022	824	13	171	167	36	31

* Refers to non-payment disconnection and reconnections only. Horizon Power does not capture this data for non-application disconnections.

** The total number of HUGS applications received by Department of Communities, including those applications that were declined.

*** Refers to the number of individual grants paid to Horizon Power.

Disconnections lower due to an Easter disconnection moratorium in place between 11-26 April 2022.

QUESTIONS ON NOTICE 782, 814–832, 841, 858 AND 870*Answer Advice*

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [5.05 pm]: Pursuant to standing order 108(2), I wish to inform the house on behalf of the Attorney General that the answers to questions on notice 870, 782, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832 and 841 asked by Hon Nick Goiran, and question on notice 858 asked by Hon Martin Aldridge, MLC, will be provided tomorrow, 21 September 2022.

QUESTIONS ON NOTICE, 766, 779, 798, 797 AND 799*Papers Tabled*

Papers relating to answers to questions on notice were tabled by **Hon Samantha Rowe (Parliamentary Secretary)** and **Hon Alannah MacTiernan (Minister for Regional Development)**.

QUESTION WITHOUT NOTICE 690*Paper Tabled*

A paper relating to an answer to question without notice 690 was tabled by **Hon Samantha Rowe (Parliamentary Secretary)**.

CORONAVIRUS — MANDATORY VACCINATIONS — PUBLIC SECTOR*Question on Notice 776 — Answer Advice*

HON SAMANTHA ROWE (East Metropolitan — Parliamentary Secretary) [5.06 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 776, asked by Hon Martin Aldridge, MLC, on 9 August 2022 to the Leader of the House representing the Minister for Public Sector Management, will be provided tomorrow, 21 September 2022.

**WA COUNTRY HEALTH SERVICE —
CURTIN UNIVERSITY RESEARCH AND INNOVATION ALLIANCE***Question on Notice 793 — Answer Advice*

HON SAMANTHA ROWE (East Metropolitan — Parliamentary Secretary) [5.06 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 793, asked by Hon Martin Aldridge, MLC, to the Minister for Health, will be provided on 13 October 2022.

Hon Nick Goiran interjected.

The PRESIDENT: Order!

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS*Question on Notice 865 — Answer Advice*

HON SAMANTHA ROWE (East Metropolitan — Parliamentary Secretary) [5.07 pm]: Pursuant to standing order 108(2), I wish to inform the house that the answer to question on notice 865, asked by Hon Martin Aldridge, MLC, to the Minister for Health, will be provided on 13 October 2022.

POLICE OFFICERS*Point of Order — Question without Notice 825 — Answer*

Hon PETER COLLIER: I have a point of clarification. With respect to the response that I received today from the minister representing the Minister for Police, it appears from the response that I have that both previous responses were incorrect. Can I just ask the minister to clarify that? Prior to today, I have not had a correction at all in the house to either of those figures. Could the minister clarify whether those two figures were incorrect? I acknowledge that the minister apologised, but I am still confused.

Hon STEPHEN DAWSON: Further to the point of order, I am happy to follow up on that issue. I have only seen that answer just now, so I was not aware of it, but I will certainly follow it up for tomorrow.

MINING AMENDMENT BILL 2021*Committee*

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

Clause 10: Section 46 amended —

Committee was interrupted after the clause had been partly considered.

Hon NEIL THOMSON: Just so that I am clear about this prescribed provision and the parliamentary secretary's explanation prior to question time, is the parliamentary secretary saying that at the moment nobody in the department has the power to make a judgement about the safety of any person or animals or whatever? I think that

two references—maybe three—are made to “prescribed official” in section 46. How is that actually managed? Is the parliamentary secretary saying that it is just a definition? Does this mean that it becomes just a legal issue? Is that what the parliamentary secretary is saying?

Hon MATTHEW SWINBOURN: People will still be involved in this process, including the people who inspect the site and might see something that they believe is unsafe. However, we are moving from a subjective standard—for example, when the individual officer has to form an opinion that it is not safe—to an objective standard, which is simply that it must be safe. Of course, that will still involve, to a degree, a person forming an opinion, but it is about making it clear in the act itself what the obligation is.

I have been advised that the subjective nature of different views was an issue prospectors raised with the department. The department, more centrally, will be able to set parameters around what is a safe pit or hole—those sorts of things—and set guidance for industry people, not unlike what WorkSafe and the WorkSafe Western Australia Commissioner do with other safety issues. It will be against that standard that things are checked rather than a particular officer forming an opinion, which could differ between officers. Fred and Mary might form different opinions: one day Fred visits the site and says that something is okay, and the next day Mary visits the site and says that it is not okay. This is about providing consistency to industry on standards and expectations. The locus will shift from the individual to create a more uniform standard across industry that will come from the department rather than an individual officer. This is not about disempowering the officers; this provision will provide them with more clarity and certainty. For example, section 46(b) of the act states —

that all holes, pits, trenches and other disturbances to the surface of the land the subject of the prospecting licence which are —

- (i) made while prospecting; and
- (ii) in the opinion of a prescribed official, likely to endanger the safety of any person ...

As the member can see, proposed section 46(b) states —

that all holes, pits, trenches and other disturbances to the surface of the land the subject of the prospecting licence that are made while prospecting, and that are likely to endanger the safety of any person or animal, will be filled in or otherwise made safe; ...

That prescribes a more objective standard, rather than inserting “in the opinion of a prescribed official”. That is more reflective of the modern standards of drafting as well so that each day somebody knows what their obligation is rather than having, as I said with Mary and Fred, different inspectors with different standards.

Hon NEIL THOMSON: I understand that the language is trying to be more prescriptive with the words “likely to endanger the safety of any person or animal”. The current provision in the act refers to the opinion of an officer and creates a line of responsibility. If there is a conflict of opinion with, for example, the prospector, or the person undertaking the mining activity, who says that the site is safe, who will have the final say on that? It is still a matter of opinion. I will not linger on this anymore but it seems unusual because, at the end of the day, someone such as an inspector will have the authority to say that it is unsafe. I would have thought that that would be a pretty straightforward process. Perhaps that inspector would have had some guidance in terms of the requirements.

Hon MATTHEW SWINBOURN: I do not want to labour the point here, but it currently focuses on the state of mind of an individual rather than on an objective criterion. If a prosecuting officer were to prosecute this section, they would have to establish the state of mind of the officer at the time that they had formed that opinion, as opposed to whether objectively, on the description of the facts and circumstances, it was safe or not safe. That is how we get more consistency. Yes, humans are still involved in the process. For example, if the case is taken before a judge, the judge would have to form a view, but we do not have to understand the state of mind of the officer. That is fairer to everybody involved in the process.

Clause put and passed.

Clause 11: Section 46A deleted —

Hon NEIL THOMSON: This clause might be along a similar vein—I do not know—but it deletes a large section. I presume that this bill might put some of it back into the act, and my challenge was in trying to marry up the two. However, section 46A(1) of the act states —

Reasonable conditions may be imposed on the holder of a prospecting licence ...

Is the reasonableness test or provision still contained in this bill or is this also part of the changing of the language in the act?

Hon MATTHEW SWINBOURN: The term “reasonableness” has not been picked up in the new section, which I think is what the member is referring to. I refer the member to proposed new section 103AU, “Conditions for preventing, reducing or remediating injury to land and for other purposes”, that has moved away from that terminology about reasonable conditions. It will state “the minister may impose a condition”. There will be a change

in the sense that the provision currently states “reasonable conditions”. What is implicit is that the minister must impose reasonable conditions within the ambit of the power exercised by the minister. Although it is not explicit, we say it is implicit that any of those conditions will continue to have to be reasonable. As a matter of record, I put that on *Hansard* for anybody seeking to interpret this section and decide whether there is a reasonableness element in it. It remains an element and we say that it is necessary for the minister who imposes a condition on a mining tenement to do so reasonably.

Hon NEIL THOMSON: Is this removal reasonable? Is this change in language in the legislation a trend that is happening across the board or only in the Mining Act, and is it regarded as contemporary?

Hon MATTHEW SWINBOURN: I do not want to talk about the whole statute book, but I understand this drafting was put forward by the Parliamentary Counsel’s Office. Hon Nick Goiran has entered the building, so I will say that that agency is always mentioned, but never here! It did not come from the department itself. To the extent I can give the member any comfort, it reflects PCO’s more modernised drafting practices, but I cannot extrapolate that to the entire statute book and whether other bills will reflect that, but that is our understanding of why the change was made here.

Clause put and passed.

Clauses 12 to 14 put and passed.

Clause 15: Section 63 amended —

Hon NEIL THOMSON: I am a little challenged by this clause and the conditions associated with an exploration licence. I wonder what impact this will have on the security of an existing exploration licence. In the past, decisions have been made in the High Court about the conditions applied to leases when they are not explicitly managed. I would like clarification on the amendment, which deletes a considerable part of section 63. This is a repetition of some of the criticisms we raised earlier. It seems to be a truncated provision so that every exploration licence will be taken to be granted subject to the condition that the holder of the licence will prospect for minerals. This provision contains a significant deletion. Then in the blue bill, proposed new section 63A(b) talks about terms and conditions of an exploration licence not being complied with, including prescribed expenditure conditions referred to in section 64, and refers to any conditions to which the licence is taken to be subject. It refers to a whole range of sections as well. Without being an expert on this act, I would like the parliamentary secretary’s general comment on some of the challenges we saw arising in *Forrest & Forrest Pty Ltd v Wilson* in 2017, when doubt was cast on the validity of certain mining leases because some conditions were not seen to have been met. A view was put that those conditions had to be met within the absolutely strict definition in the legislation. Given the changes and the significant red lines we see in the blue bill, what are the parliamentary secretary’s views on any potential risk to the security of those licences going forward?

Hon MATTHEW SWINBOURN: I will make some general comments about what we are doing in this clause. Section 63 will be updated to modernise the language, and the provisions related to programs of work on exploration licences will be relocated to proposed part 4AA, and specifically to proposed section 103AG. The section 63(b) and section 63(c) conditions relating to the manner in which exploring for minerals is carried out have been revised with modern drafting to focus on ensuring the outcome of making disturbances safe and preventing damage or injury. In relation to the member’s specific question about the potential risk to the security of current exploration licences, which is a genuine and important consideration, the advice is no. The bill contains transitional provisions that will protect existing rights, and it is not intended to disrupt those existing rights by what we are doing here. Primarily, the intention is to modernise the language and simplify the act through the drafting, particularly of the section we are dealing with now, so that it is contained within proposed part 4AA. The bill will make it easier for the industry that uses the act to comply with its obligations and to understand what it needs to do. The short answer to the member’s question about risk is that this does not pose a risk.

Clause put and passed.

Clauses 16 and 17 put and passed.

Clause 18: Section 69D amended —

Hon NEIL THOMSON: This follows on a little from our previous discussion on licences. Clause 18 amends section 69D by deleting significant elements, which we do not have to go into in any detail. The clause reads —

- (1) In section 69D(2) delete “a form approved by the Minister” and insert:
an approved form
- (2) Delete section 69D(4) and insert:
 - (4) On and from giving notice in writing to the holder of the licence of the imposition of the condition, the condition has effect for all purposes as a condition to which the licence is subject.

Will this substantially change any obligations, and will it impact at all on the security of the lease, which we discussed previously?

Hon MATTHEW SWINBOURN: I can understand again why the member has asked the question. It does appear that something is missing and, in a sense, it is. Section 69D(4)(a) provides that the licence holder —

may be endorsed on the exploration licence, for which purpose the holder of the licence shall produce the licence on demand;

That requirement will be removed. We are modernising the language and reducing that obligation; they will no longer have to produce their licence on demand.

The member's more general question was whether that undermines their existing rights and those things. The answer is no. I would imagine that most people would be very welcoming of this provision because they will not have to carry their licence around and produce it on demand. That is positive, and I am sure that the member would agree with me.

Clause put and passed.

Clauses 19 to 21 put and passed.

Clause 22: Section 70IA —

Hon NEIL THOMSON: Clause 22 amends section 70IA. Proposed subsection 70IA(3) states —

A condition imposed under subsection (1) may be cancelled or varied by the Minister at any time.

Proposed section 70IA(3A) states —

On and from giving notice in writing to the holder of the licence of the imposition of the condition, the condition has effect for all purposes as a condition to which the licence is subject.

Does this mean that the minister will be able to give notice in writing and cancel a condition? I assume the answer is in the affirmative. Will the minister be required to outline reasons for the cancellation and will there be any recourse for the licence holder to appeal the cancellation? What other forms of recourse will the licence holder have?

Hon MATTHEW SWINBOURN: There was a lot in the member's questions and I am trying to make sure that I cover it all off. The first thing to understand is that what has arisen in proposed subsection (3) is a condition imposed under subsection (1). It is only conditions that arise under subsection (1), which states —

On the granting of a retention licence, or at any subsequent time, the Minister may impose on the holder of the licence a condition requiring the holder to comply with a specified programme of work in respect of the land the subject of the licence within a specified period.

Proposed subsection (3) relates only to subsection (1) and those conditions that arise with that program of work. It does not relate to other matters. I am also advised that in practice the circumstance that might prompt the imposition of a condition will not come out of the blue after the minister got out on the wrong side of the bed and decided to impose conditions and that would be the first time that people understood they were in that regime. It is typically at the end of the process—for example, an investigative process that the department might have engaged in. That process would have afforded people procedural fairness in matters raised against them and have an opportunity to respond to actions proposed against them, and potentially give an indication whether that would be appropriate and things of that kind. It is probably important to understand that first element—that it is only in relation to subsection (1) conditions and that it is an end-of-process imposition. The department, as a matter of practice, affords people procedural fairness as they go along. If they took the view that the conditions were unreasonable—I do not know that they would be unreasonable—or were not justified, they could take legal action against the minister to dispute those sorts of things. There are no specific provisions for that, but the normal judicial powers would apply to any administrative decision so that people could go to court. It is not normal practice for that to happen. We do not expect a range of disputation to suddenly arise because we have modernised the wording of the provision.

Hon NEIL THOMSON: I apologise for not outlining that it is subject to section 70IA(1), which deals with the conditions of the program of work. That is an important point. I assume that under the current legislation, when a program of work is approved by the department or the minister, it cannot be altered. The current legislation does not seem to have the provision to cancel or vary. This seems to be a new provision. Is that correct?

Hon MATTHEW SWINBOURN: I am advised that the bill is not creating any new power. Essentially, the conditions relate to the prevention or reduction of injury to land, which is the section that is being deleted. Section 70I(2) provides that a condition imposed under this section may be cancelled or varied by the minister at any time. The conditions for the program of work relate to the prevention or reduction of injury to land, which is quite an interesting phrase. It is obviously historic, but it relates to environmental matters. The member has a history in planning, so I suspect that he is not unfamiliar with that kind of archaic language. The short answer to the member's question is that the minister is not being given new powers; the minister already has the power to vary conditions. The way that I answered the question previously gave the impression that this is a punitive provision. I understand that the powers will mostly be exercised to vary or cancel conditions at the request of the tenement holder. It is not normally used as a punitive process in any event. Someone will write to the department to say that the conditions

are either unnecessary or oppressive, or the circumstances have changed, and that they would like the conditions on their program of work to be varied or cancelled. The department will advise the minister and the minister will either agree or disagree—I suspect that he would overwhelmingly agree with the advice from his department—and that is where that will end up.

Clause put and passed.

Clauses 23 to 26 put and passed.

Clause 27: Section 82 amended —

Hon NEIL THOMSON: There are various elements to this clause. I will make sure that I have the right number so that I do not send the parliamentary secretary on a wild goose chase. I will have to go back to the blue bill. There is quite a lot of material here, so finding it all in a timely way is quite difficult. I will read out what I have in front of me so that the parliamentary secretary might be able to find it. It is to do with the review of the mine closure plan contained in the relevant mining proposal and the need to obtain written approval for the mine closure plan. Elements are being deleted. The word “review” in relation to a mine closure plan does not appear in the proposed changes.

Hon Matthew Swinbourn: Member, the advisers have indicated to me that you might be referring to clause 29 if you are talking about mine closure plans, rather than clause 27.

Hon NEIL THOMSON: That is probably why I cannot find it! Let us move to clause 29, if you do not mind, Deputy Chair.

Clause put and passed.

Clause 28 put and passed.

Clause 29: Sections 84AA and 84 deleted —

Hon NEIL THOMSON: Sorry; that was my error. I put the wrong clause number in my annotations. I was searching in my paperwork, but it was just a typo in my notes, so I apologise. Clause 29 deals with the review of mine closure plans contained in relevant mining proposals and the need to obtain written approval for reviewing mine closure plans from a prescribed official. Again, it mentions a prescribed official, but I will not go into that part. I am focusing on the issue about “review” in relation to mine closure plans, which does not appear to be in the new section. What is the process for continuing to meet best practice in mine closure plans? It seems that we are deleting the section on the review of mine closure plans. I would like to get some clarification of what that all means.

Hon MATTHEW SWINBOURN: Section 84AA is being deleted, which I think is fairly evident from the blue bill, as the provisions for the review of mine closure plans are being relocated to proposed sections 103AS and 103AT in division 5 of proposed part 4AA. The review date will be listed on the approval statement and this date may be extended or varied by the minister. The three-year time frame is being deleted to remove a default time frame for submission and to provide flexibility for this date to be varied on a case-by-case basis.

Clause put and passed.

Clauses 30 to 33 put and passed.

Clause 34: Part 4AA inserted —

Hon NEIL THOMSON: As the parliamentary secretary knows, all the consolidation occurs under clause 34. There might be a few questions on clause 34. I will try to avoid any duplication from my previous questions, because we ended up with a lot of provisions that have been deleted and are now appearing under clause 34 in a new form. We have to be quite specific about insertions, such as proposed subsection 103AP(1). I do not know whether that is helpful at all.

Hon Matthew Swinbourn: If you have the blue bill there, it might be helpful with the page number.

Hon NEIL THOMSON: It might be easy to go through the blue bill. I have put notes initially with the deletions and then put the inclusions—hence the challenge.

Proposed subsection 103AA(a) states —

in relation to a mining development and closure proposal — the outcomes, objectives or goals to be achieved at the completion of the decommissioning of a proposed mine ...

Why does it have “or”? What does that actually mean? Given that we were trying to be more prescriptive and clear about things, is it outcomes, objectives or goals? Could the parliamentary secretary explain the difference between an outcome, an objective and a goal, and how would a proponent distinguish what those are and how they would be used within the preparation of the mining development closure plan?

Hon MATTHEW SWINBOURN: I might not get the answer the member was seeking, because we got a little lost along the way, but I will give it a shot. If we are off the mark, let us know and we will try to provide a different response. The member referred to proposed subsection 103AA(a) and the definition “closure outcomes”. What I could say generally about that is that it is now outcomes focused, which is what we are trying to achieve. With these

closure outcomes, we are trying to achieve a safe, stable, non-polluting or contaminating and supportive agreed post-mining land use. That is the outcome that we are trying to achieve from this change in focus rather than being prescriptive with specific things. Does that answer the member's question?

Hon Neil Thomson: It just seemed like it had three different terms—outcomes, objectives or goals. It seemed a bit loose for the legislation, given that the parliamentary secretary has explained what the objectives are. It just could have been “the outcomes” in the legislation. It might have been the outcomes, as the parliamentary secretary just described. What was the purpose of having those three terms in there, and what is the distinction?

Hon MATTHEW SWINBOURN: Maybe the member should seek the call.

Hon NEIL THOMSON: My point was that it says “the outcomes, objectives or goals to be achieved”. It seems like there are three different things that are hoping to be achieved, yet there is no real definition. It is not a term. I assume that those terms are used throughout clause 34 or throughout the closure plans, but maybe interchangeably. I do not know; I am asking why it has that broad description.

Hon MATTHEW SWINBOURN: I think we have a better idea of what the member is getting at. I can see the point he is trying to make, which is that “outcomes, objectives or goals” could be synonyms with each other, and so it might have been easier to perhaps say “outcomes or objectives or goals”. But the advisers tell me that this is drafting language used by the Parliamentary Counsel's Office in order to cover the maximum scope of the overall clause. This is a definitions clause and we have a small phrase here, which is “closure outcomes”. The PCO is making sure that the meaning is as broad as it needs to be by using all that language. There are slight differences between the meanings of outcomes, objectives and goals. An outcome might be a specific thing, but an objective might be more—for want of a better word, it is a motherhood statement. The objective is to have a mine closure that is returned to the community in a fashion that is consistent with what the community wants, which is an objective, but the outcome for that might be that X, Y and Z might need to happen. We are trying to capture it all here, but again, I cannot give the member much more insight into exactly why those three words are used in that order.

Sitting suspended from 6.00 to 7.00 pm

Hon NEIL THOMSON: I am looking at the excluded areas in clause 34. In the blue bill, it is proposed section 103AC. Is there any change in this from the original provisions that have been deleted from the earlier parts of the act?

Hon MATTHEW SWINBOURN: This is a new, for want of a better term, proposed section. It is necessary because of the creation of the EMA regime. This proposed section will allow the minister to exclude particular areas from being eligible for application and assessment through an EMA notice, in addition to the reserved lands excluded under proposed section 103AD when the minister does not feel it is appropriate for an EMA notice to be given in a particular area; for example, those conservation areas that are known but are not protected by the provisions of other legislation. As the member can see, it is necessary to have this new provision because the EMA regime would not work if the minister was not able to exclude areas. Obviously, the automatic function of the EMA process is such that when those areas are sensitive—they might be identified by community members, particular groups or even by the mining industry itself as not appropriate for this sort of thing—the minister has to have the power to exclude those areas.

Hon NEIL THOMSON: To clarify the activities that do not fall within the EMA notice, the minister already has the power to exclude areas. This is only for the notices. Does the minister have the power to exclude any mining activity in those areas? I will try to get this question right: the act already allows for the minister to exclude mining activities in areas; is that correct?

Hon MATTHEW SWINBOURN: There are no powers of this kind currently in the Mining Act, but there are areas for which applications for tenements have been submitted and the minister currently has that power. However, we need to understand that this provision will not preclude mining activity from occurring on those excluded areas; they will just be excluded from being eligible for being included in the EMA process. Someone could still submit a paper application that would have to be properly assessed by the non-automated approach.

Hon NEIL THOMSON: I will move on from that. We will be stuck on clause 34 for a little while because we are dealing with different proposed sections. It is a little more complicated insofar as it is not a new clause. I have to find my way to the right point. I have the same question. At the risk of repetition, I will probably ask this question a few times. Proposed section 103AG relates to the conditions required for activities authorised by a program of works. Is proposed section 103AG any different from the current provisions? If there are any differences, will the parliamentary secretary outline what the differences are?

Hon MATTHEW SWINBOURN: In general, it is not different, but it is different in the sense that it now includes the EMA. That is the difference. I think the member will appreciate that that is by necessity. If we were to exclude the EMA activity so that someone was not within that regime, this proposed section would not be different for them after translocating the original section—is “translocate” even a word? I do not know!

Hon NEIL THOMSON: I thank the parliamentary secretary. Sometimes I might ask obvious questions, but the assumption is that it is about the EMA component of the new change, and I will try to ask about any other changes.

I note that this proposed section talks about a relevant licence being a prospecting licence, an exploration licence or a retention licence. I assume they will be subject to the codification process of the program of works. We talked earlier about how the program of works will be codified by regulation. My assumption is that the codification for these various licences will vary. Is that correct for each of those licence types?

The DEPUTY CHAIR (Hon Dr Brian Walker): Members, it has been noted that the sound in the chamber is a little bit heavy; I ask that discussions be quieter.

Hon MATTHEW SWINBOURN: Proposed sections 103AG, 103AH and 103AI all deal with different tenement types, but note that they all come under proposed division 3, “Programmes of work”. Obviously, this proposed division within proposed part 4AA deals with programs of works that will arise. I do not know whether that provides the member with any further clarity. I think he might want to explore it a little more, because I might have lost track of what his original question was about. It is important as a matter of context, when we are talking about proposed section 103AG, to also look at proposed sections 103AH and 103AI as the different types of tenements and that this whole part deals with programs of work.

Hon NEIL THOMSON: Thank you for that clarification. Earlier, the parliamentary secretary mentioned that the programs of work will be codified by way of regulation. The structure or content of those programs of works will be codified and it will be more consistent, but we see here that we have all these different types of activities.

Hon Matthew Swinbourn: That codification would apply across all the tenement types that are in this division.

Hon NEIL THOMSON: Yes. The question is: are there going to be codified programs of work for each activity under each licence type?

Hon MATTHEW SWINBOURN: If I take the member to—we are moving through the bill, in a way—proposed section 103AJ —

- (3) The program of work must —
 - (a) be lodged in the prescribed manner; and
 - (b) be in the approved form; and
 - (c) be accompanied by the prescribed assessment fee; and
 - (d) include any prescribed information.

That provision will apply to all those tenements. Proposed section 103AJ will apply to all the preceding tenement types in terms of what the program of work must include for each of them.

Hon NEIL THOMSON: I appreciate that; I had a note here on proposed section 103AJ to that effect. I will not labour the point, but, conceivably, could there be different prescriptions or different guidelines or codified instructions for each different licence type?

Hon Matthew Swinbourn: Sorry, member —

Hon NEIL THOMSON: If you cannot answer that —

Hon MATTHEW SWINBOURN: I can answer that, if you do not mind. It will be consistent across all, because this provision prescribes what the program of work must contain, so there will be a degree of consistency across all the tenement types. What might be on a particular tenement, like an individual one as opposed to another one, will be different because this will be populated by the matters that pertain to that particular area. But in terms of the standard, this is the standard that will apply for all those tenements.

Hon NEIL THOMSON: That has been a question at the back of my mind all along. Again, it may be partly because I do not fully understand the detail of the different activities on a mine site; I have not worked on a mine site. But I would have thought that a mining lease would cover a very different set of activities from maybe a prospecting licence, for example. I assume the codification will have to be a principles-based approach; it will be very difficult to have a one-size-fits-all approach, given that quite different activities will likely occur under the different licence types. Does that make sense? Someone is nodding!

Hon MATTHEW SWINBOURN: I am told that the member is correct in the way that he has characterised it. It really will depend on the activities concerned. As I say, there will obviously be a degree of certainty around programs of work under proposed section 103AJ(3). If we look above at proposed subsection (2), it states —

A programme of work required in order to comply with a condition referred to in section —

I will not read out all those sections —

must be lodged with the Minister by the relevant lodging party in accordance with subsection (3).

Then proposed subsection (3) provides that —

The program of work must —

- (a) be lodged in the prescribed manner;

The prescribed manner might be different for each of the different tenement types, and —

- (b) be in the approved form; and
- (c) be accompanied by the prescribed assessment fee; and
- (d) include any prescribed information.

Obviously, those things will be prescribed by regulation at a later date, following consultation.

Hon NEIL THOMSON: I thank the parliamentary secretary; I appreciate that. I refer to proposed section 103AH, “Conditions attached to mining leases”. Proposed subsection (6) reads —

Unless a Government agreement provides otherwise, this section does not apply to a mining lease granted or held under the agreement in accordance with proposals approved, taken to be approved or determined under the agreement.

Can the parliamentary secretary give me a layman’s version of what that actually means?

Hon MATTHEW SWINBOURN: This is not the answer to Hon Neil Thomson’s question; I am giving him some context because he wanted a layman’s understanding of what it means. I will try to give that information regarding the Mining Act and the mining regime to him layman to layman. Having never worked on a mine or done a prospecting licence or any of those other things, some of us are on a learning curve. I have just been reminded that I have opened a mine! It was the Binduli North mine that I had the privilege of opening. I got terribly sunburnt at the same time.

Hon Neil Thomson: That is about the extent of my involvement with mine sites as well; I have made a few visits.

Hon MATTHEW SWINBOURN: That aside, I am advised that this provision has been relocated from a different part of the act, so it is not a new provision. The fundamental difference is the use of the term “Government agreement”, which was not used in the old act but will now be a defined term under section 8. That means that the term has been added. The full definition is —

... the meaning given in the *Government Agreements Act 1979* section 2;

That term will now be used in the revised act; it will provide some consistency in the drafting, but it has not changed it. The definition is essentially “the meaning given under the *Government Agreements Act 1979*”. These are essentially state agreements. What this proposed section means is that a state agreement will take precedence over the Mining Act, which makes sense when we think about what state agreements are and the force of law they carry. It is an inconsistency provision to ensure that state agreements prevail over the Mining Act.

Hon NEIL THOMSON: I move to proposed section 103AJ, “Lodgment of programmes of work”. Proposed subsection (4) states —

Before the Minister approves or refuses to approve an activity proposed in a programme of work under section 103AK(1) —

- (a) the Minister may request the relevant lodging party —
 - (i) to lodge a substitute programme of work; or
 - (ii) to provide such further information ...

That is to allow for advice to be given by the department. I assume that if the minister is not happy with a particular program of work, there might be a requirement to amend or change a program of work.

Hon MATTHEW SWINBOURN: This proposed section identifies the procedural requirements for lodgement and further information required for the program of work. It enables applications to be substituted—that is, either edited or resubmitted—as part of an assessment process that has already commenced when the proposed activities are not substantially different. For example, this might happen when an environmental approval has been granted whilst the process was underway or an environmental approval has come out but with conditions, and rather than having to start from the beginning, they are able to essentially amend the application to take that new information into account.

Hon NEIL THOMSON: Would the parliamentary secretary contemplate this provision also being utilised when there is a significant change or when the proponent has a desire to change a program that they might be undertaking because of economic factors, for example?

Hon MATTHEW SWINBOURN: The member characterised the change as significant. That would almost certainly exclude anything, because the process here is limited to things that are not substantially different from the original application. Once the member uses the word “significant”, it elevates it past what I would describe as not substantially different. In that circumstance, a new proposal from the proponent would be needed. This process is also considering matters that are under consideration, rather than after an approval has been given. Those are not really the circumstances. If approval has been given—if they have got past that point—and then they need a change

or whatever it might be, they would need to put forward a new proposal rather than seek to use these provisions to change it. It can be thought of as a way of ensuring that matters of a minor nature do not derail what might already have been a very substantial application process; that is appropriate. If someone proposes something that fundamentally changes what they propose to do, they will need to start all over again, if I can use a layperson's language.

Hon NEIL THOMSON: I will move on and skip through a few more. Proposed section 103A0(3) states —

If the decision is to refuse to approve the activity —

This is consistent with other, similar provisions, so we can use it as an exemplar —

the Minister must notify the lessee of the mining lease or the holder of the miscellaneous licence to which the mining development and closure proposal relates in writing of the Minister's decision and include in the notification the reasons for the refusal.

Reasons are given. However, further in—I am looking for it; I may come to it later—there is an opportunity to terminate a licence without reasons. The minister does not have to answer that; we can move to the other bits. If the officers are able to answer that for me, that would be great.

Hon Matthew Swinbourn: What is your actual question?

Hon NEIL THOMSON: Reasons are required for refusing approval, but somewhere —

Hon Matthew Swinbourn: Is it 103AQ that you want to refer to?

Hon NEIL THOMSON: Probably—the minister is able to cancel a licence without giving reasons.

Hon Matthew Swinbourn: Just for clarity, are you trying to understand why it is different?

Hon NEIL THOMSON: Yes.

Hon Matthew Swinbourn: Why reasons are given in the case of —

Hon NEIL THOMSON: In refusing applications.

Hon Matthew Swinbourn: Yes, but not in a termination.

Hon NEIL THOMSON: That is right; yes, if the parliamentary secretary can answer that.

Hon Matthew Swinbourn: We will see whether we can get an answer.

Hon NEIL THOMSON: Sorry; it was because they were given in different sections.

I have found that provision. It is proposed section 103, if that helps. There is a condition that can be imposed.

The DEPUTY CHAIR: Member, would you prefer to put that question after this one has been answered?

Hon NEIL THOMSON: Yes. Ignore what I said, please.

Hon MATTHEW SWINBOURN: I think the member jumped over a bit because he referred to proposed section 103AU, which does something different from proposed section 103AQ. Proposed section 103AQ is “Cancellations and variations recorded on approvals statements”. On the first point, proposed section 103AO, “Approval of activities in mining development and closure proposals”, identifies the minister's powers to approve or refuse to approve activities proposed in a mining development and closure proposal. The procedural obligations of the minister as a result of the decision provides for statements of reasons to be given for refusals and the issue of approvals statements for approvals and conditions that may be attached to an approval. The effect of that proposed section is that the minister may approve and refuse activities in the same MDCP application.

The reasoning for that obligation is that a failure to give reasons is an error of law. In this process it will be administrative. Someone will still be able to appeal and get what are called writs from the Supreme Court. If the minister fails to give a reason, he will not be properly exercising his administrative functions under the act. That is what the act prescribes in relation to this matter. But the other matters the member raised are different and they deal with a different kind of mischief, if I can use that term; therefore, it is not appropriate to do what the member did and compare them. This is not a criticism, but we are not comparing apples with apples; we are comparing apples with oranges. We are trying to achieve different outcomes.

Hon NEIL THOMSON: My apologies for confounding the issue. However, I want to be clear. Are we talking about proposed section 103AQ as opposed to proposed section 103AO? The parliamentary secretary addressed the comparison with proposed section 103AO.

Hon Matthew Swinbourn: We talked about proposed section 103AO, which the member first raised.

Hon NEIL THOMSON: And proposed section 103AQ.

Hon Matthew Swinbourn: Yes, and proposed section 103AQ, but that is comparing apples and oranges rather than apples and apples.

Hon NEIL THOMSON: I will move to proposed section 103AU. I am interested in this section because it seems to be a fairly powerful provision headed “Conditions for preventing, reducing or remediating injury to land and for other purposes”. When I read this I wondered whether this provision might have been handy in the Juukan Gorge issue. Was there any thought of that when this clause was being drafted?

Hon MATTHEW SWINBOURN: The Juukan Gorge issue came under the Aboriginal heritage provisions that existed at the time. That is not what we are dealing with here. From the smile on the member’s face, he may be trying to be mischievous. It would be hypothetical, but I understand this is not related to what happened at Juukan Gorge. I can provide the member with a more detailed explanation of what proposed section 103 is trying to do. This section provides the minister with discretion to impose conditions for preventing, reducing or remediating injury to land for other purposes. It substantially relocates all deleted sections regarding reducing or remediating injury to land, which previously included sections 46A, 63AA, 70I and 84, which have now been deleted. The bill also now includes the ability to impose tenement conditions for preventing or reducing the impact of mining on the values of reserved land. That is what this clause is trying to achieve. Largely it is the relocation of previously deleted provisions and the additional objective of the bill giving the ability to impose tenement conditions.

Clause put and passed.

Clauses 35 to 39 put and passed.

Clause 40: Section 162 amended —

Hon NEIL THOMSON: The language of this clause is unusual, and maybe it is a Parliamentary Counsel’s Office issue. We have brought in the terminology “the Governor thinks”. Deleting the term “he deems” obviously degenderises the language, which is understandable, but it seems rather odd to replace “he deems” with “the Governor thinks” and I wonder why. Is that part of the normal process?

Hon MATTHEW SWINBOURN: It is a drafting convention from Parliamentary Counsel’s Office. It is what it decided to do. I cannot give the member any more insight as to why it has gone from the word “deems” to “think”, other than to say that is a modernising of the language. In substance, it will essentially achieve the same thing. Previously, it said “he” deems. We have had a female Governor, and we will undoubtedly have a female Governor in the future, so obviously “he” is inappropriate and gender-neutral language is more appropriate. As I say, I suspect that “deems” can be problematic at times, so I think that is also why PCO has moved to “think”. I cannot give the member any more insight than that.

Clause put and passed.

Clause 41: Second Schedule Division 3 inserted —

Hon NEIL THOMSON: Clause 41 deals with transitional provisions. Proposed clause 25 in the new second schedule division 3 refers to transitional provisions for previously approved mining proposals. It states —

transition period means the period beginning on commencement day and ending —

- (a) 10 years after that day; or
- (b) on a later day approved by —
 - (i) the Minister; or ...

I do not have the blue bill with me, but I could probably get to it if the officers cannot find that. How was 10 years determined, and is that consistent with the industry’s understanding of what is achievable?

Hon MATTHEW SWINBOURN: I have been advised that originally it was proposed to be six years, and that in engagement with industry, it indicated that it was not comfortable with that time period, so it was extended to 10 years. The purpose is to not have a time frame that is so short that it will place undue administrative pressures on both the industry and the government. Therefore, 10 years is where we have landed. I think that is appropriate given the consultation that occurred. Mining activity may be very short, of course, if we are talking about exploration and prospecting, but most mining activity is long term and people want to have certainty about those things. That figure of 10 years is a very comfortable figure, given that it was reached in consultation and agreement with the industry, so that is where we are at. Of course, any number will be arbitrary in nature. It could be 10 or 11, or whatever.

It is also worth noting that under these provisions there is the possibility of extension by the Minister for Mines and Petroleum to take into account any unnecessary adverse effect on a particular individual at the end of that 10-year period. That will offer the flexibility that is needed. We are now getting to the end of this act. None of this process is about making it more difficult for industry. The whole policy of what we are trying to do here is to move to a risk-based assessment process where our officers can be focused on those matters that deserve their attention, and to take them off these matters by having an automated and simplified process, which I think is reflected in the 10-year period, so that we are not creating a rod for both our back and the industry’s back.

Hon NEIL THOMSON: In effect, anyone who has an approval on the day of promulgation of this bill will be required to have their program of works, closure plans and activities compliant with the terms of the new regime within 10 years. Is that right?

Hon MATTHEW SWINBOURN: There will be no compellability for existing applications. I am told that this is not a “sunsetting” provision for those matters. If a proponent does not want to take the benefits that will be provided by this legislation, they will not be obliged to do so. I imagine that for some, it might be more administratively burdensome to do so because they are coming to the end of their cycle and there is no real incentive for them to be involved—if that means 10 years and six months afterwards, there is no reason. It applies to every new application, of course, but it will not affect the existing arrangements of those that already exist.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

HEALTH AND DISABILITY SERVICES (COMPLAINTS) AMENDMENT BILL 2021

Second Reading

Resumed from 18 May.

HON MARTIN ALDRIDGE (Agricultural) [7.49 pm]: I rise on behalf of the opposition to provide a contribution to the Health and Disability Services (Complaints) Amendment Bill 2021. Members who have followed this bill would realise that its genesis was in a decision made at the Council of Australian Governments Health Council meeting on 17 April 2015. The COAG Health Council agreed to the terms of the first national code and established minimum standards of conduct and practice for all public and private healthcare workers who are not registered under the National Registration and Accreditation Scheme. It established a nationally consistent legislative model that provides for disciplinary action and, in some cases, prohibition when a healthcare worker’s continued practice presents a serious risk to public health and safety. Obviously, some time has passed between the decision of the Council of Australian Governments in April 2015 and September 2022 in the Legislative Council. This bill, however, is not new. It was introduced into the Legislative Assembly on 25 November 2021 and it was introduced into the Legislative Council on 18 May 2022. Here we are, obviously, on 20 September 2022, considering for the first time the bill that is before us. I think it is fair to say that this bill has not received the expedited passage that perhaps other priority legislation of the government has received from time to time. Nevertheless, we are here today considering the bill before us.

It was interesting to reflect on the *Hansard* of the other place with respect to this bill. Quite a significant second reading debate occurred in the other place. Members shared experiences, some personal and some of constituents with respect to complaints or experiences with health care. A significant number of speakers contributed to the second reading debate and, quite interestingly, a significant number of government members contributed to the second reading debate in the other place.

Members might be aware that in late 2017, a consultation paper on this matter was released titled *National code of conduct for health care workers in Western Australia: Consultation paper*, dated December 2017. It effectively sets out, quite neatly, the history of this matter, the national code that had been established by COAG and the application of those national decisions in the context of Western Australia. This consultation paper set out a number of issues and asked a number of questions; I believe it asked 15 questions in total. What is of interest to me is where there is probably a gap in my knowledge about when the consultation concluded sometime in 2017–18, at least with respect to this paper and the bill that is before us.

I notice page 2 of the explanatory memorandum has quite a detailed section on consultation—quite unusually, I would say. Page 2 of the explanatory memorandum says —

The outcome of the consultation is contained in HaDSCO’s June 2018 Consultation Report on the National Code of Conduct for Health Care Workers in Western Australia.

I sought access to this document only fairly late today, so I have not been able to secure it via the minister’s office. Perhaps the parliamentary secretary assisting the minister might be able to help to expedite access to that document, because it would be of interest to me. It is not obvious to me from reviewing the website of the Health and Disability Services Complaints Office that the document is readily available publicly or via the website, but it would be quite useful if we were able to contemplate the document during the consideration of this bill.

Members who are familiar with this consultation paper will know that it asked 15 very specific questions, including “Do you agree with the proposed amendments to the grounds for making a complaint?”, “Do you agree with the proposed time frame for making a complaint about a breach of the national code?” and “Do you agree with the proposed legislative amendments to permit own-motion investigations?” The pro forma submission form requires the submitter to answer a simple yes-or-no question and then there is provision for providing further comments.

We know from the information in the explanatory memorandum that a total of 43 submissions were received in response to the consultation paper. Stakeholders gave widespread support for the implementation of the national code in Western Australia, with HADSCO being the entity responsible for managing complaints and issuing prohibition orders. Stakeholders also noted the need for a collaborative approach with other government agencies and organisations in terms of cooperation during investigations and/or referral of matters. For me, that is probably the missing piece of the consultation puzzle, so to speak, noting that it occurred a number of years ago—in 2017, but probably more significantly in 2018.

In the absence of access to some of that stakeholder feedback, there are some relevant questions that would be of interest, including whether the 43 submissions were received from organisations or individuals, which I believe was a requirement of the submission form. As I said before, it would be good to have some appreciation of the global response to the yes-or-no questions in the consultation phase. Who were the stakeholders who were engaged and did they make a submission? I think the most important question is: was there any change to the proposed reforms as a result of the consultation? Obviously, the government established where it wanted to go and then sought feedback in the consultation phase. Noting that, according to the explanatory memorandum, there was widespread support in the submissions received, it would be interesting to know whether any material change was made to the policy position and the bill now before us.

A couple of other things have happened to date. One is that earlier today, I think the Deputy Leader of the House tabled exhibit A, which is the Health and Disability Services Complaints Office's 2021–22 annual report. It has a couple of references that I think are quite useful in the context of the debate, particularly complaint trends that HADSCO deals with, but also resourcing the agency, if I can call it that. I think we ought to give consideration to that in the context of the workload that we will be giving the director and her office when responding to complaints about the establishment of the national code. An interesting section can be found under "Message from the Director" on page 7 of the report, and "Looking to the future". This short section states —

The Health and Disability Services (Complaints) Amendment Bill 2021 to implement the National Code of Conduct for health care workers in Western Australia is currently before Parliament. The National Code will be a new function for the Office. The Amendment Bill has a strong focus on protecting those using unregulated health practitioners' services. It will address an existing regulatory gap in relation to health care workers who are not registered under the National Registration and Accreditation Scheme such as counsellors, dieticians, doulas, massage therapists, naturopaths, and other types of allied, alternative and community health services.

The other thing that occurred today was a news story that appears to be a follow-up to a story from 16 December last year. It was an update on the national code of conduct for healthcare workers, again issued by the Health and Disability Services Complaints Office. I might read a short statement because it quite aptly summarises the bill, its intent and its current status. Under today's date, it states —

Progress continues to be made towards the implementation in Western Australia of a National Code of Conduct for health care workers (National Code), with the Health and Disability Services (Complaints) Amendment Bill 2021 being passed by the Western Australian Parliament's Legislative Assembly in May 2022 and now pending the Legislative Council.

The purpose of the National Code is to protect the public by setting minimum standards of conduct and practice for all health care workers in Western Australia who are not otherwise registered under the National Registration and Accreditation Scheme (NRAS), such as massage therapists, dieticians, speech pathologists, social workers, counsellors, naturopaths and other types of allied, alternative and community health services.

The National Code will also apply to workers who may be providing a health service unrelated to their NRAS registration, or who are student or volunteer health care workers.

Under the amendment Bill, the Health and Disability Services Complaints Office (HaDSCO) will implement the National Code through receiving complaints and undertaking investigations. HaDSCO will also be able to undertake disciplinary action by placing conditions on a healthcare worker's practice and/or the issuing of prohibition orders to cease practice in circumstances where their conduct presents a serious risk to public health and safety.

The National Code will not restrict entry into practice; however, it will allow effective action to be taken against a health care worker who fails to comply with the standards as provided for under the National Code. There are currently 17 clauses under the National Code which set out the manner in which health care workers should undertake their practice.

Timing for the implementation of the National Code will be dependent on the Health and Disability Services (Complaints) Amendment Bill 2021 being passed by the Western Australian Parliament's Legislative Council.

Obviously, here we are this evening.

This bill has been around for a little while and it may have even been the case that I have had multiple briefings on this bill. I turn to the explanatory memorandum, which states —

The NRAS covers 15 practitioner groups. There remain a significant number of professions who provide unregistered and unregulated health services including massage therapists, doulas, social workers, psychotherapists, counsellors, certain types of cosmetic services, and other types of allied, alternative and community health services.

The National Code does not restrict entry into practice; however, it allows effective action to be taken against a health care worker who fails to comply with the proper standards as provided for under the National Code.

If I recall correctly, it was described at my briefing as a negative licensing scheme or regime.

It does not require a practitioner to be registered or to be licensed, but it can revoke the right of a practitioner to practice in certain circumstances. The National Registration and Accreditation Scheme was established in 2010 by again introducing consistent legislation across Australia as an Australian government scheme. It affects the healthcare workforce across the country in specific areas. I note that the explanatory memorandum refers to 15 groups of practitioners, but according to my information that I extracted today, the NRAS refers to 16. I suspect in the time that has lapsed, there may well have been an additional profession registered under the NRAS. I recall us as a Council dealing with the registration of paramedics, but I think that was prior to the date of the introduction of this bill. Effectively, the 16 professions covered in the NRAS are Aboriginal and Torres Strait Islander health practitioners, Chinese medicine practitioners, chiropractors, dental practitioners, medical radiation practitioners, medical practitioners, nurses, midwives, occupational therapists, optometrists, osteopaths, paramedics, pharmacists, physiotherapists, podiatrists and psychologists.

I return briefly to the annual report that was tabled earlier today, particularly reflecting on a section in the report that talks about complaint trends. For members taking an interest in this bill, some significant data is presented throughout the annual report, particularly in chapter 2 with regard to not only complaints received by the office, but also some of the historical profile over time as well. It is probably no surprise that the majority of complaints received last financial year related to health complaints. Of the complaints received by the office, 2 299 complaints related to health—some 77 per cent—with 431 related to mental health services, which equated to 14 per cent of complaints received, and 47 per cent related to disability, or two per cent of complaints received. Seven per cent, or 219, were considered out of jurisdiction complaints received.

It is interesting to reflect on the message from the director on page 6 under the heading “Complaint trends”, which says —

This year we received the highest number of complaints since the start of our operations in 1996. Complaint numbers continue to increase, rising from 671 in the first year of operation to 2,996 in 2021–22.

Looking back at the issues that give rise to complaints, the underlying causes have remained relatively constant over the years, with the quality of treatment and care, communication, access to services, and costs continuing to be identified. The challenge into the future is to ensure adequate capacity and capability to manage emerging issues in complaints.

In 1996, no one would have imagined that we would be living through a pandemic today and dealing with complaints about associated vaccination issues, which has been a key theme in our COVID-19 health complaints this year. We may not also have anticipated that voluntary assisted dying would be available to Western Australians. With the implementation of the *Voluntary Assisted Dying Act 2019*, we now provide a complaints process for people who wish to access this service and for their carers. The complaints mechanism is one of the safeguards in place for this important piece of legislation.

Carers today also play an important role in decision making for health, disability and mental health care for those they support. A complaints mechanism exists where carers believe a service provider has failed to comply with the Western Australian Carers Charter. The involvement of carers is one of the themes in our case studies in this Annual Report.

From the briefing I received in late July this year, I understand that a complaint made to the office is currently restricted to the person representing the patient or carer but that that will be expanded as a result of this bill. Perhaps I might get some clarity from the parliamentary secretary about the current position and how that will be improved. My notes may be failing me, but I believe it is currently restricted to the patient and is being expanded to a person representing a patient or a carer, or perhaps there is a further expansion beyond what I have recorded in my notes.

Another thing I want to explore further is the appeal mechanism contained in the bill. I will use a brief example. We will get to the detail, I am sure, in the not-too-distant future. Proposed division 4 provides for a review by the State Administrative Tribunal and is found on page 20 of the bill. It says —

If the Director makes an interim prohibition order or prohibition order in relation to a person, the person may apply to the State Administrative Tribunal for a review of the Director’s decision to make the order.

I note something that I may have read in the explanatory memorandum. I think that the president of SAT and also the Department of Justice were consulted about the appropriateness of the appeal mechanism and that they supported

the mechanism and advised that they had sufficient resourcing to provide for a right of appeal without any additional resourcing. As someone who is not very familiar with the operations of the tribunal, I want to understand to what extent the appeal mechanism will be fair and practical, because the director will be able to make an interim prohibition order. Members will find, for example, at proposed section 52B(2)(a), that the limitation on the length of an interim prohibition order is not more than 12 weeks. I would like to get a greater understanding of how one might successfully apply for an appeal and have it considered and decided in a reasonable time frame, particularly when a healthcare worker may feel particularly aggrieved by the process or has been wronged by the director's decision. What time frame could it be reasonably expected that an appeal could be considered and decided by the tribunal? My first question is: could it be achieved within that 12-week period?

Another thing worth noting is that there is no restriction on the number of interim prohibition orders that can be made. If one lapses, it can be reissued. Nothing will stop the director from issuing another IPO the next day if the tribunal decides that a matter effectively revokes the order on appeal. We have had similar debates in the course of other bills. I remember that Hon Alison Xamon, in particular, took an interest in bills that provide for review by the State Administrative Tribunal. I am not sure whether that is actually meaningful in individual circumstances, particularly with respect to initial public offerings. I can understand that, when somebody is the subject of a prohibition order, the time limit is one that is quite different from that which is considered under an interim prohibition order. That is something that I flagged in my briefing but I would like to try to get a better understanding of the extent to which this will be a practical solution to provide an appeals mechanism for certain applicants.

I was advised at my briefing that New South Wales, Queensland, South Australia and Victoria have all implemented the national code and the remaining states and territories are in the process of implementing it, which we are obviously doing here this evening in the Legislative Council. I do not know whether there has been any update on national progress in the passage of the last couple of months or whether that remains current. It would be good to know and to put on the record to what extent, if at all, our implementation differs materially from those established in other jurisdictions in the context of implementing a national uniform scheme, particularly given that a feature of this bill is recognising orders made in other jurisdictions against healthcare workers. It would be good to know. I am told that it is nationally consistent, but there is always scope with these types of bills, as is often necessary for jurisdictions, to adapt them to their schemes and other statutes.

I will just touch on some of the director's comments about resource scoping in the annual report tabled today. I was advised that the office received \$2.5 million over the forward estimates to provide additional capacity, specifically for implementing this bill. I am advised that that is considered a sufficient level of resourcing to deal with the added workload that the office will be required to undertake. It will be important to know some sense of the implementation time line for the proclamation of this bill. That is something about the committee's report that I will come to shortly. I would like to try to see how closely we will align the uplift in resourcing for the office with the passage of this bill and the additional functions that are likely to occur sooner rather than later. I was advised at the briefing in July—I am not so sure about September—that the government is hopeful that implementation will occur this calendar year, noting that there are requirements to gazette and, indeed, draft regulations, as well as other implementation matters. It would be interesting to know whether that remains on track.

I turn now to the Standing Committee on Uniform Legislation and Statutes Review's 138th report. Obviously, this bill was discharged under our standing orders as a uniform legislation bill and referred to the committee for inquiry and report. I must say how much I miss the work of the legislation committee in considering bills in this place, but we do have the opportunity from time to time. I was about to say that it is not at the discretion of the government whether a uniform legislation bill is discharged and referred, but, in effect, it practically still is, because the member in charge of the bill must make a declaration to confirm whether the bill is a uniform legislation bill and, as we know from recent points of order and rulings by the President, that is not something that is open to her consideration either.

This 138th report of the Standing Committee on Uniform Legislation and Statutes Review includes a number of findings and recommendations, and one of those findings, not unexpectedly, relates to the commencement clause. Just a moment ago, I was engaging more on the implementation of the bill, but we are now dealing with the commencement clause. At finding 1 of the report, the committee found —

The lack of an express commencement date in clause 2(b) of the Health and Disability Services (Complaints) Amendment Bill 2021 is an erosion of the Parliament's sovereignty and law-making powers.

We see that clause 2 states —

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

Once again, as it always does, the standing committee draws this type of commencement clause to the attention of the house, because it is effectively outsourcing to the government when laws passed by the houses of Parliament will actually become law, if at all. Of course, there is always scope for a government not to proclaim a bill after it has passed both houses and been presented to the Governor for assent. But what is probably of greater interest to the

Council is recommendations 1, 2 and 3, which I might group together in discussing. Before I do that, findings 2, 3 and 4 relate directly to these three recommendations. They effectively refer to the operative provisions of the bill with respect to interim prohibition orders, prohibition orders and the power to publish a statement setting out someone's name. Finding 2 states —

Clause 28, proposed section 52B(3)(a)(ii) constitutes an inappropriate delegation of legislation making power. It erodes the Western Australian Parliament's sovereignty and law-making powers.

There are thresholds here that need to be met when exercising powers under this bill. I will use interim prohibition orders as an example, which are found in clause 28, proposed section 52B, "Director may make interim prohibition order". Proposed subsection (3) states —

- (3) The Director must not make an interim prohibition order in relation to a health care worker unless —
- (a) either —
- (i) the Director reasonably believes that the health care worker has failed to comply with a code of conduct applying to the health care worker; or
- (ii) the health care worker has been convicted of a prescribed offence;

It goes on to say —

- (b) the Director is satisfied that it is necessary to make the interim prohibition order to avoid a serious risk to —
- (i) the life, health, safety or welfare of a person; or
- (ii) the health, safety or welfare of the public.

It is interesting because finding 2 of the *Health and Disability Services (Complaints) Amendment Bill 2021* report of the Standing Committee on Uniform Legislation and Statutes Review relates to the threshold that requires the healthcare worker to have been convicted of a prescribed offence. The committee said that this clause constitutes an inappropriate delegation of legislation-making power. I draw members' attention to the committee's comments from paragraph 5.17 onwards of the report. It says —

The Committee acknowledges the need for some flexibility in the prescription of offences given the broad range of occupations the Bill captures and the possibility of evolving regulation. Any offences prescribed should be existing, not new. The latter is more appropriate for primary legislation.

... The Committee also notes the Joint Standing Committee on Delegated Legislation will consider under its term of reference 10.6(d) whether any offences prescribed in regulations made under proposed section 52B(3)(a)(ii) are appropriate for subsidiary legislation.

... However, the Committee considers that the absence of criteria governing which offences may be prescribed constitutes an inappropriate sub-delegation of legislation-making power. The Parliament's lack of control over Executive power to prescribe offences by delegating this to the Executive erodes parliamentary sovereignty.

... Further, the position taken by other jurisdictions has no bearing on the impact of proposed section 52B(3)(a) on Western Australian parliamentary sovereignty. The Committee must look to the provision itself to assess this impact.

... The Committee considers the Bill should contain some criteria governing the types of offences that may be prescribed. This should ensure these offences are relevant to determining whether a health care worker is a fit and proper person to be providing health services to the public. Linking the types of offences to the additional criteria in proposed section 52B(3)(b) should achieve this purpose.

As I said, proposed section 52B(3) states —

- (b) the Director is satisfied that it is necessary to make the interim prohibition order to avoid a serious risk to —
- (i) the life, health, safety or welfare of a person; or
- (ii) the health, safety or welfare of the public.

What the committee has crafted is an insertion of further words that appears on the supplementary notice paper, issue 1. It states —

- (3A) An offence cannot be prescribed for the purposes of subsection (3)(a)(ii) unless the commission of the offence —
- (a) would involve harm to —
- (i) the life, health, safety or welfare of a person; or
- (ii) the health, safety or welfare of the public;
- or

- (b) is capable of giving rise to a serious risk to —
- (i) the life, health, safety or welfare of a person; or
 - (ii) the health, safety or welfare of the public.

I think the committee's suggestion is quite reasonable; in fact, it is very reasonable. It also has appropriately qualified this, in my view, by linking the restriction on the regulation-making power to the second limb of the test, which is the director being satisfied that it is necessary to make the order to avoid a serious risk to the life, health, safety or welfare of a person or the public.

In response to the committee, the minister stated —

The ability to change the offences prescribed is needed for the effective operation of the National Code. The offences are to be prescribed by regulations as this provides flexibility to add or remove offences in response to changes in the National Code scheme, or in response to other regulatory or legislative changes that may have an impact on the operation of the National Code. If the offences are included in the Bill, the *Health and Disability Services (Complaints) Act 1995* (the Act) will need to be amended each time a change to the offences is required.

Other jurisdictions have adopted the same legislative approach with regards to offences; offences are prescribed by regulations under the *Health and Community Services Complaints Act 2004* (South Australia) and are intended to be prescribed by regulations under the *Health Complaints Act 2016* (Victoria).

It is intended the offences will be prescribed in regulations.

I want to make it quite clear that nothing the committee has recommended is inconsistent with the view of the minister. I agree that if we were to exhaustively list the offences within the primary legislation, we probably would be back here from time to time, as our statute book evolves, to deal with changes or to incorporate new offences, remove old offences or modify existing offences under a range of statutes in this jurisdiction.

I think the committee's recommendation is completely consistent with the view of the minister. It has not recommended the removal of that regulation-making power; it has simply said that an offence cannot be prescribed for the purposes of those sections unless it is effectively relevant to the type of conduct we are seeking to regulate in these circumstances, and that is to avoid causing harm or creating serious risk for the public.

The same can be said for recommendations 2 and 3, because recommendation 2 relates to prohibition orders, and recommendation 3 relates to publishing statements setting out names. The committee also recommended a review clause under recommendation 4. It is interesting to read the section of this report commencing on page 9 with regard to review clauses. In the first paragraph it sets out fundamental legislative principle 16 with regard to uniform legislation and review. I want to quote the minister's position and the committee's comment with regard to recommendation 4. Paragraph 5.31 states —

Given the uncertain timeframe for the proclamation of the Bill, —

Something I hope the parliamentary secretary will be able to assist me with this evening —

the Committee asked the Minister:

- Whether the review referred to in the budget papers will encompass the operation and effectiveness of the introduction of the National Code in proposed new section 77A.
- If not, will a further review that assesses the operation and effectiveness be undertaken and within what timeframe?
- If a further review is to be undertaken, can this be reflected in an amendment to section 79 of the Act?

The minister responded and said —

The extent to which the review referred to in the budget papers would encompass the operation and effectiveness of the introduction of the National Code will be determined by the date that the National Code comes into operation in Western Australia. This is dependent on the Bill being proclaimed and the necessary regulations taking effect.

If the National Code is not implemented before the current review is finalised, the provisions relating to the National Code will be reviewed during ... the next statutory review of the Act. This will provide an opportunity to consider all provisions in the Act after they have operated for an appropriate period of time.

Due to the commencement of the current statutory review, and the requirement for the Bill to be proclaimed and regulations to be made before the National Code can be implemented in Western Australia, there is no intention to undertake a further review specific to the provisions in the Bill.

The report continues —

The Committee sought clarification about whether there is legislative or other authority for ‘the next statutory review of the Act’ considering section 79 provides for only one review. The Health and Disability Services Complaints Office clarified that:

It is expected that the current review of the *Health and Disability Services (Complaints) Act 1995* will result in an Amendment Bill being introduced to Parliament that replicates (or renews) the existing section 79. This will in turn require the *Health and Disability Services (Complaints) Act 1995* to be reviewed again at a later date. It is therefore assumed that this subsequent review will consider the effectiveness of the provisions in the *Health and Disability Services Complaints Amendment Bill 2021*.

I might pause here, because what we have learnt from this exchange between the minister, the committee and, ultimately, the Health and Disability Services Complaints Office itself is that a legislative amendment is expected to arise from a statutory review, which I understand may not have even commenced, but it is also anticipated that that statutory review will find a need for, and the government will agree and the Parliament will implement, a review of the act at some point in the future. That may well all transpire, but, in my mind, that is not sufficient to dismiss the very valid points raised by this very important standing committee on this matter. In fact, the committee reflected on this exchange and said —

- 5.34 The statutory review’s timeframe in the 2022–23 State Budget and the uncertain timing of the Bill’s proclamation means there will be insufficient time for the National Code’s operation and effectiveness to be examined.
- 5.35 Further, whether the statutory review recommends an amendment bill will be at the Minister’s discretion. An assumption of a subsequent review provides no guarantee it will occur. This diminishes sovereignty.
- 5.36 Regardless of when it is proclaimed, a statutory review clause in the Bill will respect parliamentary sovereignty and provide legislative certainty, enabling the Parliament to assess matters such as:
- how the uniform scheme is being implemented in Western Australia
 - the operation and effectiveness of the National Code in Western Australia
 - whether the legislation is serving the State’s interests
 - whether the Bill has resulted in any unintended or undesirable consequences
 - any complaints and concerns about the Act and the scheme’s operation.

I agree entirely with the view of the committee.

I again draw members’ attention to the very useful document tabled today—well done, parliamentary secretary. On page 64 of HADSCO’s *Annual report*, under the heading “Significant issues and trends” and the subheading “Responding to policy initiatives and reform programs”, it says —

In the closing of the year —

Keep in mind that this is the 2021–22 financial year, Hon Darren West—I am making sure that we are on the same page —

ministerial support was received to commence the statutory review of the *Health and Disability Services (Complaints) Act 1995* and Part 6 of the *Disability Services Act 1993*. The review provides the opportunity for the legislation to be assessed for currency and to ensure it remains contemporary and fit for purpose into the future.

We have learnt from this annual report tabled today that sometime at the end of the last financial year, HADSCO received ministerial support to commence the statutory review. That is positive, but I think it just further makes relevant the comments of the standing committee in its report that we are depending upon proclamation and implementation. Even the minister pointed out in her response that there needed to be a period of operation before we could commence a period of reflection and review. That is why we often adopt the fairly standard period of five years after proclamation—though there can be a range of mechanisms—in which to reflect, review and report on the operation of certain legislative instruments. Given that the review that appears to have been authorised is not going to allow for that period of operation, it is not an appropriate way of measuring the impact of this bill once enacted, nor does it give me sufficient comfort to dispense with the concerns about parliamentary sovereignty that were raised by the standing committee in this section of the committee’s report.

Having touched on each of the key recommendations of the standing committee, I am hopeful that the government will agree that implementing all the recommendations will not to any extent impact on the policy intentions of the government in the passage of this matter, nor, in my view, will it impact on national consistency or the COAG

agreement made some years ago now. The committee has presented to the Legislative Council, by way of its report and the supplementary notice paper, some issues that I think are significantly worthy of our consideration. I hope the parliamentary secretary will wholeheartedly agree with the opposition and with the standing committee, which has brought these matters to our attention.

I did have a couple of other minor matters to raise, but given this bill will be examined in Committee of the Whole, they are probably better ventilated when we get to the relevant clauses, or at least clause 1, noting that according to the supplementary notice paper we have amendments to at least two clauses—clause 28 and new clause 42A—to consider. I think I have effectively identified the areas of the bill for which I have an information gap. Some of them require only minor clarification. As I said, I want some assurance about the resourcing and likely workload demand of the office as we go forward, and the appetite of the government to make sure that the office has the resources available to it. Obviously, we are effectively moving to a regulatory regime for all the unregulated healthcare workers in Western Australia, as many other jurisdictions have done, so we want to make sure that those workers, as well as the patients accessing their services and others involved in the provision of care, know that the concerns that are raised will be dealt with appropriately and fairly and in a way that delivers the best outcome for all involved.

As I indicated at the outset, the opposition supports the bill. I hope the government will agree that we can improve the substance of the bill before us by implementing the recommendations of the standing committee.

HON STEPHEN PRATT (South Metropolitan) [8.44 pm]: Before I dive into my contribution, I will respond to some of the comments made by Hon Martin Aldridge, who made an interesting contribution today. The government helpfully provided the annual report, which provided some content for him. The honourable member touched on the risks to public health and safety, which I will cover later in my contribution. He was perhaps more articulate than I will be, but we will see how I go. I will touch on the tabling of the annual report and the workload resulting from the Health and Disability Services (Complaints) Amendment Bill 2021 that is before the house this evening. The member answered the question about the budget allocation, so that has been covered.

The other note I made was about the list of examples of services mentioned in the explanatory memorandum. The Minister for Health in the other house, in closing the second reading debate, referred to the list of examples but stated they will be determined on a case-by-case basis by the investigator and the director because these practices or professions pop up and evolve, and new professions are created, so we needed an act that was robust but flexible enough to accommodate future practices that may come up. That responds in part to the question around the professions that are listed and what this amendment bill might do in the future as professions come into being.

I rise this evening to contribute to debate because this amendment bill is quite important. Hon Martin Aldridge mentioned the number of government and opposition members who spoke on this bill in the Legislative Assembly. That is testament to the importance placed on this bill, given it was an election commitment. I recall that it was introduced in the last session of Parliament; it lapsed and was reintroduced by Hon Amber-Jade Sanderson. Members can correct me if I am wrong, but I think that is how it went down.

It is an important amendment bill that in essence will provide a further layer of protection to people who access alternative health services. I understand that most states in the country have passed similar legislation, and the passage of this bill will bring Western Australia into line with the rest of the country. I have had experience with the Health and Disability Services Complaints Office over the years as I worked in the health space as an adviser to the then opposition's shadow Minister for Health. From time to time I have referred constituents to HADSCO and for the most part I have had pretty good results from that. For the most part, people are well served when they have a complaint with a health service provider and go to HADSCO. Their complaints are followed up, so I think it is a valuable service. What we are trying to do today with this bill is to further strengthen that service.

This bill will bring us into alignment with the national code of conduct for healthcare workers, which sets minimum standards of practice for healthcare workers who are not registered under the NRAS, the National Registration and Accreditation Scheme, or who provide services unrelated to their registration, and also student or volunteer healthcare workers. Hon Martin Aldridge mentioned those workers. Examples of healthcare workers who are listed include massage therapists, dietitians, doulas, social workers, psychotherapists, counsellors, certain types of cosmetic services, and other types of allied, alternative and community health services. The bill includes a list of services but, as the minister mentioned in her closing address, this is an indicative list and it can change. This amendment bill should allow wriggle room for some flexibility if new services come to light.

I also note the support shown for the Health and Disability Services (Complaints) Amendment Bill 2021 by the opposition in the other house. The bill before us is the result of significant consultation with stakeholders in the medical community. As has been mentioned, the intent is to bring Western Australia in line with other states by introducing a national code of conduct for healthcare workers. The national code provides a set of standards against which to assess, in the event of a complaint or investigation, whether the conduct of a health service provider constitutes a breach of the code. The healthcare profession is already highly regarded and trusted by the community, but this amendment will add further strength and peace of mind for consumers.

A number of valuable contributions were made in support of the legislation in the other house. One example is the contribution by the member for Riverton, Dr Jags Krishnan, who used an example from his working history and shared a personal story. For the benefit of Hansard, this was on Thursday, 7 April. He states —

In the past, I have assisted the Australian Health Practitioner Regulation Agency in conducting investigations. In one such instance, it so happened that a practitioner had treated a patient for chest pain, and without investigating further, they treated the patient for reflux. That can happen; I do not deny it. But this patient presented again. The same advice was given and the patient was sent back home without even getting a basic ECG done. On the fourth presentation, the patient landed in the emergency department with a heart attack, or myocardial infarction. The patient was not aware that the general practitioner had missed the diagnosis on three previous occasions over the duration of a week. The patient went back to the GP, who did not even discuss what had happened but continued to provide care. The patient was not fully aware. A year and a half later, this patient started developing difficulty in swallowing. The same old doctor prescribed antacid medications on every visit. After a four-month delay, when this practitioner was on leave, the patient saw another practitioner, who found that they had advanced oesophageal cancer. That practitioner reported the previous practitioner to AHPRA and an investigation was initiated.

The point that Dr Jags, as I refer to him, was trying to make is —

... there is a regulatory framework for the sharing of records—the medical records standards—that allowed the practitioner to report his colleague who was not up to the mark. Unfortunately, that does not exist for unregistered practitioners ...

Basically, that is what we are trying to achieve with this bill. That was a valuable contribution from the member for Riverton.

The member for Cockburn, David Scaife, pointed to the rise of fake, unproven or dangerous services that have accelerated during the recent COVID-19 pandemic. This extends to the amount of false and misleading information that has been shared during this period. If this amendment is not put in place, we risk further harm to people in our community who seek health services outside those that are currently registered. The bill delivers on an election commitment of the McGowan Labor government and goes to the heart of our commitment to make health care more accessible and of the highest quality and safety in the world. For those who seek alternative medicine or treatment, these reforms do not seek to hinder access; rather, they aim to strengthen the care and quality provided. As the minister explained in the other house, the purpose of this bill is essentially to provide a robust regulatory framework around people who, as identified by a number of members in the other house, are often at their most vulnerable and most desperate when they are unwell and have received a devastating diagnosis. Sometimes conventional medicine does not help, they have exhausted all other options or they have a deep distrust of conventional medicine. That certainly exists in the community. The legislation will also provide those who provide legitimate services or services that improve people's quality of life some rigour around those services.

The contribution by the member for Scarborough was very powerful, and I commend him for providing his personal story to Parliament. I tell you what: when the people of Scarborough endorsed this FIFO tradie/surfie, they did not realise they were getting a whole lot more—a genuine caring person whom I am sure the communities of the Scarborough electorate will rally around and support for many years to come. I encourage members who have not watched—it should be watched and not read—the replay of his speech on this bill to do so. I will not go too much further into the issues raised, but I will say it partly touched on the concept of so-called conversion therapy and the harm this type of service can have on individuals. Nobody should have to hide their sexuality from anyone, especially their own family and community. Addressing these harmful practices is a small step in the right direction, and I stand with those in the LGBTQIA+ community in opposition to this practice. This topic was covered quite heavily in some of the contributions in the other house. I quote the member for Nedlands, Katrina Stratton. She said in part of her contribution —

The question is not whether conversion therapy practices are effective; it is whether they have a place in a modern and inclusive society. They certainly violate human rights conventions. People who identify as LGBTQIA are not broken. They do not need to be fixed. They are not sick and they do not need to be cured.

I think that was a great contribution from the member for Nedlands.

In closing, I thank Minister Sanderson for introducing this legislation and the opposition members and Libby Mettam for their contributions and signalling the opposition's support for this bill. I commend the bill to the house.

HON DR BRIAN WALKER (East Metropolitan) [8.56 pm]: I have to say from the very outset that the Health and Disability Services (Complaints) Amendment Bill 2021 appears to be a very sensible bill, and it will receive my support and that of the Legalise Cannabis Western Australia Party. However, there is a concern about the devil being in the detail. I have to confess also my particular prejudice against bureaucracy whereby people who are not at the active front can pontificate about how to manage what can be quite difficult cases and guess with the benefit of hindsight how someone should have proceeded. My personal opinion on the code of conduct is that it really is quite

an ancient code of conduct. Do no harm—in any sense, do no harm. It is really not that difficult. But then it comes to the question of the many codes of conduct for the different areas of alternative health management. We have to wonder who sets the code.

We heard just a little while back the excellent contribution from my friend Hon Stephen Pratt about the LGBTQI approach and conversion therapy. I could not agree more. It was not so long ago that to say that in public would have earned the scorn of the masses and certainly colleagues in the house. Is it not true that the idea that someone could have a sexuality different from what passes for normal—here I wonder what normal actually means—and the question that that could be contemplated would have been far from the public mind, yet we could have people imposing their particular code of conduct. Imagine, if you will, if Scott Morrison were in charge of a committee about the code of conduct and decided to have a Pentecostal approach to managing wellness.

[Interruption.]

Hon Dr BRIAN WALKER: I know it is quite shocking! “Let’s wave the hand, say prayers and you will be cured; and, if not, you are a friend of the Devil.” I have actually witnessed that. I have witnessed that kind of behaviour and it is quite shocking. We have a wide spread of what is acceptable and what is normal. What is wellness in the first place? Let me tell members how I behaved with patients who came to me with a life-threatening illness. Let us take cancer, for example. They would say, “I’ve got a diagnosis of cancer. Am I going to die?” and I would say, “Of course you’re going to die.” We have a long conversation, but the bottom line is that I ask the person how they are living—are they actually living. The same thing can be done with people who have major disabilities. If someone has been paralysed, they may feel that they are no longer worthwhile in society, which is complete nonsense: “How may I move forward to my concept of wellness and recognise that I do have a place in society, I am worthwhile and I can have a high quality of life? What others think about my disability is utterly unimportant.”

We now come to people who are offering wellness services. Let us take, for example, something like Buteyko breathing, which tells people that if they want to breathe better, they should breathe less. There is a whole study on asthma that shows that reducing breathing and getting more carbon dioxide stimulates breathing more, which is true but very counterintuitive. The same thing can be found with other forms of health care—for example, in traditional Chinese medicine, taking herbs that will cure based on the measurement of energies and pulses. It is a totally foreign concept to the western medicine approach. We, of course, call that alternative, because our medicine is called orthodox medicine. It is a nice Greek word that means correct. Anything that is not orthodox must, by definition, be wrong. We are not going to tolerate that; we will make them alternative services and go to see them when all else fails. We judge alternative medicine based on that principle: “It’s not right, but it’s not going to harm, so go and do it. Waste your money.” That is the current medical approach to a lot of alternative medical care. Imagine that type of medical mindset saying, “I am going to pronounce judgement on this alternative health care and hold you to a code of conduct and sanction you if you do not live up to my standards.” The devil is in the details.

One of my problems with bureaucrats is that once they are given an inch, they will take a mile. When it comes to regulating things, is it not fun to be in charge as part of that board and say, “I will do this”? With another regulation and another stipulation, it is just going to make it muddier, but it is also giving justification to someone who is part of the board. I do not like them. I recall being attacked by the Australian Health Practitioner Regulation Agency. The case in question involved me stopping the medication for a man and giving him something else. He then developed a heart rhythm disorder. I was reported to AHPRA because I had given the wrong medication. What the person who reported me did not understand was that, in the presence of asthma, the medication I stopped can cause sudden death. It is not wise to give it, so it is best to avoid that kind of medication, because doctors do not want people dying suddenly while they are treating a condition because this is the effect. It is a bad look. He went to a cardiologist, who said, “Yes, fine; we can do that. This will be the suitable medication.” He went back on the different medication and all was good, but I was sanctioned by this person because he wanted to exert control over me and he could say, “Dr Walker has been investigated for improper prescribing of medication.” It was held over my head. It took about two years for AHPRA to get its act together and decide that it was a vexatious complaint. But in that time, whenever people asked whether I wanted to do a locum and whether I was under investigation, and they found out that I was, they would say, “In that case, we can’t have you.” We can see the power of giving this ability to bureaucrats, who can then decide who will be in favour and who will not. I am not saying that it is a bad idea. I am saying that members need to be careful. This has unintended consequences. We need to be aware of the very real risk of well-meaning approaches being banished because the people in charge think it is not the code of conduct we support.

Let me take this further. I have spoken about this matter in the chamber before. Even now, we have the problem of alternative opinions not being accepted. That is fine. There is a famous joke: if you have three doctors in a room, what do you have? You have three opinions! We can have varied opinions because we look at the information, make an assessment and come to different understandings. We have a nuanced approach to how we treat something. It is true in the whole spectrum of wellness care.

In this particular case, we have the COVID vaccination. We can look at both sides of the argument. The problem I have is that colleagues have produced science from institutions that gives an alternative approach to what

passes for normal in our current government. It is well-funded and well-researched information, backed up by peer reviewed journals of a high quality but does not follow what has been put to us by the current regime. The Australian Health Practitioner Regulation Agency said that there is an imminent and serious risk to public health from doctors putting the question out there. The question itself is banned. We are going to sanction the doctor and take away that person's right to work. Members might well say that we are not talking about doctors or other healthcare workers currently covered by AHPRA; it is there for the unregistered workers. But the principle is exactly the same. For example, if someone is prescribing a course of treatment involving Pilates and they develop a new idea for managing, say, back pain and someone happens to have an accident using the reformer, they might say, "This whole thing is wrong. This person has the wrong idea. We want them taken off the register." As mentioned by my honourable colleague, the interim prohibition order could be extended again and again and the practitioner could lose their livelihood. If they can no longer practise because of an opinion by a board that follows down a path that does not allow that treatment to be used, that person's means of putting food on the table for their family is removed. That is unjust, but the principle is perfectly good. The principle is that if people are going to cause harm to the public or themselves, they should not be practising. I heartily approve of that. As I said, the devil is in the detail.

Keeping it simple could be really important. What is defined as a danger? Let us look at exactly where we would set the limits. Following on from the committee report, I very much recommend that we take a close look at how we retain the power within our parliamentary procedures to make changes and not abrogate them to another body.

I have touched on vexatious complaints and future bias and who can protect us from the opinions of those in charge. In general, this is an excellent bill, and I will be supporting it. I would counsel that in Committee of the Whole we look very closely at how it may be improved to allow for the details not to become bedevilled.

HON LORNA HARPER (East Metropolitan) [9.08 pm]: I am very honoured to speak on the Health and Disability Services (Complaints) Amendment Bill 2021, on which we are working across the chamber. That is quite unusual, especially considering some things. When I did my research, I came across terms that I honestly had no clue what they meant. I had to figure out what some of these terms were. Please, if I pronounce them wrongly, be patient because I did not know what they were. The first is kin-e-see-ologist.

Hon Dr Brian Walker: Kinesiologist.

Hon LORNA HARPER: Thank you. I wondered what on earth that was and why we are making sure that we have some regulations and an area in which people can make complaints. It is a form of therapy that uses muscle monitoring—biofeedback—to look at imbalances that may be causing disease in the body. Who knew? It aims to detect and correct imbalances that may relate to stress, nutrition or minor injuries, but it is not used to diagnose disorders. I quite like the sound of it myself. It uses biofeedback. I thought, "Please explain to me what biofeedback is." Biofeedback is a type of therapy that uses sensors attached to the body to measure key bodily functions. It is intended to help people learn more about how their body works. This information may help a person to develop better control over certain bodily functions and address health concerns. It is built on the concept of mind over matter. That is when I ran out. The idea is that with proper techniques, a person can change their health by being mindful of how their body responds to stresses and other stimuli. As the only practising medical doctor in the chamber, I am sure Hon Dr Brian Walker would have something to say about mind over matter and medicine.

I know what a doula is because I used to work with one. A doula is a person who provides emotional and physical support to people during pregnancy and childbirth. The important thing to remember is that doulas are not classed as medical professionals. They do not deliver the baby or provide any medical care. A certified doula has undertaken a training program and passed an exam on how to help pregnant women and their families during this exciting but challenging experience. Long before women started to go to hospitals to have babies, that is what we would have called old-fashioned midwives who were not actually trained.

Ayurvedic medicine—this is one of my favourites—is a system of traditional medicine native to India. Treatment options are varied and include yoga, acupuncture, herbal medicine, massage therapy and dietary changes. That is something that some of us should use. I mean me!

It is actually really good because there are these alternative medicines and ways of looking at health care et cetera. Not having a structure around that to ensure that people were being held accountable for their practices was not the best thing. Bringing forward this legislation and providing that structure, as Hon Martin Aldridge talked about, will allow anyone to make a complaint. It will not have to be the patient. It could be a carer or someone else who happens to know something. A complaint can be made by the person receiving the health service, their representative, a carer, another service provider, or any other person who believes that the national code of conduct or prohibition order has been breached by a healthcare worker. Under proposed section 19(3), the intention is to ensure that there are no restrictions on who can make complaints about the national code of conduct, as the national code of conduct has been established to protect the health and safety of the public from healthcare workers who do not provide services in a safe and ethical manner. Who can argue against that, whether we are talking about doulas, kinesiologists or Ayurvedic—my apologies to Hansard—medicine or biofeedback? Let me look at the list that has been mentioned several times by other members. The list includes massage therapists, dietitians, social workers, psychotherapists, counsellors and certain types of cosmetic services. I am very thankful that cosmetic services have been included.

As a mother of a daughter who believes in this day and age of social media such as Instagram that cosmetic surgery is okay and that pouting lips, tattooed eyebrows and injected lips is the way to go and is beautiful, I am very glad that there will be some structures for complaints around those services.

The national code will also apply to other types of allied, alternative and community health services. I have been a bit cheeky and spoken tongue-in-cheek about some of these services, but other people actually have some real belief in these services—doulas, for example. I chose to have my child in hospital with medical professionals, which was a good job because if I had not, I probably would not be standing here today. Other people do not feel the need for that; they feel that they want to have a doula present as an emotional coach to help them when they have their baby and speak out for them. Other people believe that going for a massage once a week is actually the best thing for their health. There is this whole thing about doing yoga and everything; a lot of us in here probably do some of that stuff for our mental health. That does not mean that these people should just be able to go out and do what they want when they want, and not be held accountable.

I have not touched on conversion therapy because Hon Stephen Pratt touched on it so well that I do not really need to. For us to be in agreement about such an abhorrent practice is really great. That is all I have to witter on about for now.

HON NICK GOIRAN (South Metropolitan) [9.15 pm]: I rise to contribute to the Health and Disability Services (Complaints) Amendment Bill 2021. It is a 33-page bill and some 43 clauses in length. I acknowledge that the lead speaker for the opposition alliance is Hon Martin Aldridge, who has very comprehensively analysed the bill. I thank him for that and look forward to the response from the parliamentary secretary to the number of matters that he has raised. As the honourable member noted, this is one of the bills that has had the benefit of being considered by the Standing Committee on Uniform Legislation and Statutes Review. Before I launch into my comments about the bill that is before us, I want to thank that particular committee for its work. We will spend some time looking at this when we get into Committee of the Whole House. When I briefly had the opportunity to consider this report and the recommendations that flowed from it, which have now found their way onto the supplementary notice paper, I could not help but have a look at who the advisory officer was. It comes as no surprise that Alex Hickman was the advisory officer on this particular bill. I single him out because, in my time in Parliament, I have consistently found his work to be excellent, and the report that is before us is no exception. We will go through those particular recommendations, albeit that Hon Martin Aldridge has already helpfully provided us with a summary of those matters.

As a number of members have already identified, the purpose of the bill before us is to introduce the national code of conduct for healthcare workers into our state. It will amend the Health and Disability Services (Complaints) Act 1995. The code will apply to a cohort of individuals who are considered to be healthcare workers. We will need to unpack exactly how that particular matter is defined or is intended to be interpreted but, essentially, it is those who are not registered under the national registration and accreditation scheme. The purpose and the aim of the code is to ensure that there is a certain minimum level of standards. In particular, its rationale looks to deal with what I would describe as unscrupulous operators who are preying on vulnerable people. Those operators must be stopped. It is also looking to ensure that people who access a health service will be accessing a service provided by individuals who are held to a certain level of professional accountability.

I would encourage members to take an opportunity to look at the explanatory memorandum that accompanies this bill. Members will note this comment made by the government in the explanatory memorandum —

Stakeholders also noted the need for a collaborative approach with other government agencies and organisations, in terms of both co-operation during investigations, and/or referral of matters.

I have to say that if members want to understand or endeavour to understand that, *The Sydney Morning Herald* on 23 August this year produced a very helpful infographic. I have provided a copy of this to the hardworking parliamentary secretary, who has responsibility for this bill. I will momentarily seek leave of the house, through you, Acting President, to table this document. It is titled, “Australian health regulation, key legal instruments and agencies”, and when members have the opportunity to get a copy of it, they will see that it is what I would describe to the parliamentary secretary as a dog’s breakfast. Members will understand more when they actually get a copy of this in a moment. It sets out all the different agencies and their acts across the nation, both state and federal, and all their health services’ legal instruments, regulations and agencies. It is a complicated web—that would probably be the most charitable way I could describe it. It is no wonder that we then need specialist lawyers in health law to be able to make any sense of that framework.

I seek leave of the house to table this document, which was published in *The Sydney Morning Herald* on 23 August 2022.

[Leave granted. See paper [1599](#).]

Hon NICK GOIRAN: Thank you, Mr Acting President and members, for that indulgence. I encourage members to take a look at that document. This is why I gave a copy of it to the parliamentary secretary. I just flag that in the Committee of the Whole House stage, I will be looking to unpack with the parliamentary secretary precisely what level of consultation the current Minister for Health has undertaken. The explanatory memorandum stated —

Stakeholders ... noted the need for a collaborative approach with other government agencies and organisations, in terms of both co-operation during investigations, and/or referral of matters.

I want to be satisfied that what we are not doing here is somehow creating yet another framework in which the Australian Health Practitioner Regulation Agency and the Health and Disability Services Complaints Office can buck pass and under which we continue to have duplication of work.

It is in that context—what I will describe as this current regulatory system being little more than a mess—that I want to draw members’ attention to a recently published article from WAtoday. The copy that I have available appears to be dated 23 August 2022 and it is titled, “‘It’s so scary’: Ella was hospitalised after cosmetic surgery went horribly wrong”. In part, this article states as follows —

Many experts believe patients aren’t adequately protected. They argue it isn’t just cosmetic cowboys at fault but regulators that allow them to operate with virtual immunity.

Regulatory specialist Andy Schmulow describes AHPRA as a “broken and dysfunctional regulator, weak, feckless, suborned”.

“Once you have failed to adhere to your principles of priority, number one, patient welfare, I think that’s a fatal error,” he says.

Lawyer Margaret Faux, who is also a registered nurse and health regulation expert of 40 years, says the health system is an incoherent mess and describes AHPRA as pathetic.

“It’s not a question of them being asleep at the wheel, they’re nowhere near the car. They’re just nowhere,” she says.

Professor Allan Fels, the former head of the Australian Competition and Consumer Commission, a former hospital director and former chairman of the National Mental Health Commission, is also concerned.

“AHPRA is ineffective in protecting the public from very dangerous practices in cosmetic surgery ... that’s not good enough for a regulator where public health is at risk,” he says.

The article goes on later to say —

AHPRA oversees 15 boards ...

I pause there for a moment to note the contribution of Hon Martin Aldridge, who seemed to indicate earlier that that might now be 16 boards. Nevertheless, it continues —

AHPRA oversees 15 boards, including the medical board, the state regulators and dozens of other public and private regulators.

The article goes on later to say —

“When you’ve got two regulators that are basically both responsible for monitoring and prosecuting the same offence, neither will necessarily do it and some people will fall through the gaps, and that’s what’s happening,” Faux says.

That is a reference back to lawyer Margaret Faux who, as I mentioned earlier, is a registered nurse and health regulation expert of 40 years.

The article concludes a little later by referencing again Mr Fels—that is, Professor Allan Fels, to whom I referred earlier. It says —

Fels also believes time is up. “There needs to be a serious royal commission or serious public inquiry into the whole situation, starting with the culture at AHPRA, also looking at the law, also at the buck-passing between federal and state regulation,” he says.

As I say, it seems to me that it is reasonable in that context to describe the current situation of health regulation as “a real mess”.

I want to draw to members’ attention the case of Broome-based Dr Berger—B-E-R-G-E-R. He is a highly experienced remote area general practitioner who was ordered by the Medical Board of Australia in June this year to undertake an education program. Dr Berger has been a critic of the government’s COVID policies and, as a result, has had conditions put on his registration. What is interesting about this case, which has attracted some level of scrutiny and attention by others, is that there was an *InSight+* article titled “Fallout continues from Ahpra ‘over-reach’” on 1 August this year, which contained a little more detail. I quote from it as follows —

THE Australian health regulator’s response to an ongoing debate about freedom of expression for doctors online was “confused and not at all reassuring”, according to one vocal opponent.

On Monday 25 July, the Australian Health Practitioner Regulation Agency (Ahpra) and the Medical Board of Australia (MBA) issued a joint statement saying there was “no place for bullying and harassment in healthcare because it harms the lives and careers of doctors and it harms patients”.

“This cultural challenge extends to behaviour online. Social media is not a forum to bully, harass or intimidate. The same standards apply online and in person.”

Although the statement offered no context for why it had been issued, it came in the wake of three events—the placing of registration conditions on Broome GP Dr David Berger for his outspoken criticism of COVID-19 public health settings on Twitter; an open letter from 18 leading health practitioners and researchers, published on 14 July, calling for an independent audit of Ahpra’s handling of social media and public advocacy complaints; and a call from the Australian Medical Association’s (AMA) Victorian branch for a Royal Commission into Ahpra.

Dr Andrew Miller ... an anaesthetist and former President of the AMA’s Western Australia branch, told *InSight+* that he found the Ahpra/MBA statement “curious, confused and not at all reassuring”.

“It was issued without context other than the timing [regarding] Dr Berger’s issues, and the fact it commits the fallacy of conflating ‘freedom of speech’ with ‘bullying and harassment’—I don’t know what they were trying to achieve.

“Dr Berger’s conditions did not in any way relate to any alleged bullying or harassment of anyone and it is disingenuous in my opinion to raise those topics when responding to criticism of the way they handled his case.

“Whether Ahpra like it or not, when you start to tell people you cannot speak that way, you must speak this way it is of course a limitation on freedom of speech. To say otherwise is nonsensical.

“Nobody disagrees that bullying and harassment are unacceptable,” said Dr Miller, who was one of the co-signers of the open letter.

“What is at issue though is robust criticism of what Dr Berger and others might argue are fools making foolish policies. Is Ahpra saying there are no fools or foolish ideas in politics, big pharma or medicine, or just that if there are we must not say so?

“Why should doctors, and no-one else in the community, be forced to feign respect for mediocre or incompetent authorities or individuals?

“The law must to be applied equally to everyone; you should not single out one person who opposes government policy while apparently not acting on myriad others who are emotionally pejorative online, and who now threaten and follow through with anonymous reports to Ahpra when they do not like what a doctor says.

I pause there to say that this is pretty powerful, explosive stuff from some pretty experienced individuals, not the least of which is the immediate past president of the Australian Medical Association. The article goes on to quote another person, Professor Kerry Phelps, who is not exactly the type of person that I would ordinarily share a view with on a whole range of issues. Nevertheless, the article states —

Professor Kerry Phelps, former President of the federal AMA and a former Member of Parliament, was also a co-signer of the open letter.

She is quoted as stating —

“There is a risk to public safety when doctors remain silent when political and public health messaging is getting it wrong.

“This goes back to Dr John Snow and the Broad Street pump or Dr Ignaz Semmelweis [sic] and handwashing in birthing units.

“Throughout this pandemic, doctors have had to call out mistakes on issues like airborne transmission of COVID, the efficacy of masks to reduce transmission, children being able to transmit the virus, and many more examples where politics and misinformation have over-ridden evidence and clinical experience.”

The article continues —

The anonymity of the complainant versus the public naming of the doctor being complained about is also a matter of concern to many.

Dr Andrew Watkins, a Melbourne paediatrician, said it was an issue that made him “particularly angry”.

...

“If they are political complaints against a doctor for public comments, they will be from interested parties and the complaint, process and any sanction cannot be fully assessed by the community and those complaining must be forced to do so publicly, so their actions can be judged.

...

“It is ridiculous for Ahpra to conflate robust criticism of governments, senior bureaucrats and drug companies with bullying of patients or colleagues, junior or senior—the power imbalance is in a wholly opposite direction and Dr Berger’s targets are big enough and ugly enough to take care of themselves.

“There is altogether too much bullying in medicine, which needs to be addressed, but Dr Berger is not the problem—Ahpra should stick to its knitting.

It does not stop there because I note that very experienced lawyers, Panetta McGrath, have written an online article entitled “12 commandments to mitigate Ahpra notifications”. We simply do not have the time this evening to unpack all of them, but I will touch on one of the 12—number 9, which deals with the use of social media. These expert health lawyers are seeking to educate their constituency with what they refer to as 12 commandments to avoid Australian Health Practitioner Regulation Agency notifications—in other words, to avoid a disciplinary complaint. One of the commandments is to do with social media and states —

Be very careful when using social media (even on your personal pages), when authoring papers or when appearing in interviews. Health practitioners are obliged to ensure their views are consistent with public health messaging. This is particularly relevant in current times.

Get this, Acting President: this is written by health lawyers in Western Australia who are trying to educate their constituency—a group of medical practitioners—and they say —

Views expressed which may be consistent with evidence-based material may not necessarily be consistent with public health messaging.

It should cause people concern that this is going on with the so-called disciplinary body that looks into learned medical practitioners and other health workers. Why I raise all of this, for the benefit of the hardworking parliamentary secretary, is that as Hon Martin Aldridge has indicated, we support this bill, which is part of a national agreement. But what the opposition does not want is more mess. If this is the state of the current regulatory system for professionals in the 15 or 16 professions or whatever it might be and we are now going to give responsibility, albeit not to AHPRA but to the Health and Disability Services Complaints Office, to look into the so-called unregulated health workers in Western Australia, is HADSCO going to do it at a level where it becomes a mess and a fiasco or is there going to be a different standard?

We need to make sure that we get this right, because if it is anything like the chart I tabled earlier—the tabled document—the ordinary Western Australian constituent will have no hope of being able to navigate that system. It is no wonder we talk about the need for navigators in the health system when there is this level of complexity. If someone wants to try to put in a complaint, they will definitely need an expert health lawyer to help them navigate the complaints process.

When this type of disciplinary matter is put forward, it can affect a person’s reputation. Even if someone is cleared of all charges on a disciplinary matter, that does not necessarily address the reputational damage that has been caused by a false, vexatious or frivolous complaint, or a complaint that has been wholly unsubstantiated. The reputational damage will still exist. We know this because, by way of an analogy in the education sector, Hon Neil Thomson has been pursuing the government and the Leader of the House, who is away on urgent parliamentary business, on the Brock Burston case. Again, we simply do not have the time today to unpack all these things, but that is another example of a heavy-handed approach. In this case, the state government took a very heavy-handed approach against an individual, who then suffered reputational damage. Even though an apology of sorts was issued by the government, that does not redress the reputational damage. The same sort of situation seems to be occurring time and again, with AHPRA’s heavy-handed approach creating reputational damage to medical practitioners. We do not want the same kind of thing happening with the Health and Disability Services Complaints Office and this new market of individuals who will be subject to this type of process. I understand from Hon Martin Aldridge that the office is also going to attract a fair amount of resourcing to enable it to do these things.

That said, we know that we need to have a robust oversight regime in health. I do not want anyone to misconstrue the comments here. We do not want an ineffective oversight regime. At the moment, it looks like it is a mess; it does not look like it is effective. Members only need to pause for a moment and consider, for example, the death of Aishwarya at Perth Children’s Hospital, a high profile matter that would be on the minds of all members. We have had debates and condolence motions of sorts in this chamber on that matter. It is now before the coroner, and a coronial inquest is well underway.

Evidently, if we consider that matter, the complaints process is not working. The parents of the deceased have complained for some time that the comments that have been made—including by the Premier, I might add—have been disrespectful, with the backwards and forwards about the staffing levels on that particular night. The Premier has dug in on multiple occasions, expressing his view that the staffing levels were satisfactory, yet the parents obviously hold a very different view. It has been interesting to note, for those who have been following that inquiry, that multiple experts have come forward to indicate that the staffing levels on the night were not okay. Understandably, given the highly sensitive matter, the parents are seeking an apology for comments by the Premier that they consider to be disrespectful and, putting the politics to one side, for the events that took place. We will see what the coroner’s findings are in due course.

It is the pinnacle of the failure of the complaints system when parents need to come forward with a grievance about the death of their child as a result of a service—or lack of service—provided by the health system. That is the worst-case scenario. We might expect the system to be responsive enough to deal with the grievance, but it appears that is not the case, with the matter having to go before the coroner. In this context, I hope that the Minister for Health

will ensure that her priorities are focused on the understaffing in health, the low morale and the ambulance ramping and that the disciplinary providers, the overseers, are focused on authentic oversight rather than censorship, which is obviously what has occurred in some of the examples I gave earlier.

Noting the time, I will conclude on this point to say that the irony of the bill should not be lost on us. It is brought to us by a government that has not always demonstrated a level of transparency and accountability it can be proud of, yet that is what will be required as a result of this new health regulation system. A good test of how genuine and authentic the government is about this will be its response to the standing committee's report, and we will have the opportunity to unpack that during Committee of the Whole House.

Debate adjourned, pursuant to standing orders.

MARGARET COURT AND SERENA WILLIAMS

Statement

HON PETER COLLIER (North Metropolitan) [9.45 pm]: On Saturday, 3 September, the Australian tennis player Ajla Tomljanović defeated Serena Williams in the third round of the US Open. That brought an end to a truly remarkable career for the American champion. However, while Serena will be regarded as one of the greats of tennis, is she the greatest of all time, as has been said by a number of media outlets and indeed some players, most notably from the United States? Since January 2017, the tennis community, the media and the world at large have become quite fixated on this question. Why January 2017? That was when Serena Williams won her last grand slam title, the Australian Open. It was her twenty-third—one short of Margaret Court's 24 titles. It was widely expected that Serena would go ahead and surpass Margaret Court's 24 titles, in fact, comfortably beat them, thereby challenging Margaret Court as the undisputed greatest tennis player of all time. However, from January 2017, Serena Williams played another 15 grand slam titles, and despite getting to the final of four of them, she did not win another title. Unfortunately, as a result of the fact that Serena has not matched Margaret's grand slam singles record, there have been many in the world, particularly in the tennis community from the United States, but also in some of the media, who have worked tirelessly to undermine and diminish the record of a great Australian. They bizarrely reflected on some of Margaret's religious views to suggest that she is not worthy of the title of the greatest tennis player of all time. I would like to remove the emotion completely from the debate and have a look at the facts. I will deal specifically and exclusively with the facts. I will compare the record of Margaret Court with that of Serena Williams and see who really deserves the title as the greatest tennis player of all time.

These are the facts. Serena Williams learnt to play on the council courts in West Palm Beach in California. Her father, Richard, coached her and her sister Venus for most of their respective careers. They did it tough. They faced racism and enormous adversity on multiple occasions. Likewise, Margaret Court's early years were spent looking at the members-only grass courts of the local tennis club in Albury. She was forbidden to play on the courts and would use a piece of cut-down wood to hit tennis balls with half a dozen local boys. Margaret's first racquet was second-hand and was handed down to her from a friend of her mother. She left home at the age of 15 to move to Melbourne to pursue her tennis. Both women had to struggle very early in their careers before they went on to establish themselves as champions of tennis. Both women went on to construct extraordinary careers, but which is the greatest of them all?

Let us look at the grand slam titles of these two great women and determine whether that is one determinant. Margaret Court won 24 singles titles out of 47 attempts—11 Australian, five French, three Wimbledon and five US. Serena Williams won 23 singles titles out of 81 attempts—seven Australian, three French, seven Wimbledon and six US. So it is 24 to 23. Let us look at longevity. Margaret Court played her tennis career over 16 years, but, in fact, she competed for only 11 years because she retired as number one in the world at 24 years of age for 18 months and she had two more years off for her two children. She actually only competed for 11 years. In that time she won 24 titles. Serena played for 24 years, but, in fact, competed for 21 years because she did not play some tournaments and had time off for the birth of her daughter, Alexis. Margaret Court won 24 titles in 11 years while Serena Williams won 23 titles in 21 years—Margaret wins.

If we consider grand slam success in finals, Margaret Court reached 29 finals, of which she won 24, which is a success rate of 83 per cent, while Serena reached 33 finals, of which she won 23, which is a success rate of 69 per cent. That is 83 per cent to Margaret and 69 per cent to Serena—Margaret wins. Let us consider winning four grand slams in the one year. It is very, very difficult to win the Australian, French and US Opens and Wimbledon all in one year. Only five players in the history of the game have done that—Don Budge, Rod Laver, Maureen Connolly, Steffi Graf and Margaret Court. Margaret won all four grand slams in 1970 while Serena did not achieve that—Margaret wins.

If we consider who won three out of the four grand slams in a year, which is very difficult to achieve, Margaret did it on four occasions—1962, 1965, 1969 and 1973. Serena did it on two occasions, in 2002 and 2015. That is four for Margaret and two for Serena—Margaret wins.

People say that the time Serena took off after the birth of her child is taken out, but Margaret had children, too. She had two years off in her 16 years of competing. When she came back after the birth of her child, Margaret competed

in five grand slam tournaments, of which she won three—the Australian, the French and the US Opens—while Serena came back after the birth of her child and played in 15 grand slam tournaments but did not win—Margaret wins. She won three but Serena did not win any.

I turn to grand slam doubles. Margaret won 19 titles from 46 attempts—eight Australian, four French, two Wimbledon and five US. Serena won 14 from 34 attempts—four Australian, two French, six Wimbledon and two US. Margaret won 19 women’s doubles titles while Serena won 14—Margaret wins. Margaret won 21 from 34 attempts in grand slam mixed doubles titles—four Australian, four French, five Wimbledon and eight US. Serena won two from seven attempts—one Wimbledon and one French Open. Margaret won 21 grand slam mixed doubles titles while Serena won two—Margaret wins.

If we consider mixed doubles grand slams, as in winning all four grand slams in the one year, Margaret did on two occasions, in 1963 and 1965, while Serena did not do it at all—Margaret wins. If we consider total grand slam titles, Margaret won 64—24 singles, 19 doubles and 21 mixed doubles. Serena won 39—23 singles, 14 doubles and two mixed doubles. Margaret won more grand slam singles, doubles and mixed doubles. She won those over 11 years while Serena won hers over 21 years—Margaret wins. What about the total number of matches won? Out of the 1 180 matches that Margaret played, she won 1 073, which is a 91 per cent success rate, while Serena played 1 011 matches, of which she won 857, with an 85 per cent success rate—Margaret wins. If we consider the most singles titles wins, Margaret won 192 titles in her career over 11 years while Serena won 73 titles over 21 years—Margaret wins. Margaret’s 192 titles are the most ever of any player; that is, Margaret won the most singles titles ever. Her 192 wins certainly beats Serena’s 73 wins.

If we consider who won the most Women’s Tennis Association titles, in equal second and third place is Margaret Court—18 in 1969 and 18 in 1973. Coming in first place is Margaret Court with 21 titles in 1970 while Serena did not even make the top 10—Margaret wins.

In the Federation Cup, which is the women’s competition between nations and the equivalent of the men’s Davis Cup, Margaret competed over six years during which she had 20 wins and lost one set while Serena competed over nine years with 14 wins and one loss in which she lost four sets—Margaret wins. Margaret was undefeated in Federation Cup wins.

On every single level and in every single comparison, whether it be grand slam titles, total matches won, most singles titles won, most WTA titles won or the greatest success in the Federation Cup, Margaret Court’s record is vastly superior to that of Serena Williams.

Let us park the emotion and deal with the facts. As well as that, there is one factor that tends to be forgotten. Margaret Court played her entire career right-handed and she is a natural left-hander. She does everything left-handed. She is a natural left-hander. As a young child, when she was learning to play tennis in the 1950s, she was told, “You can’t play left-handed. Southpaws don’t win.” Margaret Court is a natural left-hander; she played right-handed. Imagine if Margaret Court had won using her natural hand. Imagine how many more titles she would have won. She already has an enviable record but nothing like what would have happened if she played with her natural hand.

My point is that as we look at the records of Margaret Court and Serena Williams, we see that both are extraordinary athletes and tennis players, but please park the emotion and look at the facts: at every single level Margaret Court’s record is vastly superior to Serena Williams and she is without a shadow of a doubt the greatest tennis player of all time.

KOKODA CAMPAIGN — EIGHTIETH ANNIVERSARY

Statement

HON DAN CADDY (North Metropolitan) [9.55 pm]: This month marks the eightieth anniversary of the Kokoda campaign. On the weekend I had the very special honour of laying a wreath at the State War Memorial on behalf of the Premier during the service put on by the 2/16th Battalion to commemorate this occasion. Often members have heard me talk of significant events in this place for our veterans’ community. The eightieth anniversary of one of the most historic campaigns of our nation’s journey was always going to be such an occasion; however, this time I am going to let the words of someone else tell the story. The commemorative speech at the weekend’s service was given by Lieutenant Colonel Leigh Partridge, the current commanding officer of the 16th Battalion. It was an extraordinary reflection on the Kokoda campaign and the role of the 2/16th. With his permission I read his speech notes into *Hansard* tonight —

We gather here today to commemorate the 80th anniversary of the Kokoda campaign. A campaign that represents the first time in Australia’s history that our sovereignty was threatened by another country. Between July and November 1942, the Australian forces stopped the southward advance by Japanese forces across the Owen Stanley Ranges and then pushed the enemy back across the mountainous, inhospitable terrain.

Initially the Kokoda Track was a series of interconnecting small trails used as a route to supply settlements around Kokoda. Initial assessments by higher command described the track as barely passable by 4x4. It was along this track, which crossed incredibly rugged, inhospitable and isolated terrain, that the Australian

troops distinguished themselves fighting the Japanese in a series of delaying actions and battles. Under conditions of extreme hardship, Australian soldiers fought the Japanese to the point of exhaustion and subsequently pursued them back along the track to their strongholds of Buna and Gona inflicting some of the first land defeats for the Japanese Army.

Initial Japanese landings along the Northern Beaches at Buna/Gona in late Jul were unopposed but saw the 39th Bn, a CMF force, which was undertrained and ill equipped, deployed from Port Moresby, to defend the strategically important Kokoda Airstrip. In the ensuing engagements, the 39th Bn was unable to hold off the numerically superior Japanese and commenced a withdrawal towards Isurava in the hope that reinforcements from Australia would make the trek across the Owen Stanley Ranges.

In early August, the 21st Bde, commanded by BRIG Arnold Potts and containing WA's 2/16th Bn commenced their journey across the Owen Stanley Ranges. Their arrival was in the nick of time and after rapidly reinforcing the defensive positions and establishing blocking positions at Isurava the 21st Bde/Maroubra Force waited to meet the Japanese. The ensuing battle was fierce. Japanese attacks were met by dogged Australian resistance, the 39th and 2/14th Bn's bore the brunt of these attacks suffering massive casualties. Over a period of five days the Australians stood firm, defending in their pits, retaking lost ground, counterattacking Japanese advances and denying the Japanese an easy path to Port Moresby. Through this battle Aussie soldiers demonstrated the traits of Courage, Mateship, Endurance and Sacrifice prior to withdrawing to a subsequent defensive position. These words now adorn the stone tablets at the Isurava Memorial as a permanent reminder of those who fought there 80 years ago.

Potts, who had been directed to hold ground and fight the Japanese in a defensive battle identified that fighting a delaying action was the best way of defeating the Japanese advance. Over the next two months the Japanese advanced along the track in the face of fierce opposition by the Australian soldiers, contesting each step of the track in order to stretch the Japanese lines of communication, isolate them from their support base with the ultimate goal to culminate their advance. After a period of smaller engagements Potts was ordered to make a stand and hold terrain at Myola. The location identified was untenable and tactically undefendable so Potts, against higher command's wishes abandoned Myola and established a defensive position at Bde Hill, the last Battle he would command on the Kokoda Track.

Like Isurava, the ensuing battle was fierce ...

In fact, this was one of the most fierce battles of the Kokoda campaign. The Australians were outnumbered six to one and took enormous casualties caused by the bombardment from the Japanese heavy guns. But I return to the words of Lieutenant Colonel Partridge —

In Late September the 21st Bde was taken out of the line and the 25th Bde replaced the battle weary Maroubra Force. After two months of sustained combat the Japanese had been fought to a standstill. As part of the Australian counter offensive, over the next months, the Japanese ... were subsequently pushed back over the Owen Stanley Ranges to their north coast strongholds at Buna and Gona. Each step of the way pursued by Australian soldiers, maintaining contact, and pressure on the withdrawing forces.

While the Kokoda Campaign ceased on 2 Nov with the unopposed retaking of Kokoda, the ensuing three months of fighting on the northern beaches brought a close to fighting in Papua. The fighting here was equally fierce, if not harder than Kokoda. Unlike the fighting along the Track the Northern Beaches fighting was influenced by one major factor. Along the track the Japanese could withdraw but along the northern beaches they couldn't. This ... coupled with Strategic impatience, the repeated denial of reconnaissance and a desire to rapidly defeat the Japanese led to greater casualties here than along the Track.

Special to me —

In this context, "me" is Lieutenant Colonel Partridge, whom I am quoting —

... the 2/16th Battalion distinguished itself along the Kokoda Trail. Our unit's forbearers, met the Japanese head first, standing alongside the first Australian units who were required to stop the Japanese advance. Even when the 2/16th Battalion had been overrun by the Japanese, was cut off from our forces or required to fight the advancing enemy to a standstill, the unit demonstrating the same qualities the Aussie digger has been admired for for over 100 years.

An example of this spirit is PTE George Maidment who while fighting up a steep wooded slope along the Kokoda track and under heavy machine gun fire, was wounded in the chest. Despite his injuries PTE Maidment and while his mates fell around him he calmly collected grenades from his fallen mates and attacked the Japanese machine gun posts, pushing forward with total disregard for his safety until he had used all his ammunition. This allowed his remaining platoon members to regroup and counterattack and only at this time did PTE Maidment re-join his platoon. This to me is someone, who in the face of adversity, demonstrated total disregard for his personal safety IOT assist his mates. PTE Maidment was awarded a Distinguished Conduct Medal for this action which is the second highest Bravery Award available to Australian soldier in WWII.

Sitting with those of the 2/16th Battalion Association and listening to this speech was a humbling reminder of what those members of our armed forces have done for us previously and also what all those who currently wear the uniform are prepared to do if called upon. Tonight I reflect on those soldiers and the Papua New Guineans who demonstrated the ultimate courage and sacrifice in giving their lives in defence of their country 80 years ago.

Lest we forget.

NORTH WEST CENTRAL BY-ELECTION

Statement

HON NEIL THOMSON (Mining and Pastoral) [10.03 pm]: I rise to acknowledge the efforts of Merome Beard in the recent North West Central by-election and congratulate her on her win. The election result will be finalised in the next few days, but the result is not in doubt at all. It was a well-fought and very interesting campaign because of the number of candidates who made an effort to get involved. It was also a great opportunity to engage with the community and understand some of the issues in more detail.

That is particularly the case, as members on both sides of the chamber would know, when we knock on doors and talk to people about the issues they confront.

I also want to acknowledge Will Baston, our Liberal Party candidate, who did an absolutely tremendous job during the campaign.

Hon Kyle McGinn: Was he well supported by your side?

Hon NEIL THOMSON: He was absolutely well supported. It was an incredible result. In fact, he achieved an 18.8 per cent swing on preliminary results. Over 1 000 votes still have to be counted because a number of postal votes are yet to come in, and the absentee votes have not been counted. It was a tremendous outcome. I would like to mention a few facts about the electorate so that members opposite —

Several members interjected.

The PRESIDENT: Order! Members, can the member have his 10 minutes please.

Hon NEIL THOMSON: I will provide a few facts for those opposite, who might not want to show their faces in the town of Carnarvon in the coming weeks. There was a lot of negative feedback about the Labor Party's lack of participation. This electorate is one-third larger than Germany. It is larger than New South Wales. There are 11 000 voters in this electorate but, sadly, only about 6 000 people voted.

Several members interjected.

The PRESIDENT: Order! Enough of the cross-chamber chatter, thank you.

Hon NEIL THOMSON: The electorate is such an important part of our state, and one that was clearly ignored by members opposite, to their detriment. I spent a considerable amount of time talking to people. The anger from those hard-core Labor supporters was palpable. They form 20 per cent of the community who vote Labor. They did not have someone to vote for. They certainly had a large selection of minor parties from which to select.

Several members interjected.

The PRESIDENT: Order!

Hon NEIL THOMSON: The by-election was an opportunity to send a message about the issues that affect that community. For example, there are concerns about the crime rate in the town of Carnarvon, in particular, and concerns about health. I met mothers who were in the final stage of their pregnancies who had to be diverted to Geraldton or Perth to give birth to their children. They were very upset that they had to do that as it caused disruption to their families.

I met public servants who were very upset about the standard of housing and the problems that has caused for their families. One particular example involves a very sad case of a man who lives in close proximity to families where there is a massive problem of antisocial behaviour on a regular basis, to the point where his wife left the home to live in another location. He now suffers from the trauma of lack of sleep. I will raise these issues further in due course. They are some of the concerns.

The Labor government made grand promises about the Carnarvon fascine and the \$7 million that was allocated in 2020. I am sure the following headline was drawn up by one of the spin doctors in the minister's office—“All aboard—\$7 million for Carnarvon Fascine solution”. When I was there, a fairly mid-level bureaucrat was sent up to meet with about 100 people in the community to basically tell them that the work that was promised would not occur.

Several members interjected.

Hon NEIL THOMSON: We have members opposite interjecting. They did not even bother to turn up.

Several members interjected.

The PRESIDENT: Order!

Hon NEIL THOMSON: It was a disappointment for the community. What a terrible disgrace.

The PRESIDENT: Order! Perhaps the member might want to concentrate on the content that he has before him rather than putting content out across the chamber.

Hon NEIL THOMSON: The community was disappointed in that presentation. We saw the disappointment in towns like Kalbarri to the slow response to the cyclone Seroja rebuild. It is no wonder that when Hon Alannah MacTiernan stood up to the Premier and suggested that the Labor Party put a candidate in that election, she got no support from the rest of her colleagues opposite. There was no support whatsoever.

Several members interjected.

The PRESIDENT: Order! You are continuing to run the honourable member's time down.

Hon NEIL THOMSON: It is great to see the response from members opposite. They are so defensive. They do not like to hear the truth.

Several members interjected.

Hon NEIL THOMSON: They get upset about the truth.

Several members interjected.

The PRESIDENT: Order! Members, I invite you to have some respect for Hansard trying to capture the member's contribution and those interjections that are worth capturing.

Hon NEIL THOMSON: As I said, the votes have not yet been finalised. There will be more votes coming through.

Another important and serious thing to note is that a very serious and major issue with the by-election is that the Western Australian Electoral Commission needed to do more to get people out and give them notification of the by-election. The number of people who did not turn up to vote was a very disappointing outcome. That is a broader issue that needs to be seriously considered for future by-elections. It is very important that democracy is promoted and that sufficient time is spent and sufficient advertising is made available for that community. I think that needs to be reviewed. I call upon the minister to do his job properly. We have seen the absolute failure of this minister in the delivery of that outcome. We also saw that with the regional representation being removed. That issue was raised with me on multiple occasions.

I want to congratulate Merome. I am sure she will make a great contribution to the other place. I congratulate all the candidates who had the temerity to show up and do something for the community and make representations on their behalf. I think it is a great shame that the Labor Party chose to step out of that by-election. It is a great shame for the people of North West Central that this government continues to ignore the people of the regions.

Several members interjected.

The PRESIDENT: Order!

Hon NEIL THOMSON: It is a great shame that this government continues to ignore the people of North West Central. I am sure that members opposite will be very, very worried about showing their faces in those towns again.

WILDFLOWER SEASON

Statement

HON SHELLEY PAYNE (Agricultural) [10.14 pm]: I will be brief. It is wildflower season. We have amazing biodiversity in our biodiversity hotspot of the south west, so if members are wondering what to do with the kids over the upcoming long weekend or the school holidays, they should go out and have a drive. The agricultural crops are looking amazing. There is bright yellow canola everywhere and it is an awesome time to go out and wander out yonder. We have the Ravensthorpe Wildflower Show that has been on for about a week; that is open until Saturday, 24 September. It is the fortieth anniversary of the Ravensthorpe Wildflower festival. They have awesome gin made by the Esperance Distillery Co and they have 703 plant species there. An amazing group of people in Ravensthorpe work together all year to put this show together. There are heaps of activities. It is on the doorstep of the Fitzgerald River National Park, which has amazing plants. If members have not been there, outside Hopetoun, it is an awesome place to go.

The Esperance Wildflower Festival started today and runs until Saturday, and the Bloom Festival launched last Saturday. That festival celebrates the great southern. It runs across nine shires, through Katanning, Bremer Bay, Jerramungup, Mt Barker and Gnowangerup, and there are heaps of activities—over 50—going on at the Bloom Festival. That is running until the end of October. I would like to encourage members to all get out.

I will just note my lovely scarf here that I got from the Ravensthorpe Wildflower Show. This silk scarf was made by the kids at Jerdacuttup Primary School using silk print and eucalypt. I give a shout-out to the principal there,

Kier Douthie, who did a lot of work at the wildflower show as well, helping to collect all the eucalypt. There are over 70 species of eucalypt at the Ravensthorpe Wildflower Show. I give a shout-out to all the people in Ravensthorpe who worked so hard to put that show together. It is awesome. Members who have not been should go and have a look, especially at the amazing vegetation that is out there around Ravensthorpe.

MARGARET COURT AND SERENA WILLIAMS

Statement

HON SANDRA CARR (Agricultural) [10.16 pm]: I will be very brief. I thought it would be a tad remiss not to deliver a return to what was a very poor attempt at an ace serve a moment ago by Hon Peter Collier, with his comments about Margaret Court and tennis and contemplating who was the greatest of all time.

I thought it was a very interesting examination of how numbers might mislead at times. I think it is really worth contemplating what makes someone great, and what particularly makes an athlete great. I would argue that it is not things like minimising the achievements of certain groups or undervaluing their contribution or importance in society, and that is certainly another record that Margaret Court holds. I really would encourage the honourable member—he is out on urgent parliamentary business, but hopefully he will have an opportunity to hear this—to reconsider his sycophantic spray and perhaps contemplate what it really means to be great. Is it things like breaking down barriers? Is it overcoming obstacles? Is it overcoming people criticising someone's body, skin colour, the way they wear their hair and whether they are entitled to be a part of that sport, or is it someone who criticises people because of their sexual orientation, minimises a group of people and encourages them to disappear into obscurity?

I think what makes someone great is their ability to overcome adversity, look around, reach out and include and value everyone around them, and that is not a record that Margaret Court holds. Shame on her.

House adjourned at 10.18 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

PUBLIC HOUSING — WAITLIST — NORTH WEST CENTRAL ELECTORATE**766. Hon Colin de Grussa to the Leader of the House representing the Minister for Housing:**

I refer to the housing waitlist for the electorate of North West Central, and I ask:

- (a) how many people are currently waiting for housing in:
- (i) Shire of Exmouth;
 - (ii) Shire of Carnarvon;
 - (iii) Shire of Ashburton;
 - (iv) Shire of Yalgoo;
 - (v) Shire of Cue;
 - (vi) Shire of Sandstone;
 - (vii) Shire of Murchison;
 - (viii) Shire of Wiluna;
 - (ix) Shire of Upper Gascoyne;
 - (x) Shire of Meekatharra;
 - (xi) Shire of Ngaanyatjarraku;
 - (xii) Shire of Mount Magnet;
 - (xiii) Shire of Shark Bay; and
 - (xiv) Shire of Northampton; and
- (b) for those in (a), what is the current vacancy rate for each local government area?

Hon Sue Ellery replied:

- (a) It is important to note that most people have a roof over their head while they wait for social housing to become available.

Public Housing Wait List by the specified Preference Zones as at 30 June 2022				
Preference Zone	Wait Turn		Priority	
	Number of Applications	Total Number of Applicants (people)	Number of Applications	Total Number of Applicants (people)
Exmouth	11	20	4	11
Carnarvon	118	229	20	45
Onslow	8	25	2	6
Paraburdoo	3	7	3	7
Tom Price	9	21	2	8
Yalgoo	3	9	1	5
Cue	1	1	–	–
Sandstone	Null			
Murchison	Null			
Wiluna	11	27	–	–
Upper Gascoyne	Null			
Meekatharra	41	92	1	1
Ngaanyatjarraku	Null			

Mount Magnet	19	65	–	–
Denham	8	15	2	6
Kalbarri	18	26	3	3
Northampton	8	26	–	–
Total	258	563	38	92

Note: 'Null' refer to 0 zones within the Shire(s). This normally denotes 0 current public housing stock in these Shires hence no wait list.

- (b) Vacancy numbers are always a single point in time number that fluctuates for a range of reasons. Properties may be awaiting acceptance of offers from applicants, undergoing minor maintenance repairs or refurbishment prior to new occupants moving in, or undergoing major refurbishment as part of a redevelopment. Not returning properties include those that have reached their end of life and may have been damaged beyond repair or have been identified for demolition or redevelopment.

Public Housing Vacancy Rate for the specified LGAs as at 30 June 2022			
Shire	Returning	Not-Returning	Vacancy Rate (%)
(i) Shire of Exmouth	3	–	3.6%
(ii) Shire of Carnarvon	43	7	16.0%
(iii) Shire of Ashburton	11	3	21.5%
(iv) Shire of Yalgoo	1	–	25.0%
(v) Shire of Cue	3	–	30.0%
(vi) Shire of Sandstone	–	–	–
(vii) Shire of Murchison	–	–	–
(viii) Shire of Wiluna	4	–	11.8%
(ix) Shire of Upper Gascoyne	–	–	–
(x) Shire of Meekatharra	13	3	21.3%
(xi) Shire of Ngaanyatjaraku	–	–	–
(xii) Shire of Mount Magnet	2	–	7.7%
(xiii) Shire of Shark Bay	2	–	6.7%
(xiv) Shire of Northampton	1	–	4.5%
Total			14.5%

MINING ACT — EXPLORATION LICENCE APPROVALS

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

Have any Exploration Licences been granted in a Class 'A' Reserve or National Park in the past five years and, if so, where and when?

Hon Matthew Swinbourn replied:

There have been no Exploration Licences granted wholly within either a Class 'A' Reserve or National Park in the past five years.

Exploration Licences can only be applied for and granted on a graticular basis, and so the area applied for can therefore include partial encroachments onto Class 'A' Reserves or National Parks. Notwithstanding this, reserved lands are subject to protection and prior to any mining operations occurring within such areas, applicants must receive Ministerial Consent from the Minister for Mines, which requires the concurrence of the Minister for Environment.

Often companies have no intention to undertake operations within the Class 'A' Reserve or National Park portion of the Exploration Licence and so it is the exception to seek Ministerial Consent.

I can confirm that there are no instances where Ministerial Consent has been given for mining within Class 'A' Reserves or National Parks. All Exploration Licences granted within the last five years that have such partial encroachments have been granted on the condition that no mining is to occur within Class 'A' Reserves or National Parks.

HOSPITALS — MORTUARIES

777. Hon Colin de Grussa to the Leader of the House representing the Minister for Health:

I refer to question on notice 656, asked by Hon Martin Aldridge, and I ask, on how many occasions have the following hospitals exceeded morgue capacity and required surge capacity since March 2021:

- (a) Carnarvon Hospital;
- (b) Hedland Health Campus; and
- (c) Geraldton Hospital?

Hon Sue Ellery replied:

- (a) Nil.
- (b) Nil.
- (c) Twice and surge capacity was utilised.

CORONAVIRUS — PUBLIC SECTOR — SENIOR POSITIONS

778. Hon Colin de Grussa to the Leader of the House representing the Premier:

I refer to senior leadership roles assisting the Government during the pandemic, and I ask, since the State of Emergency started in 2020, how many people have been:

- (a) Acting Minister for Emergency Services;
- (b) Acting Chief Health Officer;
- (c) Acting Vaccine Commander;
- (d) Acting Police Commissioner; and
- (e) Acting State Emergency Coordinator?

Hon Sue Ellery replied:

- (a) Five people have acted in the position of Minister for Emergency Services for brief periods over a 30 month period. In accordance with the *Interpretation Act 1984*, the Governor approves acting Ministerial arrangements. Acting Ministerial arrangements are published in the Government Gazette.
- (b) Three.
- (c) Two.
- (d)–(e) Three, noting that section 10 of the *Emergency Management Act 2005* states that the Commissioner of Police is to hold the office of State Emergency Coordinator.

It is not unreasonable for public servants, including those in parts (b)–(e), to utilise their industrial entitlements such as sick or annual leave over a period of more than two and a half years.

LOCAL GOVERNMENT — REGULATION AND SUPPORT

779. Hon Dr Brian Walker to the Leader of the House representing the Minister for Housing; Lands; Homelessness; Local Government:

- (1) Referring the Minister to the *Office of the Auditor General Report into the Regulation and Support of the Local Government Sector* (30 April 2021), has the Department of Local Government reviewed “how it gathers, records and reports information to maintain an up to date Local Government sector risk assessment”:
 - (a) if no to (1), why has this not occurred;
 - (b) if yes to (1), when was the review completed;
 - (c) if yes to (1), who conducted the review; and
 - (d) will the Minister please provide a copy of the review?
- (2) Has the Department of Local Government targeted “its regulation and support activities to areas of highest risk, with regard to the potential benefits to improve outcomes across the LG sector”:
 - (a) if no to (2), why has this not occurred;
 - (b) if yes to (2), how has the Department done this;
 - (c) what are the areas of highest risk;
 - (d) what are the identified potential benefits; and
 - (e) what are the improved outcomes?

- (3) Has the Department of Local Government clearly defined “its Local Government regulation and support objectives deliverables and targets”:
 - (a) if no to (3), why has this not occurred;
 - (b) if yes to (3), how has the Department done this;
 - (c) how has it defined its Local Government regulation;
 - (d) what are the objectives; and
 - (e) what are the deliverables and targets?
- (4) What “robust performance monitoring measures” has the Department of Local Government introduced since April 2021, and on what date were the measures introduced?
- (5) How were the measures referred to in (4) communicated to staff, Local Government entities and other key stakeholders, and on what dates were they communicated?
- (6) Does the Government intend to release its previously announced Local Government Act green bill:
 - (a) if yes to (6), on what date will the green bill be released; and
 - (b) if no to (6), why not?
- (7) How does the Government’s proposed green bill affect the recent reform proposals released by the Minister?
- (8) Will the public be able to have input into the green bill before it is introduced into Parliament?
- (9) Noting that the Minister said on ABC radio that “We are not changing the big ideas, but I am happy to listen to ratepayers and local governments about the delivery”, what is the purpose of the green bill process?
- (10) What public input fed into the report of the Government-appointed Local Government Review Panel?
- (11) In what ways did the public have input into the *Local Government Reform – Summary of Proposed Reforms* report released by the Minister?
- (12) As the period for limited public input into the review of the *Local Government Act 1995* has now closed, what processes and timetable will apply going forward?

Hon Sue Ellery replied:

- (1) Yes.
 - (a) Not applicable.
 - (b)–(c) The Department of Local Government, Sport and Cultural Industries (DLGSC) engaged RiskWest in March 2020 to develop a risk assessment matrix and assist with the development of risk profiles for local government, including a risk profiling/ assessment methodology. RiskWest completed the work to establish the risk profiling tool in November 2021.
 - (d) A report summarising the results of the risk assessment work conducted in late 2021 is provided as an attachment to this answer. [See tabled paper no [1596](#).]
 The full risk profiling database contains sensitive and personal information, and is therefore not suitable for tabling. However, DLGSC is available to provide the member with a confidential briefing on this work, if required.
- (2) Yes. The DLGSC formally adopted a Local Government Risk Assessment Policy on 22 December 2021. This sets DLGSC’s approach to monitoring and compliance, which targets its resources towards local governments that present the highest risk.
 - (a) Not applicable.
 - (b) The DLGSC monitors and proactively engages with at-risk local governments to ensure they meet their compliance obligations under the *Local Government Act 1995* as a mechanism to set the standard for good governance across the sector.
 As part of DLGSC’s targeted regulatory approach, a divisional team meets on a regular basis to discuss and implement early intervention tactics depending on the level of non-compliance and/or risk profile of a local government.
 The DLGSC has also been proactive in preventative and educational measures to manage risks within local governments. In support of its improved regulatory approach, over the last twelve months the DLGSC has delivered a range of education and information programs. This has included educational approaches, including multi agency site visit briefings by DLGSC and other public sector integrity bodies, such as the Public Sector Commission, the Corruption and Crime Commission, and Office of the Auditor General.

Further, the Government's proposed local government reforms have been developed to provide a greater range of early intervention powers and address current limitations of the *Local Government Act 1995*. These reforms, including the establishment of a Local Government Inspector and Monitors, have been designed to provide a greater range of tools to address issues within local governments, and improve and clarify invention powers. These reforms will further improve the regulation and support of local government in Western Australia.

- (c) While the areas of highest risk vary from council to council, current trends relate to governance, leadership, financial management, and organisational culture.
- (d)–(e) The benefits and improved outcomes of DLGSC's targeted regulatory approach include:

- earlier detection of issues in local governments and the application of early intervention action to prevent issues from escalating and/or reoccurring;

- setting sector-wide standards for what is expected of local governments; and

- better capacity building for local governments to better enable them to meet their obligations under the *Local Government Act 1995* for the good government of their districts.

These benefits, particularly time and cost savings for ratepayers through earlier intervention and resolution of issues within local governments, is also a core focus of the State Government's proposed package of local government reforms.

- (3) The DLGSC has clearly defined its local government regulation and support objectives, deliverables and targets in the Local Government Portfolio Plan on a Page (Local Government Plan) that was developed in consultation with sector stakeholders and launched to the sector in November 2021.

The Local Government Plan sets the direction of DLGSC in the short, medium and long term. It outlines three strategic priorities, which are supported by 22 actions. The strategic priority objectives are:

- Deliver a streamlined and contemporary legislative framework by reforming the *Local Government Act 1995* and other relevant legislation.

- Develop the supporting environment and provide local governments with the tools to build a transparent, robust and innovative sector.

- Deliver on current commitments of existing projects and programs of reform.

The 22 actions range across policy areas, and some actions will sequentially follow others. For instance, future changes to the reporting framework established through the MyCouncil website will not occur until work to improve financial reporting under the State Government's local government reform package is completed and operational.

In accordance with its support objectives DLGSC has increased in-person visits to local councils, with the aim of providing advice, building capability and strengthening networks between DLGSC and the sector.

The DLGSC has also led the introduction of combined agency briefings, in which senior representatives from the Corruption and Crime Commission, Office of the Auditor General, Public Sector Commission, State Records Office and the department provide presentations to councils on important conduct and integrity matters. These briefings provided a unique opportunity for State agencies to deliver information, advice and support to council members.

It is important that DLGSC is able to prioritise regulation and support activities according to the specific context of risks and emergent issues within the local government sector. However, certain functions administered or supported by DLGSC – such as the Local Government Standards Panel – may have discrete objective, targets, or metrics which are reported in annual reports.

While DLGSC has been focusing its current and short-term regulation and support functions, the McGowan Government's proposed package of local government reforms will significantly transform the system of local government support and oversight in Western Australia.

The establishment of the proposed Local Government Inspector, and the range of associated early intervention tools and mechanisms, will restructure the oversight and enforcement of the *Local Government Act 1995* and its regulations.

- (4) The DLGSC has clearly defined its local government regulation and support objectives, deliverables and targets in the Local Government Portfolio Plan on a Page (Local Government Plan) that was developed in consultation with sector stakeholders and launched to the sector in November 2021.

The Local Government Plan sets the direction of the department in the short, medium and long term. It outlines three strategic priorities, which are supported by 22 actions.

Certain functions administered or supported by DLGSC – such as the Local Government Standards Panel – may also have discrete objective, targets, or metrics which are reported in annual reports.

While DLGSC has been focusing its current and short-term regulation and support functions, the McGowan Government's proposed package of local government reforms will significantly transform the system of local government support and oversight in Western Australia.

- (5) The DLGSC communicates with local governments regularly, with 39 LG Alerts (email notification for local governments in respect to specific subject matters) distributed since April 2021. Five editions of the Local Matters newsletter and twelve news articles relevant to performance monitoring of local governments have been published on the DLGSC website within the same timeframe.
- (6) On 10 November 2021, the State Government announced a significant package of reforms to the system of local government in Western Australia. A detailed list of more than forty reform proposals, grouped in six themes, was open for public comment from 10 November 2021 to 25 February 2022.

This consultation has informed the Government's work to progress legislation, which the Government intends to introduce in due course.

(7)–(9) Not applicable.

- (10) Consultation on reforms to the *Local Government Act 1995* has been ongoing since 2017 and has resulted in more than 3,000 survey responses and written submissions. Feedback received during the rounds of public consultation, including through workshops held across the State, informed both the Review Panel Final report, as well as the proposed reforms announced in November 2021.

- (11)–(12) This document was developed for the purpose of undertaking public consultation on the McGowan Government's proposed local government reforms. The document was designed to assist any interested party to make comments on reform proposals.

The package of reforms proposed for the local government sector was developed last year, based on a significant body of prior work and consultation, including the findings of:

The Local Government Act Review (conducted by DLGSC between 2017–2020);

The Local Government Panel Final Report (2020);

The City of Perth Inquiry Report (2020);

The Select Committee into Local Government Report (2020); and

Direct engagement with the local government sector and the community.

The package of reform proposals was open for public comment from 10 November 2021 to 25 February 2022. Over 200 submissions were received, and have been reviewed and considered.

The final package of reform proposals was released on 3 July 2022.

WESTERN AUSTRALIAN BIODIVERSITY SCIENCE INSTITUTE

781. Hon Martin Aldridge to the minister representing the Minister for Science:

- (1) To what extent does the Western Australian Government fund the Western Australian Biodiversity Science Institute (WABSI)?
- (2) Who appoints members of the Board of WABSI?
- (3) How many staff does WABSI employ in the following areas:
- (a) scientific and technical; and
- (b) administrative?
- (4) Who is the director of WABSI and what is his/her professional qualifications?
- (5) Does WABSI produce an annual report on its activities and expenditures and, if so, is this a public document?

Hon Alannah MacTiernan replied:

The Department of Jobs, Tourism, Science and Innovation (JTSI) advises:

- (1) For the term 1 January 2021 – 30 June 2023, the Western Australian Government through JTSI is providing \$3,435,000 in funding to WABSI.
- (2) The Council of Participant Organisations, which comprises senior representatives from each of WABSI's joint venture partners.
- (3) WABSI appoints staff with skill sets appropriate to its operational needs. The Government does not have a role in WABSI staffing.
- (a) n/a
- (b) n/a

- (4) The current Chief Executive Officer of WABSI is Professor Owen T. Nevin. Professor Nevin holds the following qualifications: – BSc (Hons) in Biology and Ecology from the University of East Anglia (UK) and a PhD in Wildlife Ecology from Utah State University (USA).
- (5) No. However, WABSI reports to JTSI each year on its funded activities.

ENVIRONMENT — PERTH AIR QUALITY MANAGEMENT PLAN

783. Hon Dr Brad Pettitt to the minister representing the Minister for Environment:

I refer to question on notice 719 asked on 10 May 2022, and I ask:

- (a) considering that the Perth Air Quality Management Plan (AQMP) is now more than 21 years old and has not been updated since the 2007 review, when is the updated AQMP referred to by the Minister in his response, likely to be completed; and
- (b) what guidelines or policies are in place to reduce the number of exceedances of the National Environment Protection (Ambient Air Quality) Measure standards in the Collie, Bunbury and Busselton airshed?

Hon Stephen Dawson replied:

- (a) The Perth Air Quality Management Plan provides a responsive management framework for addressing contemporary air quality issues. Revision of the Plan is being considered by the Air Quality Coordinating Committee.
- (b) Air quality in Bunbury, Busselton and Collie is generally good. During 2020, airborne particles less than 10 micrometres in diameter (PM₁₀) and particles less than 2.5 micrometres in diameter (PM_{2.5}) met 24-hour National Environment Protection (Ambient Air Quality) Measure standards in these towns at least 97 per cent of the time. On the few days when the standards were exceeded, this was due to smoke from prescribed fire hazard reduction burns, wood-fired domestic heaters, bushfires or local burns.

The Environmental Protection (Solid Fuel Heater and Firewood) Regulations 2018 set standards for all wood heaters offered for sale in Western Australia.

The Department of Water and Environmental Regulation will continue air quality monitoring in Bunbury, Busselton and Collie in accordance with the National Environment Protection (Ambient Air Quality) Measure and use the results to determine if additional strategies to manage human activities that may affect air quality are required.

ENVIRONMENT — NATIONAL ENVIRONMENTAL PROTECTION (AIR TOXICS) MEASURE

784. Hon Dr Brad Pettitt to the minister representing the Minister for Environment:

I refer to question on notice 720 asked on 10 May 2022, and I ask:

- (a) how frequently are the “targeted air quality investigations” carried out to confirm compliance with the National Environment Protection (Air Toxics) Measure;
- (b) when were the most recent “targeted air quality investigations” of air toxics in Western Australia carried out;
- (c) where are the results of these “targeted air quality investigations” available; and
- (d) when is the next set of “targeted air quality investigations” planned to be conducted?

Hon Stephen Dawson replied:

- (a) Targeted ambient air quality investigations are conducted for various reasons including responding to community / local government requests, regulatory investigations by the Department of Water and Environmental Regulation, or as part of the Department’s ongoing surveillance monitoring program. There is no set frequency for these investigations.

In recent years, targeted ambient air quality investigations have focussed on a wider range of air pollutants, including volatile organic compounds, ammonia and those covered by the National Environment Protection (Ambient Air Quality) Measure (AAQ NEPM). The reason for this is that exceedances of AAQ NEPM standards have been measured in Western Australia, whereas all measured concentrations of National Environment Protection (Air Toxics) Measure (Air Toxics NEPM) pollutants have been significantly below the monitoring investigation levels.

The goal of the Air Toxics NEPM (made in 2004) was to improve the information base regarding ambient air toxics within the Australian environment (with a focus on locations where significantly elevated concentrations of air toxics are likely to occur), in order to facilitate the development of standards.

- (b) The most recent targeted air quality investigation of air toxics in Western Australia concluded in 2014, as part of the *Kwinana Background Air Quality Study Phase 4*. This Phase 4 study confirmed the results from the three previous phases (2005–2006, 2007–2008 and 2009–2010) that found the levels of detected target pollutants to be low and below the air quality criteria.

- (c) The report on the *Kwinana Background Air Quality Study Phase 4*, as well as reports on earlier investigations, is available on the Department of Water and Environmental Regulation website.
- (d) No targeted air quality investigations for Air Toxics NEPM pollutants are currently planned.

ENVIRONMENT — WETLANDS — RAMSAR CONVENTION

785. Hon Dr Brad Pettitt to the minister representing the Minister for Environment:

I refer to question on notice 711 asked on 10 May 2022, and I ask:

- (a) considering that a large number of Western Australia wetlands were identified by independent scientists more than 20 years ago as eligible for Ramsar nomination, why have no further Ramsar nominations been made by the State Government in the past 20 years;
- (b) what consultation was carried out in regard to the proposed Ramsar nomination of the Tributaries of the Lower Blackwood and as public input sought, or was consultation confined to discussions with a few vested interest groups;
- (c) what were the grounds of objection to the Ramsar nomination of the Tributaries of the Lower Blackwood that were identified in these consultations;
- (d) in regard to the proposed Ramsar nomination of Lake MacLeod, what form of consultation was carried out;
- (e) does the leaseholder of Lake MacLeod support the Ramsar nomination;
- (f) who does the Government regard as the stakeholders for Ramsar site nominations:
 - (i) does this in (f), include independent scientists, conservation groups and the local community;
- (g) is unanimous stakeholder support required for Ramsar nominations;
- (h) why isn't the decision to nominate a wetland for Ramsar listing based primarily on scientific advice;
- (i) does the Government support the Ramsar nomination for the Greater Brixton Street Wetlands:
 - (i) if no to (i), why not; and
 - (ii) if yes to (i), is a nomination being prepared; and
- (j) were the Cape Range sub-terranean wetlands recommended for Ramsar nomination by independent scientists:
 - (i) if yes to (j), why hasn't this nomination been completed; and
 - (ii) if no to (j), what was the scientific advice?

Hon Stephen Dawson replied:

- (a) The process for a Ramsar nomination requires endorsement by the WA Government, then approval by the Australian Government prior to consideration by the International Ramsar Committee. The documentation and consultation required to support a nomination is significant. Each site requires a Ramsar Information Sheet with mapping, an ecological character description, a management plan and a summary of consultative outcomes for the nomination. The nomination process can be lengthy and may require considerable resources to complete.
- (b) The consultation for Ramsar nomination of the Tributaries of the Lower Blackwood was extensive and included targeted and broad public consultation.
- (c) There were concerns that the Ramsar listing would limit or prohibit current and future land management activities.
- (d) The consultation for Ramsar nomination of the Lake MacLeod was extensive and included targeted and broad public consultation.
- (e) At the time of consultation, there were concerns that the Ramsar listing would limit or prohibit current and future land management activities.
- (f) The Australian Ramsar Site Nomination Guidelines provide guidance on consultation. This includes obtaining in-principle support from site managers and landowners and broad consultation regarding the nomination and ongoing management with adjacent landowners, Traditional Owners, relevant Government departments, natural resource management bodies, community, and community interest groups.
 - (i) Yes.
- (g) No.
- (h) The decision to support a Ramsar site nomination is considered by the Australian Government on its merits, to ensure that the site meets the Ramsar criteria for international importance, appropriate consultation with key stakeholders has taken place, suitable management arrangements are in place for the site,

ongoing stakeholder engagement arrangements are in place for the site, and whether the site will assist Australia to meet the requirements of the Ramsar Convention's Strategic Plan and is in accordance with the Australian Ramsar Site Nomination Guidelines

- (i) Government has not received a Ramsar nomination for the Greater Brixton Street wetlands.
 - (i) Not applicable.
 - (ii) Not applicable.
- (j) No.
 - (i) Not applicable
 - (ii) No independent scientific advice was received.

ALCOA — POTABLE WATER

786. Hon Dr Brad Pettitt to the minister representing the Minister for Water:

I refer to the *Alumina Refinery Agreement Act 1961*, an Act to approve and ratify an agreement entered into by the State with respect to the establishment of a refinery to produce alumina, and to provide for carrying the agreement into effect and for incidental and other purposes.:

- (a) what is the current agreement with regards to access to potable water by Alcoa;
- (b) how much potable water is consumed by Alcoa per annum in:
 - (i) the mine sites operations;
 - (ii) processing of bauxite; and
 - (iii) refining of bauxite;
- (c) what is/are the source/s of this water;
- (d) is water taken from these sources under license;
- (e) if yes to (d), please provide this license;
- (f) does Alcoa pay for this water; and
- (g) if yes to (f), how much?

Hon Alannah MacTiernan replied:

- (a) Potable water supplied from Water Corporation to Alcoa is predominantly during low rainfall years. It is provided via the Integrated Water Supply Scheme (IWSS) at by-law regulated rates. There is no specific agreement for these accounts.
- (b) Water consumed –
 - (i) Mine site operations – no potable supply from Water Corporation
 - (ii) Alcoa processes and refines bauxite at Pinjarra, Wagerup and Kwinana. Average potable water consumption at:
 - Pinjarra – no potable supplied by Water Corporation
 - Wagerup – no potable supplied by Water Corporation
 - Kwinana – 615,912kL per annum
 - (iii) Included in (ii)
- (c) Potable water is sourced from Water Corporation via the IWSS.
- (d) No.
- (e) Not applicable.
- (f) Yes.
- (g) Supply to the Kwinana site is provided under regulated pricing determined by the State Government under the “Metro non-”residential” tariff. Currently \$2.712 per kL.

ENVIRONMENT — ALBANY RING-ROAD — SEDIMENT

787. Hon James Hayward to the Leader of the House representing the Minister for Transport; Planning; Ports:

I refer to sediment runoff from the Albany Ring Road construction site, and I ask:

- (a) what sediment control measures are in place during the construction of the road;

- (b) can the Minister detail what planning measures have been put in place to manage sediment run off from the construction of the road onto neighboring properties and the environment, specifically in terms of:
 - (i) site layout;
 - (ii) storm water flow;
 - (iii) sediment fences;
 - (iv) management of on-site traffic; and
 - (v) stabilization of entry and exit points to the site;
- (c) has the Department taken any measurements of the sediment coming off the Albany Ring Road construction site over the last 12 months and, if so, what were the results;
- (d) on how many occasions has the Department taken measurements of the sediment coming off the Albany Ring Road construction site and at what locations;
- (e) has Main Roads contractor Decmil provided information regarding:
 - (i) when it plans to clean up the sediment that has run off onto adjoining properties from the construction site; and
 - (ii) how it plans to clean up this sediment;
- (f) when will the Department provide information related to sediment clean-up plans to affected residents; and
- (g) has Department of Water and Environmental Regulation investigated/measured sediment runoff in local streams, rivers and creeks in the vicinity of the Albany Ring Road construction site, and if so what were the findings?

Hon Sue Ellery replied:

- (a)–(d) Numerous measures have been taken to minimise sediment migration offsite. These include, but are not limited to:

Installation of permanent drainage basins

Compaction of materials to minimise soil loss.

Installation of sediment fencing at the project boundary and coir logs across waterways.

Rock pitched drains

Earth bunds to attenuate water

Earthworks directing water through controls

Slope breaks to change the hydraulic grade lines; and

Pre and post rain inspections to ensure effectiveness and appropriateness

In addition to the measures mentioned above, a landscaping program to revegetate the roadsides following construction will be implemented.

- (e)–(f) Residents affected by displaced sediment have been contacted with an offer to remove the displaced sediment, restoring their lots to their pre-project condition. Remediation work is expected to occur in the summer period.
- (g) This question should be directed to the Department of Water and Environmental Regulation.

SECURITY GUARDS — ASSAULTS AGAINST

788. Hon Nick Goiran to the minister representing the Minister for Police:

- (1) How many reports of assaults on private security guards have been made to the Western Australian Police Force in the following calendar years:
 - (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?
- (2) How many charges of common assault have been laid against offenders who have allegedly assaulted a private security guard in the following calendar years:
 - (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?

- (3) How many charges of assault occasioning bodily harm have been laid against offenders who have allegedly assaulted a private security guard in the following calendar years:
- (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?
- (4) How many charges of grievous bodily harm have been laid against offenders who have allegedly assaulted a private security guard in the following calendar years:
- (a) 2018;
 - (b) 2019;
 - (c) 2020; and
 - (d) 2021?

Hon Stephen Dawson replied:

The Western Australia Police Force advise that it is not possible to provide an answer due to a 'Private Security Guard' (PSG) not being a recorded victim type and there is no way to extract incidents involving offences against PSG's.

PERDAMAN UREA PROJECT — ROCK ART

789. Hon Dr Brad Pettitt to the minister representing the Minister for State Development, Jobs and Trade:

I refer to the Perdaman Urea project. The proposed Urea plant would be built immediately adjacent to the current Burrup Peninsula National heritage listed area and Murujuga National Park and would involve the physical removal of Aboriginal rock art including at least one highly culturally sensitive image. Although Aboriginal Affairs Minister Hon Dr Tony Buti on 27, January 2022 gave section 18 approval under the *WA Aboriginal Heritage Act* for Perdaman to remove this rock art, this proposal is currently the subject of an emergency section 9 application by Murujuga Aboriginal custodians under the *Commonwealth Aboriginal and Torres Strait Island Heritage Protection Act*. Given the fact that the purpose-designated Maitland Heavy Industrial Estate is situated only approximately 15 km south of the current site location and would seem to be an ideal location for the plant, because of the absence of globally significant rock art at Maitland, I ask:

- (a) will the Minister provide an explanation as to why the State Government is proceeding to locate a major industrial project within a potential world heritage site and immediately adjacent to the Burrup National heritage listed area, when the purpose-designated Maitland industrial estate, which does not contain globally significant Aboriginal cultural heritage, is available instead;
- (b) if no to (a), why not;
- (c) did the State Government obtain costings for situating the Perdaman plant at Maitland rather than the current planned location;
- (d) if no to , why not;
- (e) if the Government did obtain such costings, will the Government now release them and clarify the cost differential for locating the Perdaman plant at Maitland instead of the current proposed location which will involve the removal of rock art to make way for the plant;
- (f) if no to (e), why not;
- (g) if the State Government obtained such costings, will the Minister state which agency and consultancy provided it with these costings;
- (h) if no to (g), why not;
- (i) if the State Government did not obtain such costings, will the Minister provide an estimate of the cost differential; and
- (j) if no to (f), why not?

Hon Alannah MacTiernan replied:

The Department of Jobs, Tourism, Science and Innovation advises:

- (a) The Environmental Protection Authority required Perdaman to consider alternative sites including Maitland SIA, in its Public Environmental Review.
Perdaman cited the significant clearing of Murujuga land including National Heritage Listing areas to construct a conveyor as well as the significantly greater cost among the reasons why Maitland was not a feasible location for its Urea project.

These considerations, combined with the robust environmental management outcomes that can be achieved by the conditions placed on the project by the Minister for the Environment, give the State Government full confidence that the Burrup Strategic Industrial Area is an appropriate location for the Perdaman project.

- (b) N/A
- (c) In its Public Environmental Review Document, Perdaman estimates that the cost of locating at Maitland, in comparison to the Burrup, is approximately \$700 million to \$1billion.
- (d) N/A
- (e) This cost estimate was disclosed to the Environmental Protection Authority and publically released as part of Perdaman's Public Environmental Review.
- (f) N/A
- (g) N/A
- (h) N/A
- (i) N/A
- (j) N/A

SUSTAINABLE HEALTH REVIEW — FUNDING AND COMMISSIONING

790. Hon Martin Aldridge to the minister representing the Treasurer:

I refer to the answer provided to me at Question 6 prior to hearings of the Standing Committee on Estimates and Financial Operations by the Minister for Health with reference to Budget Paper 2, page 145, Net Appropriation Determination and noting the unusual response by the Minister that she is unable to comment on Treasury budget papers, and I ask, why was there an under-spend from the budgeted 21–22 figure on the 'Sustainable Health Review – Funding and Commissioning'?

Hon Stephen Dawson replied:

The underspend in 2021–22 relates to a delay in the commencement of two positions (2 x two year contracts). The delayed salary expenditure was re-timed as part of the 2022–23 Budget process, with the two positions now funded to January 2024.

WA COUNTRY HEALTH SERVICE — RENAL DIALYSIS

791. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:

I refer to renal dialysis services provided by Western Australian Country Health Service (WACHS) and I ask:

- (a) by facility, how many dialysis chairs were available in each of the following years:
 - (i) 2018–19;
 - (ii) 2019–20;
 - (iii) 2020–21; and
 - (iv) 2021–22;
- (b) given that the WACHS Renal Dialysis Plan 2010 to 2021 has now finished, has a new plan been completed:
 - (i) if no to (b) why not, If yes, please table the plan;
- (c) which WACHS facilities currently have a community supported home dialysis room;
- (d) which WACHS facilities are due to receive a community supported home dialysis room in:
 - (i) 2022–23;
 - (ii) 2023–24; and
 - (iii) 2024–25;
- (e) has work commenced on construction of the promised \$24 million renal dialysis centre in Halls Creek, that was an election promise made on 12 January 2021:
 - (i) if no to (e) why not; and
 - (ii) given the current cost pressures, is this project still expected to cost \$24 million;
- (f) What was the number of persons waiting for renal dialysis, broken down by facility, as at the following dates:
 - (i) 1 July 2022;
 - (ii) 1 July 2021; and
 - (iii) 1 July 2020; and
- (g) for each of the years, by facility in (f) what was the average time people waited to access renal dialysis?

Hon Sue Ellery replied:

- (a) (i)–(iv) WA Country Health Service (WACHS) is the provider of renal dialysis services at Albany, Geraldton, Carnarvon, Port Hedland and Kalgoorlie Health Campuses.

Site	Number of Chairs			
	2018–19 FY	2019–20 FY	2020–21 FY	2021–22 FY
Albany	6	6	6	6
Geraldton	9	9	9	9
Carnarvon	4	4	4	4
Port Hedland	12	12	12	12
Kalgoorlie	12	12	12	12
Bunbury*	11	11	11	11
Busselton*	6	6	6	6
Northam*	–	–	4	4
Broome*	10	10	10	10
Derby*	10	11	13	13
Fitzroy Crossing*	4	4	4	4
Kununurra*	6	6	9	9

* Renal dialysis chairs at facilities contracted by WACHS to provide dialysis services.

- (b) (i)–(ii) The WACHS Renal Dialysis Plan 2010 – 2021 aimed to progress a coordinated approach to the delivery of renal services across regional WA, however, was limited to addressing only end stage kidney disease (ESKD) and not overall chronic kidney disease management. WACHS has published the WACHS Kidney Disease Strategy 2021 – 2026 which provides strategic direction for provision of renal services across WACHS over the next 5 years and encompasses all stages of renal health from primary prevention to ESKD.
- (c) Several WACHS facilities currently have a community supported home dialysis room including Moora, Esperance, Onslow, Wangkatjunka, Fitzroy Crossing and Kalumbaru.
- (d) (i)–(iii) Nil.
- (e) (i)–(ii) The Government is committed to the delivery of the Halls Creek Renal project and has provided a \$0.920million allocation of funding for the planning and design of the facility. An assessment of the project budget will be undertaken as part of this process.
- (f) (i)–(iii)

Site	Number of People on Waitlist		
	1 July 2020	1 July 2021	1 July 2022
Albany	2	2	4
Geraldton	1	5	13
Carnarvon	2	2	5
Port Hedland	9	9	25
Kalgoorlie	2	2	10
Bunbury*	4	4	1
Busselton*	2	1	2
Northam*	8	7	9
Broome*	4	9	3
Derby*	2	1	1
Fitzroy Crossing*	2	2	2
Kununurra*	2	2	3

* Renal dialysis chairs at facilities contracted by WACHS to provide dialysis services.

- (g) People may be on the waitlist longer as they cannot accept an offer, change their mind, are medically unstable or have housing issues that delay their return and ability to be transferred to the unit at time of being offered a place.

Site	Average Wait Time (Days)		
	1 July 19 – 30 June 20	1 July 20 – 30 June 21	1 July 21 – 30 June 22
Albany	58	177	149
Geraldton	125	111	245
Carnarvon	41	142	398
Port Hedland	227	242	199
Kalgoorlie	194	51	85
Bunbury*	159	121	204
Busselton*	7	660	709
Northam*	339	678	463
Broome*	164	129	317
Derby*	494	271	152
Fitzroy Crossing*	140	195	176
Kununurra*	244	431	141

* Renal dialysis chairs at facilities contracted by WACHS to provide dialysis services.

SUSTAINABLE HEALTH REVIEW

792. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:

I refer to the ‘Sustainable Health Review (SHR) – Outcome Measures Project’ published on the Department of Health’s website, and I ask:

- who decided, and when, which 10 of the 30 recommendations from the SHR, which was published in April 2019 were to be ‘fast tracked’ by the SHR Outcome Measures Project (OMP);
- can the Minister confirm why these 10 were decided to be more important than the remaining 20 not reported on; and
- why is it that only three, of the handpicked 10 recommendations have seen a positive trend in the report?

Hon Sue Ellery replied:

- These outcome measures do not represent SHR recommendations being “fast tracked”.
The SHR Outcome Measures Project looks at measures related to the SHR’s eight enduring strategies that can be used to evaluate progress towards a patient-centred, high quality and financially sustainable healthcare system.
The outcome measures were selected following consultation with the Sustainable Health Review Independent Oversight Committee in late 2020 and the Sustainable Health Review Steering Committee in early 2021.
- The 10 outcome measures are independent of the 30 SHR recommendations.
- The outcome measures and results included in the report *Moving Towards Measuring What Matters – Sustainable Health Review Fast Track Outcome Measures* reflect important areas of health that the Department of Health is committed to making improvements in.
The results reflect the state of the WA health system at the time of reporting and will be used to monitor improvements over time.
It is important to note the significant impact of COVID-19 on the WA health system and this can be seen in the results for some of the outcome measures.

WA COUNTRY HEALTH SERVICE — PINGELLY AND CUNDERDIN HEALTH CENTRES REVIEW

794. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:

I refer to the Review of the Pingelly and Cunderdin Primary Health Centres conducted by S.D.F. Global P/L. on behalf of Western Australian Country Health Service (WACHS) in September and October 2021 and I ask:

- on what date were the review/s completed:
 - please table the review/s;

- (b) has the Minister considered the review/s:
 - (i) if no to (b) why not, if yes, please table the Minister's response;
- (c) has WACHS considered the review/s:
 - (i) if not to (c) why not, if yes, please table the response from WACHS; and
- (d) what actions have been taken in response to any findings of this review?

Hon Sue Ellery replied:

- (a) The Review of Cunderdin and Pingelly Primary Health Centres has been completed and a draft report has been produced.
 - (i) See (a) above.
- (b) No.
 - (i) See (a) above.
- (c) WACHS is currently considering the draft report.
 - (i) Not applicable.
- (d) Nil. The review report is in draft form.

URGENT CARE CLINICS — DATA COLLECTION

795. Hon Martin Aldridge to the Leader of the House representing the Minister for Health:

I refer to Question On Notice 463 answered in this House on 22, February 2022, and I ask:

- (a) has the Minister considered the final evaluation of the GP Urgent Care (GPUC) Network pilot, including a formal analysis and report that was drafted in the fourth quarter of 2021:
 - (i) if no to (a), why not;
- (b) can the Minister please table a copy of the formal analysis and report:
 - (i) if no to (b), why not; and
- (c) has the Government fulfilled its commitment to establish an urgent care clinic in Geraldton, which was a part of "WA Labor's plan for Geraldton" released in February 2017:
 - (i) if no to (c), why not?

Hon Sue Ellery replied:

- (a)–(c) The Minister continues to consider the final evaluation of the GP Urgent Care (GPUC) Network pilot. The McGowan Government has committed \$122.7 million towards the Geraldton Health Campus Redevelopment project. This is on top of the more than 400 additional car parking bays and a reconfigured main entry, for better patient and visitor flow, already delivered through Stage 1 of the redevelopment.

WESTERN POWER — NETWORK SAFETY REPORT

796. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Energy:

I refer to Western Powers Annual Network Safety Performance Objective reports of 2020 and 2021, and I ask:

- (a) what was the incident in January, 2020 that resulted in Western Power pausing its insulator silicone program;
- (b) as referred to in the proposed revisions to the access arrangement for the Western Power Network 2022–23 – 2026–27 – issues paper, can the Minister confirm that this program is due to re-commence, but only on de-energised lines;
- (c) does the Minister know, in terms of service disruption to customers, what increase in planned and unplanned outages will occur as a result of this program; and
- (d) if yes to , can the Minister table this information?

Hon Matthew Swinbourn replied:

- (a) Western Power suspended 'live' powerline silconing and washing following a safety incident on 22 January 2020, where an employee was injured when an electrical discharge occurred.
- (b) Western Power is reviewing its approach to silconing and line washing of assets. Western Power completed a pilot program on de-energised lines utilising a helicopter for approximately 60 assets in 2020/21. Western Power intends to conduct a second trial with additional assets by December 2022. The results of these trials will inform future works.

During its review of silconing and line washing, Western Power increased its work on insulator and cross-arm replacement programs for pole top fire risk mitigation.

- (c) It is not possible to predict any increase or decrease in planned or unplanned outages related to pole top fire risk mitigation measures.
- (d) Not applicable.

MINISTER FOR REGIONAL DEVELOPMENT — DIARY

797. Hon Martin Aldridge to the Minister for Regional Development:

I refer to the following dates and I ask that an unredacted version of your diary is tabled:

- (a) 21 – 23 July 2021;
- (b) 19 – 21 August 2021;
- (c) 16 – 18 September 2021;
- (d) 25–27 September 2021;
- (e) 15 – 17 October 2021;
- (f) 28 – 30 October 2021;
- (g) 12 – 14 November 2021;
- (h) 1 – 3 December 2021;
- (i) 4 – 6 December 2021;
- (j) 13 – 15 January 2022;
- (k) 20 – 23 January 2022;
- (l) 10 – 12 February 2022;
- (m) 17 – 19 March 2022;
- (n) 23 – 25 April 2022; and
- (o) 30 April – 2 May 2022?

Hon Alannah MacTiernan replied:

[See tabled paper no [1596](#).]

For the below dates requested, there were no Ministerial commitments so no day sheet was produced:

21 August 2021
 27 September 2021
 17 October 2021
 30 October 2021
 14 November 2021
 4 December 2021
 15 January 2022
 22 January 2022
 12 February 2022
 19 March 2022
 23 April 2022
 25 April 2022

PREMIER AND CABINET — AIR CHARTER SERVICES

798. Hon Martin Aldridge to the Leader of the House representing the Premier:

I refer to the ‘Guidelines for Ministerial Air Charter’, and I ask:

- (a) please table the ‘(MOM – Ad Hoc Air Charter Safety 2-11-02)’ guidelines;
- (b) noting that the guidelines provide for air charter arrangements ‘exclusively for Ministers’, how is it that flights are being conducted where the primary passenger is a Member of Parliament representing a Minister;
- (c) has any breach of the guidelines been identified by the department in the 2021–22 financial year and, if so, please identify the breach and the action taken;
- (d) I refer to the paragraph entitled ‘Who Pays for Ministerial Air Charter? – Primary Contract’ and I ask, for each month in 2021–22 please detail the costs recovered from each Minister; and

- (e) I refer to the ‘overriding principle’ that a Minister must be satisfied that all destinations must not be within 300 kilometres of Perth and I ask, on how many occasions in 2021–22 was the overriding principle not adhered to and please identify the instance of non-compliance?

Hon Sue Ellery replied:

The Department of the Premier and Cabinet advises:

- (a) [See tabled paper no [1597](#).]
- (b) Travel on the aircraft is arranged for the Minister, for official Government or Ministerial purposes. When a Minister is not able to travel, Ministerial Air Charter may receive a request from the ministerial office, that a Parliamentary Secretary will represent the Minister for the itinerary. Each request is considered on a case by case basis.
- (c) No.
- (d) The Department of the Premier and Cabinet no longer recoups costs on a proportionate basis from Ministers who utilise the aircraft during that month. This was related to the previous leasing arrangement for the aircraft and is no longer relevant. Reimbursement of passenger’s inflight meal catering and pilot related expenses is sought from each office.
- (e) [See tabled paper no [1597](#).]

PREMIER AND CABINET — CHARTER AIRCRAFTS

799. Hon Martin Aldridge to the Leader of the House representing the Premier:

I refer to the answers prior to hearings of the Standing Committee on Estimates and Financial Operations 2022–23 Budget Estimates, and in particular the answer to 1(e) in relation to charter aircraft, and I ask:

- (a) for each occasion identified in attachment 4 in response to the questions, please provide:
- (i) the name of the air charter provider;
 - (ii) the type of aircraft procured; and
 - (iii) the total cost of each procurement?

Hon Sue Ellery replied:

- (a) (i)–(iii) [See tabled paper no [1598](#).]

MINISTER FOR MINES AND PETROLEUM — CHARTER AIRCRAFTS — COST RECOVERY

800. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations:

I refer to the answers prior to hearings of the Standing Committee on Estimates and Financial Operations 2022–23 Budget Estimates, and in particular the answer to 1(b) in relation to cost recovery arising from air charter transport, and I ask:

- (a) for what purpose was Ms A Lacaze accompanying Minister Johnston on 20 April 2022 from Kalgoorlie to Perth;
- (b) in what capacity was Ms A Lacaze travelling on the government aircraft;
- (c) please provide a breakdown of the \$391.93 cost recovered from Ms A Lacaze;
- (d) on what date was the cost recovered from Ms A Lacaze;
- (e) did the determination of the amount to be cost recovered adhere to the formula found in the guidelines relating to the use of air charter;
- (f) if yes to (e), what was the hourly charter rate utilised in the formula; and
- (g) what was the seat capacity of the charter aircraft?

Hon Matthew Swinbourn replied:

- (a)–(b) Amanda Lacaze Managing Director of Lynas Corporation and Minister Johnston turned the Sod at the Rare Earths Kalgoorlie Processing Facility. Prior to Ms Lacaze travel appropriate approvals were sought and provided.
- (c) Ms A Lacaze was invoiced \$391.93 (excl. GST), in line with the Ministerial Air Charter Guidelines that state “where a scheduled air service is available to the destination of the charter, the charge for each non-government passenger is to be limited to the cost of the ‘Economy’ class commercial fare for that route”.
- (d) AirCharter invoiced Ms Lacaze on 17 May 2022 and the invoice was paid on 15 July 2022.
- (e) Please see (c) above.

- (f) Not Applicable.
- (g) Eight.

FIRE AND EMERGENCY SERVICES — MERREDIN FIRE STATION

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

- (1) I refer to the former Merredin Fire Station located at 28 Bates Street Merredin and I ask: Is the building under care and control of Department of Fire and Emergency Services (DFES)?
- (2) on what date was the building vacated by the Merredin Volunteer Fire and Rescue Service?
- (3) has the building been utilised for any other purpose since the date identified in (2) and if so, please detail the dates and usage?
- (4) what is the annual costs incurred by DFES in retaining the building?
- (5) since the building has been vacated by the Merredin Volunteer Fire and Rescue Service what maintenance costs have been incurred by DFES?
- (6) please detail the annual maintenance that is undertaken to ensure the integrity of the heritage listed building?
- (7) are there any plans to repurpose or to dispose of the building?

Hon Stephen Dawson replied:

The Department of Fire and Emergency Services (DFES) advises:

- (1) Yes
- (2) October 2008
- (3) No
- (4) \$2,184.44 for the 2021/22 financial year
- (5) \$30,618
- (6) Cleaning of gutters and downpipes, termite and pest inspection and ground maintenance.
- (7) The property is owned by DFES and registered for disposal.

FIRE AND EMERGENCY SERVICES — OPERATIONAL EFFICIENCY PAYMENT

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

- (1) I refer to the operational efficiency payment and I ask: which services are eligible for the payment?
- (2) of those identified in (1) please identify the number of BGUs per service that are eligible for the payment?
- (3) what is the funding amount that is applicable to each category or tier of BGU in each eligible service?
- (4) what is the total funding amount of the payment by eligible service?
- (5) when was the payment last increased by eligible service?
- (6) is there an automatic indexation of the payment or how is the funding amount determined annually?
- (7) has Department of Fire and Emergency Services (DFES) received any request to modernise and increase the payment?
- (8) is the payment under review or when was it last reviewed to ensure its appropriateness is meeting the needs of BGUs?

Hon Stephen Dawson replied:

- (1) Volunteer Fire and Rescue Service (VFRS)
State Emergency Service (SES)
Volunteer Fire and Emergency Services (VFES)
- (2) 94 VFRS brigades
64 SES units
37 VFES units
- (3) VFRS

Profile	Total Incidents	Payment
1	101+	\$4300
2	51 – 100	\$3600
3	1–50	\$2900

SES

Profile	Membership	Payment
1	More than 30	\$3500
2	16 – 30	\$2500
3	6 – 15	\$1500
4	Less than 6	\$500

VFES

Profile	Total Incidents	Payment
1	101+	\$4300
2	51 – 100	\$3600
3	1 – 50	\$2900

- (4) The total OEP made to eligible services for 2021/22FY is detailed as below table:

Eligible Service	Amount
VFRS	\$319,500
SES	\$164,375
VFES	\$91,900
Total	\$575,775

- (5) VFRS 2009
SES 2018
VFES 2018
- (6) Funding is based on a BGU's profile which is reviewed annually.
- (7) Yes. The McGowan Government is committed to enhancing emergency services capability throughout Western Australia with significant investments capability with fleet and appliances, PPC & PPE and facility upgrades for a number of BGU's across the State.
- (8) The OEP was reviewed by DFES in 2019.

EMERGENCY SERVICES LEVY

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

- (1) I refer to the 6.6 per cent increase in the Emergency Services Levy (ESL) in 2022–23 and the response provided during Budget Estimates on 22 June 2022 which stated “there will be some initiatives that are funded by the ELS which were previously funded by the consolidated account” and I ask: Since the 2017–18 State Budget, please identify any Department of Fire and Emergency Services (DFES) initiatives, projects or programs which were funded solely through consolidated account funding and which are now funded in full or in part by the Emergency Services Levy.?
- (2) please provide the total cost for each project, program or initiative identified in (1) including the breakdown of funding by consolidated account and ESL?

Hon Stephen Dawson replied:

- (1) There are no specifically identifiable DFES initiatives that were consolidated account funded that are now Emergency Services Levy (ESL) funded. During the COVID 19 pandemic the 2020/21 ESL rates were frozen to support Western Australian households. This resulted in a significant consolidated account funding injected into DFES to offset the funding shortfall in DFES' operational budget. The ESL revenue has progressively increased in the years subsequent to 2020–21, with the average residential charge for Category 1 being contained to below pre-COVID levels.
- (2) Not applicable.

EMERGENCY SERVICES — LOCAL GOVERNMENT GRANTS SCHEME

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

- (1) I refer to the Local Government Grants Scheme and I ask for 2022–23 please provide a full list of successful capital grants detailing the following:
- (a) name of applicant;

- (b) scope of grant; and
(c) funding amount?
- (2) Please provide a full list of unsuccessful capital grants detailing the following:
- (a) name of applicant;
(b) scope of grant; and
(c) funding amount requested?

Hon Stephen Dawson replied:

- (1) (a)–(c)

Name of Applicant (a)	Brigade / Unit	Scope of Grant (b)	Funding Amount (\$) (c)
Bush Fire Service			
City of Albany	Kalgan BFB	Replacement facility – year 2 of 3	187,700
City of Albany	Kalgan BFB	Water Tank – 62,000L	10,000
City of Albany	King River BFB	Water Tank – 62,000L	10,000
Shire of Augusta– Margaret River	Kudardup BFB	Mezzanine floor extension	7,883
Shire of Augusta– Margaret River	Witchcliffe BFB	3.4 Urban Tanker – Crew Cab	518,000
Shire of Beverley	Beverley South-East BFB	4.4 Broadacre – Tatra Single Cab	576,600
Shire of Boyup Brook	Tone Bridge BFB	Fast Fill Trailer	7,670
Shire of Boyup Brook	West Boyup Brook BFB	PPE Wash station & washing machine	13,990
Shire of Brookton	Brookton West BFB	New facility – year 2 of 2	286,905
Shire of Busselton	Vasse BFB	Doorway – access between two sheds	7,269
Shire of Busselton	Yallingup Coastal BFB	Repainting of building	8,460
Shire of Capel	Gelorup BFB	Replacement facility – year 2 of 2	340,670
Shire of Capel	Gelorup BFB	Replacement facility – contingency funding	594,000
Shire of Collie	Collie Preston BFB	Kitchen upgrade & flooring	14,838
Shire of Esperance	Kondingup BFB	New facility – year 2 of 2	190,000
Shire of Gingin	Ledge Point BFB	3.4 Urban Tanker – Crew Cab	518,000
City of Greater Geraldton	Mullewa Central BFB	3.4 Urban Tanker – Crew Cab	518,000
Shire of Irwin	Irwin North BFB	Bore and Pump	9,290
Shire of Lake Grace	Lake Grace Town BFB	Fast Fill Trailer	7,500
Shire of Lake Grace	Mt Madden/Dunn Rock BFB	Fast Fill Trailer	7,500
Shire of Lake Grace	Varley BFB	Fast Fill Trailer	7,500
Shire of Mt Marshall	Welbungin BFB	Replacement facility – year 2 of 2	266,955
Shire of Mt Marshall	Welbungin BFB	Replacement facility – contingency funding	326,000
Shire of Nannup	Cundinup BFB	Fast Fill Trailer	6,972
Shire of Nannup	Nannup East BFB	Fast Fill Trailer	6,972

Shire of Narrogin	Highbury South BFB	Fast Fill Trailer	8,000
Shire of Pingelly	West Pingelly BFB	New facility – year 2 of 2	231,707
Shire of Serpentine Jarrahdale	Oakford BFB	Replacement facility – year 2 of 2	132,000
Shire of Serpentine Jarrahdale	Oakford BFB	Replacement facility – contingency funding	905,000
City of Swan	East Swan BFB	3.4 Urban Tanker – Crew Cab	518,000
Shire of Toodyay	Toodyay Central BFB	Drafting capabilities to 12.2 BWC	46,443
Shire of Wandering	Wandering Town BFB	CCTV Security	5,000
State Emergency Service			
Shire of Carnarvon	Carnarvon SES	Garrison Fencing	11,915
Shire of Carnarvon	Carnarvon SES	Roof Replacement	45,800
Shire of Denmark	Denmark SES	Generator – 7kva	20,000
Shire of Moora	Moora SES	Construct Internal Office, Air Conditioner	46,680
Shire of Nannup	Nannup SES	Facility Modifications to roller doors & Male/Female Toilet upgrades	55,510

- (2) (a)–(c) It is not appropriate nor is it common practice to release the names of unsuccessful applicants for grant programs.

FIRE AND EMERGENCY SERVICES — URBAN PUMPS

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

- (1) I refer to the promotional video posted on the Department of Fire and Emergency Services (DFES) facebook page on 29 June 2022 in relation to the delivery of 10 new urban pumps by Christmas and I ask: Was a new Urban Pump delivered the week commencing 4 July 2022 as stated by the Minister in the video?
- (2) please identify the stations and locations which will receive these 10 new urban pumps by Christmas?

Hon Stephen Dawson replied:

- (1) Yes.
- (2) The locations will be determined by the FES Commissioner based on the operational requirements at that point in time.

EMERGENCY SERVICES — NORTH COASTAL METROPOLITAN FIRE STATION AND SOUTH EAST METROPOLITAN FIRE STATION

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

- (1) I refer to the career fire and rescue station (CFRS) North Coastal Metropolitan Fire Station and the (CFRS) South East Metropolitan Fire Station as well as the answer to Question 16 in the answers to additional questions during Budget Estimates which stated the South East Metropolitan fire station location cannot be announced until due diligence investigations have been completed and I ask: please identify the proposed suburb or locality for each station?
- (2) does the Government intend to establish a new career fire and rescue station in or near Byford?
- (3) why did the Minister for Environment representing the Minister for Emergency Services make repeated mention of a new career fire station to be located in Byford during Legislative Assembly estimates on 26, May 2022?
- (4) which suburbs or localities are currently being considered as part of the land identification process for the North Coastal Metropolitan Fire Station?

Hon Stephen Dawson replied:

- (1) The location for the South East Metropolitan CFRS cannot be provided until due diligence has been completed. The land identification process for North Coastal Metropolitan CFRS is currently underway.
- (2) A new career fire station will be located in the South East Metropolitan Region.

- (3) The Minister did not make specific mention that the location is Byford. The statement made by the Minister for Environment in LA Estimates was (p.53:

“The next new career fire station is going to be located in the south east of Perth—Byford way. The member talked about population growth and where the need is most apparent. I know that there has been a lot of growth in Dunsborough, but I think that as the city expands further to the south east, there has probably been more growth in that south east corridor around Byford. That requirement is being addressed and that will be where our next new career fire station is located.”

- (4) The land identification process for North Coastal Metropolitan CFRS is currently underway.

PREScribed BURNING AND BUSHFIRES

807. Hon Dr Brad Pettitt to the minister representing the Minister for Environment:

How many hectares were burnt in each of the three forest regions, in the area managed by the Department of Biodiversity, Conservation and Attractions, each year from 2016 to 2021 in:

- (a) prescribed burns;
 (b) wildfires;
 (c) wildfires resulting from escapes from DBCA’s prescribed burns; and
 (d) total?

Hon Stephen Dawson replied:

Swan Region

Year	(a) Prescribed Burning (hectares)	(b) Bushfires (hectares)	(c) Bushfires resulting from escapes from DBCA planned burns (hectares)	(d) Total (a) + (b) (hectares)
2016/17	126,273	1453	50	127,726
2017/18	107,230	3410	5	107,500
2018/19	50,508	289	0	50,797
2019/20	59,850	8299	0	68,149
2020/21	69,227	5627	28	74,854
2021/22	74,730	1332	0	76,062

South West Region

Year	(a) Prescribed Burning (hectares)	(b) Bushfires (hectares)	(c) Bushfires resulting from escapes from DBCA planned burns (hectares)	(d) Total (a) + (b) (hectares)
2016/17	62,785	4555	4397	67,340
2017/18	56,132	219	1	56,166
2018/19	40,718	4880	1947	45,598
2019/20	29,499	10,107	130	39,606
2020/21	52,578	559	0	53,137
2021/22	66,368	10,433	0	76,801

Warren Region

Year	(a) Prescribed Burning (hectares)	(b) Bushfires (hectares)	(c) Bushfires resulting from escapes from DBCA planned burns (hectares)	(d) Total (a) + (b) (hectares)
2016/17	58,302	1620	1373	59,922
2017/18	55,603	1375	234	55,607
2018/19	76,817	72	15	76,889
2019/20	43,592	90	39	43,682
2020/21	39,431	3867	61	43,298
2021/22	51,159	16,100	10	67,259

POLICE — DRUG TESTING

808. Hon Dr Brian Walker to the minister representing the Minister for Police:

I refer to an article in the *Geraldton Guardian*, dated Tuesday, 19 July, which suggested that recent roadside testing undertaken by Western Australian Police across Geraldton, Kalbarri and Carnarvon had resulted in almost a quarter of those tested 23 percent, returning positive for drugs of one type or another, and I ask:

- (a) is the Minister able to provide a breakdown of positive results obtained, by drug type such as cannabis, methamphetamine, alcohol and or other specific drugs;
- (b) is the Minister able to say at this stage if any of those who tested positive for cannabis cite medicinal prescription as the reason for their result; and
- (c) can the Minister confirm if phase three of this targeted testing drive, as referenced in the article has commenced, and if it has, are any additional figures now available, and can those be shared with the House?

Hon Stephen Dawson replied:

The Western Australia Police Force advise:

- (a) Drug results are confirmed by analysis at the Chemistry Centre of WA. Preliminary breath and drug tests conducted during all 3 phases, between 29/06/22 – 22/07/22, resulted in the following detections:
Cannabis – 77
Methamphetamine – 15
Combination of both – 8
Alcohol – 47
- (b) No – Under section 64AC of the *Road Traffic Act 1974* (RTA) it is an offence to drive a motor vehicle while a ‘prescribed illicit drug’ is present in the driver’s oral fluid or blood. Tetrahydrocannabinol (THC) is a ‘prescribed illicit drug’ for the purposes of this section and the RTA does not discriminate between prescription medical cannabis containing THC and illicit cannabis.
- (c) Phase 3 has been completed. 6197 random breath tests were conducted, 19 tested positive for alcohol. 160 drug tests were conducted, 27 tested positive.

HEALTH — PRESCRIBED BURNS SMOKE

809. Hon Dr Brad Pettitt to the Leader of the House representing the Minister for Health:

- (1) Will the Minister table the following information in relation to the health impacts of smoke from prescribed burns undertaken by the Department of Biodiversity, Conservation and Attractions and others in Perth and the South West from 2016 to 2021:
 - (a) how many visits to GPs were due to the impact of smoke from prescribed burns in each year and in total;
 - (b) how many visits to Emergency Departments were due to the impact of smoke from prescribed burns in each year and in total;
 - (c) how many hospital admissions were due to the impact of smoke from prescribed burns in each year and in total; and
 - (d) how many people died as a result of the impact of smoke from prescribed burns in each year and in total?
- (2) what is the estimated medical cost of all impacts on people related to smoke from prescribed burns by year and in total in the period 2016 to 2021?

Hon Sue Ellery replied:

- (1)–(2) Emergency Department attendance data only records disease categories and not external cause information so it is not possible to identify external causes such as smoke inhalation. Information on the cause of the respiratory conditions is not collected in the emergency care setting.

POLICE — RESPONSE TIMES — METROPOLITAN

810. Hon Peter Collier to the minister representing the Minister for Police:

I refer the Minister to the response provided to the Standing Committee on Estimates and Financial Operations in relation to average response times for priority 1, 2, 3 and 4 grades of service for all metropolitan districts from 1, July 2021 to 30, April 2022, and I ask:

- (a) will the Minister distinguish between priority 1 and priority 2 response times over this period, and; and
- (b) if no to (1), why not?

Hon Stephen Dawson replied:

The Western Australia Police Force Advise the average response time for each metropolitan district and the Metropolitan Region for priority 1 and 2 grades of service tasks for the period 1 July 2021 to 30 April 2022, inclusive: Armadale; Cannington; Fremantle; Joonalup; Mandurah; Midland; Mirrabooka; Perth; Metropolitan Region; Priority 1 (minutes); 7.7; 5.6; 7.7; 8.3; 9.4; 9.8; 5.4; 5.0; 7.8; Priority 2 (minutes); 8.7; 8.8; 9.4; 10.1; 10.8; 9.7; 8.7; 8.5; 9.4*

***Notes:**

- (1) Statistics are provisional and subject to revision.
- (2) Statistics are of tasks generated in the Computer Aided Dispatch (CAD) system where the task:
 - was transmitted for action between 1 July 2021 and 30 April 2022, inclusive;
 - occurred within the Metropolitan Region;
 - has a current priority of 1 or 2;
 - was eligible for grades of service calculations; and
 - has not been recorded as a duplicate.
- (3) A CAD task is ineligible for grades of service calculations if, during the course of the CAD task, an anomaly occurs. These anomalies are tasks:
 - initiated in the field;
 - that are evade police intercepts;
 - scheduled ahead of time;
 - with no recorded dispatch time;
 - with no recorded 'At Scene' time;
 - that have had their priority increased (e.g. from a priority 3 to a priority 2); and
 - that have been re-opened.
- (4) The response time for a CAD task is calculated as the time between when the task was transmitted for action and the time that the first unit is recorded as being 'At Scene'.
- (5) Only tasks with a priority 1, 2 or 3 are eligible for grades of service calculation.
- (6) Grades of service target for priority 1 and 2 tasks is a response time of 12 minutes or less.
- (7) Current priority is the priority at the time of data extraction. This is often, although not always, the priority that the task was closed with.
- (8) CAD priorities are available as follows:
 - Priority 1 – Imminent threat to life. Serious offence/incident in progress. Urgent attendance required.
 - Priority 2 – Serious offence/incident in progress. Immediate attendance required.
- (9) Task location is based on the last task location recorded at the time of data extraction. As the task location may change over the life of an individual task, this may be different from the location that was initially attended.

Source: Data extracted from the Computer Aided Dispatch system on 15 August 2022.

FIRE AND EMERGENCY SERVICES — CODE OF CONDUCT

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

I refer to the Department of Fire and Emergency Services (DFES) code of conduct, and I ask:

- (a) has every DFES member, whether staff or volunteer, completed the mandatory training;
- (b) if no to (a), how many have not completed the mandatory training;
- (c) if no to (a), what has been the consequence in each instance for non-compliance;
- (d) for each of the following years 2019–20, 2020–21 and 2021–22, how many complaints have been initiated or made against a DFES member, whether staff or volunteer;
- (e) for each instance identified in (d), how many matters were sustained as a breach of the code of conduct;
- (f) of the instances identified in (d), how many matters related to unauthorised communication between a DFES member and a Member of Parliament; and
- (g) for each instance identified in (d), that resulted in a breach of the code, what was the penalty or penalties applied?

Hon Stephen Dawson replied:

- (a) No.
- (b) 28 DFES Staff & 4,328 DFES volunteers (excluding Bush Fire Brigades) still need to complete the training.
- (c) To date there has been no need to take any action against DFES staff member for non-compliance. While there is an expectation that DFES volunteers will complete the online Code of Conduct training, there is no sanction for not completing it.
- (d) 2019 – 32
2020 – 56
2021 – 83
- (e) 2019 – 24
2020 – 27
2021 – 26
- (f) 2019 – 2
2020 – 1
2021 – 7

(g)

2019	Number
No Action	5
Caution	2
Reprimand	1
Demotion	1
Suspended	2
Terminated	8
Resigned	5
2020	Number
No Action	7
Warning	7
Caution	3
Improvement Action	2
Lawful Direction	1
Fined	1
Demotion	1
Terminated	4
Resigned	1
2021	Number
No Action	2
Warning	1
Reprimand	4
Improvement Action	3
Demotion	2
Terminated	5
Resigned	9

FIRE AND EMERGENCY SERVICES — URBAN PUMPS

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

I refer to the impact upon the Career Fire and Rescue Service (CFRS) due to unserviceable Urban Pumps, and I ask:

- (a) for each of the last two financial years 2020–21 and 2021–22 please provide:
 - (i) the number of Urban Pumps sold or disposed of;
 - (ii) the number of Urban Pumps destroyed; and
 - (iii) how many CFRS stations have been without an Urban Pump and therefore offline by number of shifts;
- (b) how many CFRS Urban Pumps have missed a major or minor service in the last 12 months;
- (c) how many vehicle fault reports remain outstanding on CFRS Urban Pumps as of:
 - (i) 1 January 2022;
 - (ii) 1 April 2022;
 - (iii) 1 July 2022; and
 - (iv) 10 August 2022;
- (d) on how many occasions and for what periods of time has an interstate fleet mechanical technician been utilised by DFES;
- (e) what has been the cost of the arrangement identified in (d), to date;
- (f) what is the current shortage of technicians (by FTE) by:
 - (i) fleet mechanical technician;
 - (ii) fleet automotive electricians; and
 - (iii) radio communications technical officers; and
- (g) what has been the cost to date of engaging external contractors to provide services normally provided by fleet automotive electricians?

Hon Stephen Dawson replied:

- (a) (i) Nil – 2020/21
Nil – 2021/22
- (ii) One – 2020/21
Nil – 2021/22
- (iii) Nil
- (b) 16
- (c) (i) 16
- (ii) 18
- (iii) 13
- (iv) 5
- (d) Between February and August 2022, there have been six deployments to Western Australia involving 16 technicians, for a total of 73 days.
- (e) \$161,474.40
- (f) (i) 4
- (ii) 2
- (iii) 1
- (g) \$96,058.81 (1 July 2021–18 August 2022)

YOUTH DETENTION — BANKSIA HILL DETENTION CENTRE AND CASUARINA PRISON

813. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Corrective Services:

I refer to my question without notice regarding out of cell hours, asked in Parliament on 9 August 2022. Given the data is available to calculate the average out of cell hours in both Banksia Hill Detention Centre and Unit 18 at Casuarina Prison, I ask:

- (a) what is the longest period a young person has been locked in their cell for at Banksia Hill Detention Centre and Casuarina Prison, respectively, this calendar year; and

(b) on what dates did this in occur?

Hon Matthew Swinbourn replied:

(a) 675 minutes per day for each Centre.

(b) The Total Offender Management System (TOMS) entries reflect that this occurred on the following dates:

Banksia Hill Detention Centre

22/01/2022

23/01/2022

29/01/2022

5/02/2022

6/02/2022

7/02/2022

10/02/2022

10/03/2022

14/03/2022

15/03/2022

16/03/2022

18/03/2022

19/03/2022

20/03/2022

25/03/2022

26/03/2022

30/03/2022

2/04/2022

30/05/2022

16/06/2022

20/06/2022

24/06/2022

5/07/2022

10/07/2022

13/07/2022

15/07/2022

30/07/2022

31/07/2022

Youth Detention Centre Unit 18

28/07/2022

2/08/2022

3/08/2022

9/08/2022

To verify each entry would require manual review.

CHILD PROTECTION REGULATIONS AMENDMENT (FEES AND PAYMENTS) REGULATIONS 2022

833. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection:

I refer to the *Child Protection Regulations Amendment (Fees and Payments) Regulations 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to , what were these concerns;

- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

Hon Sue Ellery replied:

- (a) The *Child Protection Regulations Amendment (Fees and Payments) Regulations 2022* included amendments to the *Adoption Regulations 1995* and the *Children and Community Services Regulations 2006*.
 - (i) The *Adoption Regulations 1995* was a requirement under the Treasurer's Instruction 810 (issued pursuant to section 78 of the *Financial Management Act 2006*) that agencies conduct annual reviews of tariffs, fees and charges; and
 - (ii) The *Children and Community Services Regulations 2006* was the annual administrative review of payments prescribed pursuant to section 65, 'Court may order payments to special guardian', of the *Children and Community Services Act 2004*.
- (b) Department of Treasury.
- (c) No.
- (d) Not applicable.
- (e) Not applicable.
- (f) Not applicable.

INDUSTRIAL RELATIONS COMMISSION AMENDMENT REGULATIONS (NO. 3) 2022

834. Hon Nick Goiran to the parliamentary secretary representing the Minister for Industrial Relations:

I refer to the Industrial Relations Commission Amendment Regulations (No. 3) 2022, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to, what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

Hon Matthew Swinbourn replied:

- (a) The Regulations were drafted to support the introduction of the Industrial Relations Legislation Amendment Act 2021 (WA).
- (b) As required by s 113(1) of the Industrial Relations Act 1979 (WA), the Chief Commissioner consulted with his colleagues (Members of the Commission) of his intentions together with advising the Hon. Minister for Industrial Relations, the Chamber of Commerce and Industry of Western Australia and Unions WA.
- (c) No
- (d)–(f) Not applicable

INDUSTRIAL RELATIONS REGULATIONS (CONSEQUENTIAL AMENDMENTS) REGULATIONS 2022

835. Hon Nick Goiran to the parliamentary secretary representing the Minister for Industrial Relations:

I refer to the Industrial Relations Regulations (Consequential Amendments) Regulations 2022, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to, what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

Hon Matthew Swinbourn replied:

- (a) The Industrial Relations Regulations (Consequential Amendments) Regulations 2022 amend three sets of existing regulations, consequential to the passage of the *Industrial Relations Legislation Amendment Act 2021*. The regulations amended were:
 - Industrial Relations (General) Regulations 1997 to provide a fee (\$50) for making the new stop bullying and sexual harassment applications, and to facilitate local governments in Western Australia not being national system employers;

Industrial Magistrates Courts (General Jurisdiction) Regulations 2005 to make minor consequential amendments arising from amendments to the *Industrial Relations Act 1979* and to correct typographical errors;

Long Service Leave Regulations 1997 to update references to sections of the *Long Service Leave Act 1958*, due to amended section numbering in the Act.

- (b) The amendments were consequential to the *Industrial Relations Legislation Amendment Act 2021* amendments and therefore the only additional consultation necessary was:

the Western Australian Industrial Relations Commission was consulted on the quantum of the fee for the new stop bullying and sexual harassment applications and was supportive;

the Local Government Taskforce (consisting of the Western Australian Local Government Association, Australian Services Union, Local Government, Racing and Cemeteries Employees Union, and Department of Local Government, Sport and Cultural Industries) was consulted on the regulations relating to local government in the Industrial Relations (General) Regulations 1997. Members of the Taskforce provided technical input and confirmed the accuracy of the provisions;

the Clerk of the Industrial Magistrate's Court was consulted on the amendments to the Industrial Magistrates Courts (General Jurisdiction) Regulations 2005 and was supportive.

- (c) No
 (d) Not applicable
 (e) Not applicable
 (f) Not applicable

MINIMUM CONDITIONS OF EMPLOYMENT REGULATIONS 2022

836. Hon Nick Goiran to the parliamentary secretary representing the Minister for Industrial Relations:

I refer to the *Minimum Conditions of Employment Regulations 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
 (b) who was consulted prior to these amendment regulations being finalised;
 (c) did any person consulted raise any concerns;
 (d) if yes to , what were these concerns;
 (e) have the finalised amendment regulations addressed these concerns; and
 (f) if no to (e), why not?

Hon Matthew Swinbourn replied:

- (a) The *Industrial Relations Legislation Amendment Act 2021* amended the *Minimum Conditions of Employment Act 1993* to remove the exclusions to the definition of “employee”, delete the employment record keeping obligations (with all employers required to comply with the record keeping obligations in the *Industrial Relations Act 1979*) and introduce provisions relating to reasonable deductions for the benefit of an employer. The *Minimum Conditions of Employment Regulations 2022* are consequential to these amendments.
- (b) There was extensive consultation on the *Industrial Relations Legislation Amendment Act 2021* with a wide variety of stakeholders, including on the matters dealt with by the *Minimum Conditions of Employment Regulations 2022*. As such, no further consultation occurred given stakeholders had already been consulted on the subject matter of the Regulations.
- (c) Not applicable
 (d) Not applicable
 (e) Not applicable
 (f) Not applicable

NON-CORONIAL POST-MORTEM EXAMINATIONS CODE OF PRACTICE 2022

837. Hon Nick Goiran to the Leader of the House representing the Minister for Health:

I refer to the *Non-Coronial Post-Mortem Examinations Code of Practice 2022*, and I ask:

- (a) what was the catalyst for bringing about this Code of Practice;
 (b) who was consulted prior to the Code of Practice being finalised;
 (c) did any person consulted raise any concerns;

- (d) if yes to , what were these concerns;
- (e) has the finalised Code of Practice addressed these concerns; and
- (f) if no to (e), why not?

Hon Sue Ellery replied:

- (a) The Non-Coronial Post-Mortem Examinations Code of Practice was originally issued in 2002 and is not a new document. The Code of Practice 2022 updates the 2021 Code’s definition of “tissue” to align it with the *Human Tissue and Transplant Act 1982* and make consequential amendments, consistent with the Minister for Health’s undertaking to the Joint Standing Committee on Delegated Legislation.
- (b) Relevant offices within WA Health.
- (c) Concerns were not raised within the scope of the review of the 2022 Code.
- (d) Not applicable.
- (e) Not applicable.
- (f) Not applicable.

BIODIVERSITY, CONSERVATION AND ATTRACTIONS — BIOSECURITY EXPENDITURE

839. Hon Dr Steve Thomas to the minister representing the Minister for Environment:

I refer to the Legislative Council Budget Estimates process for the Department of Biodiversity, Conservation and Attractions (DBCA) held on 22 June 2022, and specifically to answer to supplementary information C3 provided to my question on biosecurity expenditure, and I ask:

- (a) please provide a breakdown of the \$3,787,546 expenditure on the activities listed as ‘other’ in table 1 of the answer to C3, on expenditure on control of introduced animals 2021–22;
- (b) in table 1, what are the ‘other lands managed by (DBCA)’ and what was that \$1,317,025 spent on;
- (c) please provide a breakdown of the \$897,918 expenditure on the activities listed as ‘other’ in table 2 of the answer to C3 on expenditure on control of introduced plants 2021–22, and; and
- (d) in table 2 what are the ‘other lands managed by (DBCA)’ and what was that \$1,811,320 spent on?

Hon Matthew Swinbourn replied:

- (a) The funds expended on control of introduced animals were directed towards the Cane Toad Program, baiting programs primarily focussed on control of foxes and feral cats, and other projects controlling feral and pest animals, such as goats, feral pigs, and large feral herbivores. The types of activities included in this expenditure include bait manufacture, transport and distribution, purchase and supply of chemicals, and support activities, such as attending meetings, liaison with partners, neighbours and stakeholders, and administration associated with controlling introduced animals. It is not possible to provide specific amounts expended against these individual activities.
- (b) Other lands managed by the Department of Biodiversity, Conservation and Attractions in regard to this expenditure include nature reserves, conservation parks, regional parks, former pastoral leases, and lands reserved under sections 5(1)(g) and 5(1)(h) of the *Conservation and Land Management Act 1984*. The funds were expended on the same activities outlined in the reasons to (a).
- (c) The types of activities included in this expenditure include purchase and supply of chemicals, planning and implementing weed control programs, and support activities, such as attending meetings, liaison with partners, neighbours and stakeholders, and administration associated with controlling introduced plants. It is not possible to provide specific amounts expended against these individual activities.
- (d) Other lands managed by the Department of Biodiversity, Conservation and Attractions in regard to this expenditure include nature reserves, conservation parks, regional parks, former pastoral leases, and lands reserved under sections 5(1)(g) and 5(1)(h) of the *Conservation and Land Management Act 1984*. The funds were expended on the same activities outlined in the reasons to (c).

EMERGENCY SERVICES — DIESEL ENGINE EXHAUST EMISSIONS

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

I refer to a decision of the World Health Organisation – International Agency for Research on Cancer in June 2012, which declared diesel engine exhaust emissions as a Group 1 carcinogen, and I ask:

- (a) what actions has the Department of Fire and Emergency Services (DFES) taken to assess and understand the risk posed by diesel-based vehicles in the DFES fleet, especially those garaged in enclosed spaces such as fire station;

- (b) how many DFES facilities garage diesel appliances or vehicles in an enclosed space such as an engine room or appliance bay or similar;
- (c) of those identified in (b) please provide a breakdown of ventilation systems used to mitigate the risks of diesel exhaust emissions on staff and volunteers;
- (d) what assessment and monitoring has been undertaken at DFES facilities to assess the risk and air quality in relation to these emissions;
- (e) what support has DFES provided to Local Government in conducting similar assessment of Bushfire Group or Unit (BGU) that fall within their responsibility; and
- (f) what advice, policy or procedures are provided to staff and volunteers to assist them in mitigating the risks associated with these emissions?

Hon Stephen Dawson replied:

- (a) In 2019, DFES contracted an Occupational Hygienist to conduct static sample air quality monitoring at 11 Fire and Rescue Stations (1 x Career and 10 x Volunteer). As part of a trial, a Localised Extraction Ventilation (LEV) system will be installed at the Brunswick Junction Volunteer Fire Station in September 2022.
- (b) 155
- (c) DFES has installed roof-mounted exhaust fans such as whirlybirds, and motorised extraction systems in appliance bays and engine rooms, as well as, louvres and grills in the rear appliance bay doors to enable cross ventilation.
- (d) As per response (a).
- (e) DFES has received no requests for support from local governments to conduct similar assessments.
- (f) DFES station induction manuals state that appliances should not be started or driven until the exhaust fans have been activated and appliance bay doors are open.

BROCK BURSTON — POLICE PROSECUTION — COSTS

842. Hon Neil Thomson to the minister representing the Minister for Police:

I refer to police costs associated with action taken in 2021 against Mr Brock Burston, a Department of Education officer in Kununurra. What were police costs, including:

- (a) investigation costs;
- (b) court costs; and
- (c) all other related costs?

Hon Stephen Dawson replied:

- (a)–(c) The Western Australia Police Force advise that all associated costs with the arrest and trial was \$31,340.07 which includes; air travel, accommodation, Officers time, court costs, incidentals and allowances.

POLICE — OFFICERS

843. Hon Peter Collier to the minister representing the Minister for Police:

For each of the metropolitan and regional police districts, will the Minister please provide:

- (a) the total number of authorised (FTE) police officers, as of today's date; and
- (b) the total number of police officer vacancies, as of today's date?

Hon Stephen Dawson replied:

- (a) The Western Australia Police Force advise:

Metropolitan Districts:

Armadale; Cannington; Fremantle; Joondalup; Mandurah; Midland; Mirrabooka; Perth.

275.75; 291; 297.65; 280; 323; 300; 301; 472

Regional Districts:

Goldfields–Esperance; Great Southern; Kimberley; Mid-West Gascoyne; Pilbara; South West; Wheatbelt.

239; 195; 243; 275; 249; 296; 171

- (b) As at 17 August 2022, the total number of police officers is 6,977 representing a growth of 561 police officers since the election of the McGowan Government in March 2017. The WA Police Force advise that there is currently a deficiency of 182 across the entire police officer workforce.

POLICE — FAMILY AND DOMESTIC VIOLENCE OFFICERS

844. Hon Peter Collier to the minister representing the Minister for Police:

What was the total number of family and domestic violence officers allocated for each metropolitan and regional districts for 2017, 2018, 2019, 2020, 2021 and 2022 to date?

Hon Stephen Dawson replied:

The Western Australia Police Force advise:

(1) Metropolitan Districts

Districts	2017	2018	2019	2020	2021	2022
Central Metropolitan District	4	4				
North West Metropolitan District	4	4				
South East Metropolitan District	4	4				
South Metropolitan District	5	5				
Armadale District			7	7	7	7
Cannington District			7	7	7	7
Fremantle District			7	6.95	7.15	7.15
Joondalup District			7	7	7	7
Mandurah District			8	8	8	8
Midland District			7	7	7	7
Mirrabooka District			7	7	6.75	6.75
Perth District			7	7	7	7
Total	17	17	57	56.95	56.9	56.9

Regional Districts

Districts	2017	2018	2019	2020	2021	2022
Goldfields–Esperance District	1	1	2	2	2	2
Great Southern District	2	2	2	2	2	2
Kimberley District	2	2	2	7	7	7.5
Mid West–Gascoyne District	2	2	2	4	4	4
Pilbara District	1	1	1	4	4	4
South West District	1	1	1	3	3	3
Wheatbelt District	2	2	2	2	2	2
Total	11	11	12	24	24	24.5

Notes:

Metropolitan districts were divided into four districts only prior to 2019.

This data has been sourced on 30 June each year from 2017–2021.

Year 2022 includes data on 23/8/2022.

POLICE — RESIGNATIONS

845. Hon Peter Collier to the minister representing the Minister for Police:

For 2019, 2020, 2021 and 2022 (to date), of those police officers that resigned, how many had served:

- (a) less than one year;
- (b) 2–5 years;
- (c) 6–10 years; and
- (d) more than 10 years?

Hon Stephen Dawson replied:

The Western Australia Police Force advise:

- (a) 1; 7; 50; 29
- (b) 24; 33; 23; 36
- (c) 24; 27; 43; 103
- (d) 37; 51; 65; 111

Notes:

This data only includes police officer headcount data for Commander to Recruit ranks.

This data only includes police officers who have ceased employment by way of resignation only.

Data for 2022 is up to and including 19 August 2022.

TRANSPORT — LEVEL CROSSINGS

846. Hon Tjorn Sibma to the Leader of the House representing the Minister for Transport:

- (1) How many vehicle level crossings are there on the Perth rail network?
- (2) Where are these vehicle level crossings located?
- (3) How many of these vehicle level crossings are planned for removal over the next:
 - (a) 0 to 3 years;
 - (b) 4 to 6 years; and
 - (c) 7 to 10 years?

Hon Sue Ellery replied:

- (1) There are currently 28 vehicle level crossings on the Perth metropolitan electrified passenger rail network.
- (2) Albany Highway, Maddington; Armadale Road, Armadale; Austin Avenue, Kenwick; Church Avenue, Armadale; Collier Road, Bassendean; Devon/Pitt Street, Woodbridge; Dorothy Street, Gosnells; East Street, Guildford; Forrest Road, Armadale; Fremantle Road, Gosnells; Hamilton Street, Cannington; Jarrad Street, Cottesloe; Kelmscott Busway, Kelmscott; Kelmscott Busway, Kelmscott; Kelvin Road, Maddington; Meadow Street, Guildford; Mint Street, East Victoria Park; Moojebing Street/Railway Parade/Katanning Street, Bayswater; Morrison Road, Midland; Oats Street, East Victoria Park; Salvado Street, Mosman Park; Solent Road, Armadale; Stalker Road/Main Street, Gosnells; Victoria Street, Mosman Park; Wanaping Road, Kenwick; Welshpool Road, Welshpool; Wharf Street, Queens Park; and William Street, Beckenham.
- (3)
 - (a) Nine.
 - (b) The Morrison Road level crossing is currently planned for removal in this timeframe. The removal of the remaining crossings is subject to planning and investigation.

HEALTH — HAND SANITISER UNITS TRIAL

847. Hon Martin Aldridge to the minister representing the Minister for Finance:

- (1) I refer to a media statement by the former Minister for Health on 7 September 2021 announcing a \$1.5 million investment in ten touchless hand sanitiser units, and I ask for the Minister to please table the following documents relating to the market led proposal:
 - (a) concept submission;
 - (b) business case;
 - (c) business case evaluation; and
 - (d) contract executed?
- (2) now that the six month trial has concluded, what is the result of the trial?
- (3) please table any review of the trial that has been provided to the Minister?
- (4) at what locations and for what periods of time was each of the ten sanitiser units located?
- (5) of those identified in (4), what quantity of hand sanitiser was consumed by each unit during the trial period?
- (6) has the State Government agreed to extend the trial or the funding beyond the initial six months?
- (7) if yes to (6), please provide details of any extension?
- (8) what brand of hand sanitiser was utilised during the trial and how was it ensured that the product used was safe and effective?

Hon Stephen Dawson replied:

- (1) Please refer to Legislative Council Question on Notice 763.
- (2) The recipients determined that while the hand sanitiser units served their purpose to a good standard, there was no ongoing requirement for the SOLSAN units due to the wide availability of alternative hand sanitiser at the locations and the costs associated with managing the units
- (3) Not applicable.
- (4) See below table:

Unit No.	Location	Installed	Removed
1	Train Station Entrance South – Optus Stadium	11-08-2021	26-05-2022
2	Bridge Entrance – Optus Stadium	12-08-2021	26-05-2022
3	Bus Station Entrance – Optus Stadium	11-08-2021	26-05-2022
4	Train Station Entrance North – Optus Stadium	12-08-2021	26-05-2022
5	RAC West	20-09-2021	10-06-2022
6	RAC East	20-09-2021	10-06-2022
7	Mandurah Station	17-09-2021	12-05-2022
8	Geraldton Museum	4-10-2021	10-05-2022
9	WA Museum	21-10-2021	05-05-2022
10	Perth Children’s Hospital	30-09-2021	25-05-2022

- (5) 79,604 doses of hand sanitiser were dispensed by the units over the course of the trial.
- (6) The trial has concluded.
- (7) Not applicable.
- (8) The hand sanitiser utilised was manufactured by the Great Southern Distilling Co. This product satisfied guidelines for such products provided to the Department of Finance by the Department of Health.

HEALTH — SCHOOL HEALTH NURSES

848. Hon Donna Faragher to the Leader of the House representing the Minister for Health:

I refer to school health nurses employed by the Department of Health: how many school health nurses, by FTE, does the Department currently employ in:

- (a) Child and Adolescent Health Service; and
- (b) WA Country Health Service?

Hon Sue Ellery replied:

- (a) 161.4 FTE.
- (b) Approximately 80 FTE.

SCHOOLS — STEM UPGRADES — FUNDING

849. Hon Donna Faragher to the Minister for Education and Training:

- (1) I refer to the Minister’s press release titled, *Architects appointed for first round of school STEM upgrades* (1 July 2022) and the 19 secondary schools that have been appointed an architect to develop the designs for these upgrades. For each of the 19 secondary schools listed, what was the total amount of funding allocated to each school for science, technology, engineering and maths (STEM) upgrades as part of this announcement?
- (2) For each of the school funding allocations referred to in (1), will the Minister provide a further breakdown and advise:
 - (a) the total amount of funding allocated for administration, planning and design of the project;
 - (b) the total amount of funding allocated for building construction/refurbishment of the project; and
 - (c) the total amount of funding allocated for the purchasing of equipment?

Hon Sue Ellery replied:

- (1) The respective schools may be funded for a new STEM facility build or to have an existing laboratory upgraded.

School	STEM Project Budget
Applecross Senior High School	\$1,500,000
Armadale Senior High School	\$1,000,000
Baldivis Secondary College	\$1,500,000
Bridgetown High School	\$400,000
Busselton Senior High School	\$1,200,000
Carnarvon Community College	\$1,000,000
Central Midlands Senior High School	\$500,000
Clarkson Community High School	\$400,000
Esperance Senior High School	\$1,500,000
John Tonkin College	\$1,000,000
Kalamunda Senior High School	\$1,700,000
Manjimup Senior High School	\$1,000,000
Melville Senior High School	\$1,500,000
Mindarie Senior College	\$1,500,000
Northam Senior High School	\$1,000,000
Roleystone Community College	\$1,660,000
Sevenoaks Senior College	\$1,000,000
Thornlie Senior High School	\$1,500,000
Woodvale Secondary College	\$1,500,000

- (2) (a) normal practice is to allocate approximately 15% of the budget to planning, design and project management.
- (b) approximately 75% to 80% of the respective project budget is allocated to the direct construction costs of a new facility or the refurbishment costs of an existing laboratory.
- (c) approximately 8% of the project budget is allocated for furniture and specialist equipment to enable schools to deliver STEM programs. This may vary as some schools are already well equipped for such subjects.

The percentages are a guide only and vary from project to project based on particular circumstances.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

850. Hon Martin Aldridge to the minister representing the Treasurer:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and
- (b) for the past two financial years:
- (i) how many employees have requested paid leave as an emergency service volunteer;
 - (ii) how many employees have had a request refused;
 - (iii) how many total hours were granted; and
 - (iv) how many total hours were refused?

Hon Stephen Dawson replied:

- (a)–(b) Refer to Legislative Council Question on Notice 853.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

851. Hon Martin Aldridge to the minister representing the Minister for Deputy Premier:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and

- (b) for the past two financial years:
- (i) how many employees have requested paid leave as an emergency service volunteer;
 - (ii) how many employees have had a request refused;
 - (iii) how many total hours were granted; and
 - (iv) how many total hours were refused?

Hon Stephen Dawson replied:

- (a)–(b) (i)–(iv) Please refer to the answer to the question asked of all the portfolios, Question on notice 854.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

852. Hon Martin Aldridge to the Minister for Education and Training:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and
- (b) for the past two financial years:
 - (i) how many employees have requested paid leave as an emergency service volunteer;
 - (ii) how many employees have had a request refused;
 - (iii) how many total hours were granted; and
 - (iv) how many total hours were refused?

Hon Sue Ellery replied:

- (a) Department of Education
Department of Training And Workforce Development
North Metropolitan TAFE
South Metropolitan TAFE
Central Regional TAFE
South Regional TAFE

The information is available on the staff intranet page.

North Regional TAFE

Information regarding paid emergency services leave is provided to staff as part of the human resources induction process.

Construction Training Fund

New employees are advised in their employment contract that they are employed under the Public Sector CSA Agreement 2021 and the Government Officers Salaries, Allowances and Conditions Award 1989. The provision for Paid Emergency Service Leave is contained within the Government Officers Salaries, Allowances and Conditions Award 1989.

- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

853. Hon Martin Aldridge to the Leader of the House representing the Premier; Minister for Public Sector Management; Federal–State Relations:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and
- (b) for the past two financial years:
 - (i) how many employees have requested paid leave as an emergency service volunteer;

- (ii) how many employees have had a request refused;
- (iii) how many total hours were granted; and
- (iv) how many total hours were refused?

Hon Sue Ellery replied:

- (a) Advice from each agency is provided below.

Department of the Premier and Cabinet

Provisions that mirror the *Paid Leave for Emergency Service Volunteers* Circular are included in the relevant awards and agreements under which all Department staff are employed. Staff are encouraged to familiarise themselves with their leave entitlements as part of their contract of employment and during the Department's induction process.

Public Sector Commission

Public Sector Commission staff can access Emergency Service Leave under clause 35 of the *Public Service Award 1992*. Staff are informed of the Award in their employment contract and induction paperwork. Staff are provided with advice on leave entitlements on request.

Infrastructure Western Australia

Leave options are discussed with staff upon their commencement with the agency.

Salaries and Allowances Tribunal

Salaries and Allowances Tribunal staff are employed by the Public Sector Commission. Staff can access Emergency Service Leave under the *Public Service Award 1992* (the Award). Staff are informed of the Award in their employment contract and in the staff induction paperwork. Staff are provided advice on their leave entitlements on request.

Lotterywest

Employees are entitled to Emergency Services leave as detailed in the Lotterywest Leave Management Policy. All policies are subject to a regular review cycle and are updated to reflect the latest provisions if amended. This policy is available to all staff on the Lotterywest intranet.

Department of Treasury

Employees are informed of leave policies when commencing at the Department of Treasury as part of induction process.

Economic Regulation Authority

Employees are advised at induction and reference to this paid leave is included in the HR Manual available on the intranet.

Government Employees Superannuation Board

A copy of the relevant circular is provided to employees when they enquire about this type of leave.

Insurance Commission of Western Australia

Induction on-boarding process and the Insurance Commission's leave policy, available through the internal intranet.

Office of the Auditor General

Office of the Auditor General (OAG) employees are informed of their entitlement to paid Emergency Service leave through a "Leave entitlements" guide published on the OAG's intranet.

Western Australian Treasury Corporation

Western Australian Treasury Corporation is covered by the *Fair Work Act 2009* (Cwlth) and is not covered by the circular in question. Notwithstanding this, WATC provides unpaid community services leave consistent with Part 2 National Employment Standards, *Fair Work Act 2009* (Cwlth). The provision of this unpaid leave is communicated in our employment policies and in individual contracts.

- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises'.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

854. Hon Martin Aldridge to the minister representing the Minister for State Development, Jobs and Trade; Tourism; Commerce; Science:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and
- (b) for the past two financial years:
 - (i) how many employees have requested paid leave as an emergency service volunteer;
 - (ii) how many employees have had a request refused;
 - (iii) how many total hours were granted; and
 - (iv) how many total hours were refused?

Hon Alannah MacTiernan replied:Department of Biodiversity, Conservation and Attractions:

- (a)–(b) (i)–(iv) Please refer to Legislative Council question on notice 868.

Animal Resources Authority:

- (a) Employees of the ARA are employed under the Government Officers Salaries, Allowances and Conditions Award 1989 (the Award). Clause 35 of the Award provides for Paid Emergency Service Leave. Employees are provided with access to the Award and have human resource staff available to assist in award clause interpretation and application.
- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

Chem Centre:

- (a) Access to this leave is highlighted during staff inductions. It is also a field that is available to staff via the on-line leave booking system
- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

Department of Jobs, Tourism, Science and Innovation:

- (a) Information is published on the Department of Jobs, Tourism, Science and Innovation intranet website.
- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

Department of Mines, Industry Regulation and Safety:

- (a)–(b) (i)–(iv) Please refer to Legislative Council question on notice 860.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

856. Hon Martin Aldridge to the Minister for Regional Development; Agriculture and Food; Hydrogen Industry:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and
- (b) for the past two financial years:
 - (i) how many employees have requested paid leave as an emergency service volunteer;

- (ii) how many employees have had a request refused;
- (iii) how many total hours were granted; and
- (iv) how many total hours were refused?

Hon Alannah MacTiernan replied:

- (a) The Department of Primary Industries and Regional Development (DPIRD) employees are informed of their entitlement to take paid leave to volunteer with specified emergency organisations via DPIRD's intranet page. When State Emergency Service Units, as identified in Clause 35 Public Service Award, make a call for volunteers, employees are informed via an article on DPIRD's intranet and update in the @DPIRD staff e-newsletter. An all-staff email may also be issued.
- (b) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

857. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Culture and the Arts; Sport and Recreation; International Education; Heritage:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and
- (b) for the past two financial years:
 - (i) how many employees have requested paid leave as an emergency service volunteer;
 - (ii) how many employees have had a request refused;
 - (iii) how many total hours were granted; and
 - (iv) how many total hours were refused?

Hon Samantha Rowe replied:

Department of Local Government, Sport and Cultural Industries (including Culture and the Arts Statutory Bodies)

- (a) Employees are made aware of available leave types, including paid leave for emergency service volunteers, on the Department's intranet. Employees can also see and book this leave as an option via the online leave booking system.
- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises'.

VenuesWest

- (a) VenuesWest details the entitlement to this leave as part of its Leave Management Policy (in the Leave Entitlements Fact Sheet).
- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises'.

Department of Education

- (a)–(b) Please refer to Legislative Council question on notice 852.

Department of Training and Workforce Development

- (a)–(b) Please refer to Legislative Council question on notice 852.

Department of Jobs, Tourism, Science and Innovation

- (a)–(b) Please refer to Legislative Council question on notice 854.

Department of Planning, Lands and Heritage

- (a)–(b) Please refer to Legislative Council question on notice 861.

National Trust of Western Australia

- (a) The National Trust provides access to information on all relevant internal and external policies and procedures to staff through its Share-Drive.
- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises’.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

859. Hon Martin Aldridge to the minister representing the Minister for Police; Road Safety; Defence Industry; Veterans Issues:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and
- (b) for the past two financial years:
 - (i) how many employees have requested paid leave as an emergency service volunteer;
 - (ii) how many employees have had a request refused;
 - (iii) how many total hours were granted; and
 - (iv) how many total hours were refused?

Hon Stephen Dawson replied:

- (a) The agency’s internal Corporate Knowledge Base and the circular is published on the Department of Mines, Industry Regulation and Safety website. It is the responsibility of public sector employers to advise their employees of their employment entitlements.
- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

860. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and
- (b) for the past two financial years:
 - (i) how many employees have requested paid leave as an emergency service volunteer;
 - (ii) how many employees have had a request refused;
 - (iii) how many total hours were granted; and
 - (iv) how many total hours were refused?

Hon Matthew Swinbourn replied:

- (a) Synergy: Employees have access to the policy via Synergy’s intranet.

Western Power: Western Power employees are provided with a variety of leave arrangements (paid and unpaid) that enable them to balance work with rest and recreation, family responsibilities and other specific purposes, including voluntary emergency services. Leave entitlements and the process for using leave is documented in Western Power’s leave procedure, which is available to all staff.

Horizon Power: Horizon Power’s *Leave Policy* references emergency services leave, which enables employees to access paid time off work to participate in a voluntary emergency management activity. This policy is available to employees via the organisation’s intranet. Staff are referred to this and other policies through the onboarding process.

Department of Mines, Industry Regulation & Safety: Employees are informed of the availability of access to paid leave for emergency service volunteers at their staff induction.

Western Australian Industrial Relations Commission: The policy is included in both on-line and face to face Employee Inductions and it is also included in the Department's annual Code of Conduct training.

Mineral Research Institute WA: Policies and procedures for emergency service volunteers paid leave is addressed at team meetings.

Gold Corporation: Gold Corporation specifically mentions Voluntary Emergency Management Activities within its Leave Procedure. During employee inductions, staff are informed of the Leave Procedure and where they can access the policy.

WorkCover WA: The policy is referred to in the employee induction process.

Construction Industry Long Service Leave Payments Board (My Leave): The emergency services paid leave entitlements policy is outlined in the Department of Productivity and Labour Reform Circular to Departments and Authorities No.2 of 2001 *Paid Leave for Emergency Service Volunteers*. Clause 35 'Emergency Service Leave' in the Government Officers Salaries, Allowances and Conditions Award 1989 outlines conditions and entitlements that are aligned with the policy adopted in the Circular. Staff are advised in their offers of employment that their terms and conditions of employment are in accordance with this Award. The Award is made available to all staff on the agency intranet. Accordingly, through the Award, all staff should be aware of their entitlements should they be members of a relevant emergency organisation and are absent from duty whilst attending an emergency.

- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

861. Hon Martin Aldridge to the Leader of the House representing the Minister for Transport; Planning; Ports:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and
- (b) for the past two financial years:
- (i) how many employees have requested paid leave as an emergency service volunteer;
- (ii) how many employees have had a request refused;
- (iii) how many total hours were granted; and
- (iv) how many total hours were refused?

Hon Sue Ellery replied:

- (a) Portfolio agencies inform their employees about the availability of this leave through various means including enterprise agreements; leave booking mechanisms; leave procedure documents; inductions; and agency intranet sites.
- (b) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

862. Hon Martin Aldridge to the minister representing the Minister for Finance; Aboriginal Affairs; Racing and Gaming; Citizenship and Multicultural Interests:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and

- (b) for the past two financial years:
- (i) how many employees have requested paid leave as an emergency service volunteer;
 - (ii) how many employees have had a request refused;
 - (iii) how many total hours were granted; and
 - (iv) how many total hours were refused?

Hon Stephen Dawson replied:

Answer

Department of Finance

- (a) Emergency Services Leave is a leave type, available in the Department's payroll system for staff to book. Further, the leave type is included in the Department's Leave Management Guidelines and Delegation and Authorisation Schedule documents.
- (b) (iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

Department of Local Government, Sport and Cultural Industries

- (a) Please refer to Legislative Council question on notice 857.
- (b) (iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

Department of Planning, Lands and Heritage

- (a) Please refer to Legislative Council question on notice 861.
- (b) (iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

Department of Premier and Cabinet

- (a) Please refer to Legislative Council question on notice 853.
- (b) (iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

Racing and Wagering WA

- (a) The policy is contained within the General Staff Agreement for RWWA employees.
- (b) (iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

Western Australian Greyhound Racing Association WA

- (a) The Western Australian Greyhound Racing Association Enterprise Agreement recognises such leave and it is approved on an as required basis.
- (b) (iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

863. Hon Martin Aldridge to the Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and
- (b) for the past two financial years:
 - (i) how many employees have requested paid leave as an emergency service volunteer;
 - (ii) how many employees have had a request refused;
 - (iii) how many total hours were granted; and
 - (iv) how many total hours were refused?

Hon Sue Ellery replied:

- (a) The Public Sector Award 1992, Clause 35 – Emergency Services Leave – provides the entitlement as outlined in the aforementioned Circular. A link to the Award is supplied to employees via the Department of Communities' intranet Human Resources page providing information on their entitlements and contact details where further queries around the entitlements can be directed.
- (b) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

866. Hon Martin Aldridge to the Leader of the House representing the Minister for Housing; Lands; Homelessness; Local Government:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and
- (b) for the past two financial years:
 - (i) how many employees have requested paid leave as an emergency service volunteer;
 - (ii) how many employees have had a request refused;
 - (iii) how many total hours were granted; and
 - (iv) how many total hours were refused?

Hon Sue Ellery replied:Landgate

- (a) Landgate employees are provided information about leave entitlements through the onboarding process. Those employees that have disclosed they are an emergency service volunteer are also advised of this paid leave entitlement. Landgate's industrial instruments are accessible via the intranet.
- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises

Metropolitan Cemeteries Board

- (a) The Paid Leave for Emergency Service Volunteers is available to all staff as a leave category Public Sector Emergency Services Leave on the Metropolitan Cemeteries Board (MCB) payroll leave booking system. It is also a clause in the Public Sector (CSA) Agreement 2021 which is accessible to all staff on the MCB's intranet.
- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises

DevelopmentWA

- (a) DevelopmentWA informs employees about the paid leave for emergency service volunteers via our onboarding process. All new employees are provided with information about the full suite of leave available to them and this information is also available via the DevelopmentWA intranet.
- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises

Department of Planning, Lands and Heritage

- (a)–(b) Please refer to Legislative Council question on notice 861.

Department of Communities

- (a)–(b) Please refer to Legislative Council question on notice 863.

Department of Local Government, Sport and Cultural Industries

- (a)–(b) Please refer to Legislative Council question on notice 857.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

867. Hon Martin Aldridge to the parliamentary secretary representing the Minister for Disability Services; Small Business; Fisheries; Seniors and Ageing:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and
- (b) for the past two financial years:
 - (i) how many employees have requested paid leave as an emergency service volunteer;
 - (ii) how many employees have had a request refused;
 - (iii) how many total hours were granted; and
 - (iv) how many total hours were refused?

Hon Kyle McGinn replied:

For Department of Primary Industries and Regional Development please refer to Question on Notice 856.

For Department of Communities please refer to Question on Notice 863.

Small Business Development Corporation

- (a) SBDC does not have a formal process in place to inform employees of this award provision. Staff are aware of the Award/Agreement they are employed under.
- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading enterprises.

FIRE AND EMERGENCY SERVICES — VOLUNTEERS — PAID LEAVE ARRANGEMENTS

868. Hon Martin Aldridge to the minister representing the Minister for Environment; Climate Action:

I refer to the Department of Productivity and Labor Reform Circular to Departments and Authorities No. 2 of 2001 titled *Paid Leave for Emergency Service Volunteers*. For each Department, Agency or Government Trading Entity under your portfolio, I ask:

- (a) how do you inform your employees of this policy; and
- (b) for the past two financial years:
 - (i) how many employees have requested paid leave as an emergency service volunteer;
 - (ii) how many employees have had a request refused;
 - (iii) how many total hours were granted; and
 - (iv) how many total hours were refused?

Hon Stephen Dawson replied:DBCA

- (a) Information on emergency service leave is available to employees through various leave and allowances guidance documentation published on the department's intranet.
- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of Government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

DWER

- (a) The Department of Water and Environmental Regulation employs several internal communication methods to engage and advise its workforce on internal and government policies and announcements.

The department informs staff of this leave during emergencies when volunteers are called up. This is done through an all-staff internal 'Staff Communication' email, our primary staff communication channel.

Other methods to communicate include:

A selectable 'Emergency Leave' type in the leave booking system

Self-Service Knowledge articles

Ask the executive Q&A on the intranet

- (b) (i)–(iv) This detailed information is not readily available and would require considerable time to collate and prepare, which would divert staff away from their normal duties. It is not considered to be a reasonable or appropriate use of Government resources to provide this information, noting that this question has been asked to all Ministers for all Government Departments, Agencies and Government Trading Enterprises.

COMMUNITIES — WORKING WITH CHILDREN CHECKS

869. Hon Nick Goiran to the Leader of the House representing the Minister for Child Protection:

In each of the past five years, on how many occasions did an employee of the Department carry out child-related work whilst holding a Negative Notice under the *Working with Children (Criminal Record Checking) Act 2004*?

Hon Sue Ellery replied:

Nil.

EDUCATION — WORKING WITH CHILDREN CHECKS

870. Hon Nick Goiran to the Minister for Education and Training:

In each of the past five years, on how many occasions did an employee of the Department carry out child-related work whilst holding a Negative Notice under the *Working with Children (Criminal Record Checking) Act 2004*?

Hon Sue Ellery

Answer

None.

HEALTH — WORKING WITH CHILDREN CHECKS

871. Hon Nick Goiran to the Leader of the House representing the Minister for Health:

In each of the past five years, on how many occasions did an employee of the Department and its Health Service Providers carry out child-related work whilst holding a Negative Notice under the *Working with Children (Criminal Record Checking) Act 2004*?

Hon Sue Ellery replied:

Nil.

POLICE — WORKING WITH CHILDREN CHECKS

872. Hon Nick Goiran to the minister representing the Minister for Police:

In each of the past five years, on how many occasions did an officer or employee carry out child-related work whilst holding a Negative Notice under the *Working with Children (Criminal Record Checking) Act 2004*?

Hon Stephen Dawson replied:

The Western Australia Police Force advise:

The Working with Children (Criminal Record Checking) Act 2004 provides that specific people or certain kinds of work do not require a Working with Children check. Police Officers are exempt in these circumstances.

The WA Police Force conducts an Initial Entry Check (IEC) for recruit applications which includes checks of:

- Traffic history
- Criminal history
- Suspect holdings
- Move on notices
- Juvenile cautions
- Drug diversions
- Family violence incidents
- Restraint/police orders

Where an applicant is recommended for recruitment, a more in-depth check is conducted including a review of associates, addresses, and social media activity.

POLICE AIR WING

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

I refer to the fixed wing aircraft of the Western Australian Police air wing, and I ask:

- (a) what is the total number of fixed wing aircraft owned by the State of Western Australia for use by the Western Australian Police air wing;
- (b) what is the total number of fixed wing aircraft operated but not owned by the State of Western Australia for the Western Australian Police air wing;
- (c) what is the total number and type of fixed wing aircraft chartered for use by the Western Australian Police air wing over the past 12 months;
- (d) what were the details of the disposal of Gippsland Airvan of VH-WPF, including what was the reason for disposal, method of disposal and what monies were recovered; and
- (e) can the Minister provide details of the introduction of Cessna 208 VH-VLA for utilisation by the Western Australian Police air wing and under what terms this aircraft is operated?

Hon Stephen Dawson replied:

The Western Australia Police Force advise:

- (a) Three
- (b) One
- (c) In total, over the past 12 months (dated from 30 August 2021 to 30 August 2022), The Western Australia Police Force Air Wing have chartered for use, six fixed wing aircraft including 1 x Beechcraft Kingair, 2 x Cessna 172N, 1 x Cessna 182T, 1 x Cessna 208, 1 x Pilatus PC-12.
- (d) The aircraft was no longer fit for purpose. Sale and disposal occurred by open tender through Tenders WA, with \$650,000 being received for the sale.
- (e) The Cessna 208 VH-VLA is operated under the Western Australia Police Force Air Operators Certificate on a Flight Hour Operational lease.

POLICE — HIGH-RISK SERIOUS OFFENDERS — CHILD CONTACT

893. Hon Nick Goiran to the minister representing the Minister for Police:

I refer to the answers to additional questions following the Western Australian Police (WAPOL) 2022–23 Budget Estimates hearings, specifically 19d which states: “When it is identified a reportable offender has had contact with a child or children, the Western Australian Police Force disclose the information to the Department of Communities, who are then responsible for conducting a welfare check to ensure the identified child is safe and continues to be safe”, and I ask:

- (a) during the 2021 calendar year, on how many occasions did WAPOL disclose the information to the Department of Communities;

- (b) how many High-Risk Serious Offenders are currently being managed by Serious Offender Management Squad (SOMS); and
- (c) how many High-Risk Serious Offenders have a child sex offence conviction?

Hon Stephen Dawson replied:

The Western Australia Police Force advise:

- (a) 417
- (b) 73
- (c) 22

ENVIRONMENT — WASTE MANAGEMENT FACILITIES

898. Hon Tjorn Sibma to the minister representing the Minister for Environment:

With respect to current waste management facilities, I ask:

- (a) how many landfill sites (both lined and unlined) are currently licensed to operate on the Swan Coastal Plain; and
- (b) where are the above sites located, and when are their licenses due for expiry/renewal?

Hon Stephen Dawson replied:

- (a) There are 18 putrescible waste landfill sites and 15 inert landfill sites on the Swan Coastal Plain licensed to operate under Part V, Division 3 of the *Environmental Protection Act 1986* across the municipal, commercial, mining and industrial sectors. There is one putrescible landfill site on the Swan Coastal Plain holding an active registration under the *Environmental Protection Regulations 1987*.
 - (b) [See tabled paper no [1652](#).]
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